

HICKMAN, NEBRASKA

COMPREHENSIVE DEVELOPMENT

PLAN

ADOPTED

SEPTEMBER 28, 1995

JEO: JOHNSON-ERICKSON-O'BRIEN & ASSOCIATES, WAHOO, NEBRASKA

HICKMAN COMPREHENSIVE DEVELOPMENT PLAN
1995

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HICKMAN 2000: A COMMUNITY DEVELOPMENT GUIDE

Hickman invests in its future. Providing a quality living environment will continue to be a centerpiece of an ongoing process of enhancing community facilities, expanding employment opportunities and taking advantage of being centered in a scenic area; rich with recreational opportunities and conveniently located to a major metropolitan area.

Community Vision, 1995

How and where a community invests its resources is crucial to achieving a high quality of life for its residents. Clear priorities and consistent policies help foster a sound, predictable investment environment. The residents of Hickman have committed to the principles and policies in this growth guide. Budgeting, development and other improvement policies are set out to guide future community development decisions.

This is a comprehensive plan designed to provide clear public policies concerning growth and change. The plan begins with a review of existing conditions -- population, housing and community facilities. A land use survey and extensive community involvement have led to a land use and transportation plan that implement the goals and policies developed by the city's Plan Review Committee. Finally, the plan concludes with a guide for updating and checking on the relevance of the plan.

CHAPTER 1

COMMUNITY PROFILE

Summary

Community planning is intended to build consensus on who, will do what, when and with what limited resources. When should we stay the course, and when should we change and adapt to a changing environment? How a community addresses these issues is one of the most predictive actions in identifying successful cities and towns.

This community profile is a first step. The trends and influences that have shaped the past will continue to some extent in the future. Therefore, understanding and using this information is critical to guiding future success. This segment of the plan update looks at past trends and offers a profile of our community as it exists today — and how it might be in the future.

A PROFILE OF THE AVERAGE HICKMAN RESIDENT

1980

- > White, 27.8 years old, of multiple heritage, primarily German ancestry
- > Married, living in a family household of 2.89 persons
- > Lived in same house 5 years or more
- > Employment is typically in precision, craft, repair, or service industry; administrative support/clerical or sales earning between \$17,892 — 20,724
- > Works in Lincoln or surrounding community with a 20 minute commute
- > Owns 2 vehicles
- > Is a high school graduate, possible with some college
- > Lives in own single family home worth about \$37,600, and built prior to 1940.

1990

- > White, 29.3 years old, of German ancestry
- > Married and living in a family household of 2.97 persons
- > could just as easily lived in same home or other home 5 years before
- > Employed in precision, craft, repair or service industry, administrative support/clerical, or profession earning between \$25,292 — 28,214
- > Travels about 22.5 minutes to work
- > Owns 2 vehicles
- > Is a high school graduate, possibly with some college/associate degree
- > Lives in own single family home built between 1970-1979 and valued at about \$47,700

Introduction

Hickman is located in south central Lancaster County adjacent to State Spur 55-G (Hickman Road) and Lancaster County 68th Street. It also lies on railroad lines of both the Burlington Northern and the abandoned Missouri Pacific rail system. The City of Lincoln, a major influence in the community, lies 10 miles to the north. Historically, the area between Hickman and Lincoln has been primarily rural and devoted to agriculture. However, portions of the area especially adjacent to Lincoln and north of Saltillo Road, have acreage housing development. The area within the city limits is essentially developed, while the area within the one-mile zoning jurisdiction is primarily in agricultural use, although, acreage housing development is beginning to take place north of Roca Road.

Other communities, all smaller than Hickman, lie within a six-to seven-mile radius of the city: Roca, Panama, Holland, Firth, Sprague, Martell, and Princeton. Communities lying outside Lancaster County, but of interest to local residents include Crete to the west and Cortland and Beatrice to the south. However, because of its employment, services and populations size, Lincoln clearly represents the dominant community influence on Hickman.

Hickman is situated within the Salt Creek watershed on the upper reaches of Salt Creek itself. It lies within the territorial responsibility of the Lower Platte South Natural Resources District. Wagon Train and Stagecoach Lakes, flood control and recreation projects, are in close proximity to the city and main highway access to each from Lincoln is through Hickman.

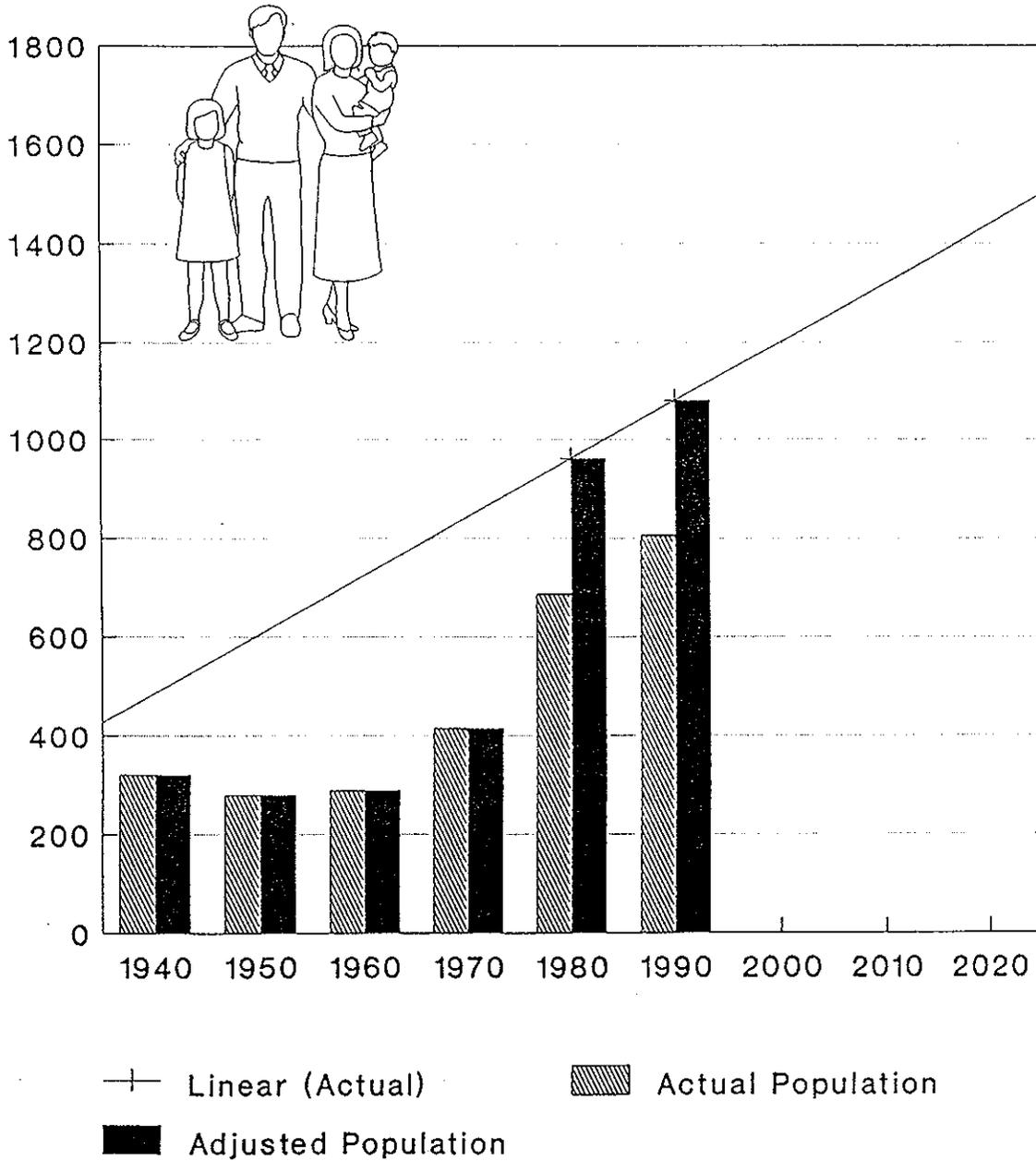
The city has been part of the consolidated Norris School District No. 160 since 1964, with all school facilities (elementary, junior and senior high schools) located on a site several miles south of Hickman. The Hickman Rural Fire Protection District is centered on the community and provides service to Hickman and the surrounding area totaling more than 50 square miles.

The city itself presents some physical development constraints. The original townsite has been developed in mostly single-family homes with a few apartments and townhomes. A few scattered vacant lots exist. Newer development, primarily on the eastern side of town is represented by single-family homes and the subdivisions are essentially fully developed. The grid system of the older area has given way to curvilinear streets in the newer area. The Salt Creek flood plain and railroad to the west pose barriers to development. North and east are the only logical directions for growth potential.

Population Trends

Until 1960, the population of Hickman was characteristically stable. Since 1960 the population of Hickman has grown from 288 to 1081 in 1990, a phenomenal 275.3%. Hickman remains the third largest community in Lancaster County as shown in Table 1, and has grown from a village classification to a city of second class. While Lancaster County has maintained a steady 1% annual growth rate since 1990, Hickman grew at a rate of approximately 4.7% per year between 1980 and 1990.

Hickman, Nebraska Population Projection 1940 to 2020



Source: US Census, 1990

Figure 1

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Population

Table 1

Population Trends of Lancaster County Communities 1970-1990

Community	1970	1980	% Change 1970-1980	1990	% Change 1980-1990
Bennet	489	523	7.0%	544	4.0%
Davey	163	190	16.6%	160	-15.8%
Denton	151	164	8.6%	161	-1.8%
Firth	328	384	17.1%	471	22.7%
Hallam	280	290	3.6%	309	6.6%
Hickman	415	687	65.5%	1,081	57.4%
Lincoln	149,518	171,932	15.0%	191,972	11.7%
Malcolm	132	355	169%	181	-49.0%
Panama	153	160	4.6%	207	29.4%
Raymond	187	179	-4.3%	167	-6.7%
Roca	118	130	10.2%	84	-35.4%
Sprague	119	168	41.2%	157	6.6%
Waverly	1,152	1,726	49.8%	1,869	8.3%
Lancaster County	167,972	192,884	14.8%	213,641	10.8%

Source: U.S. Bureau of Census, Census of Population 1970, 1980, 1990
Nebraska State Data Center, UNO, Center for Public Affairs Research

The distribution of population by age group (Table 2), indicates historical trends and helps to determine services such as schools and elderly services that will be needed in the future. The largest growth between 1980 and 1990 occurred in the 5-17 year old group and the 25-44 year old group. The 5-17 year age group grew by 103 persons while the 25-44 age group increased by 180 persons. The 0-4 year age group grew by 55 persons while the 45-54 year age group increased by 46 persons. This pattern indicates the infusion of young families into the community. Over the next ten to twenty years, the aging of these groups will have implications on housing, education, labor and health care industries. Unless more persons age 60 and over move into Hickman, the community will see a slight reduction in the population of the age 65 and over in the next decade.

Table 2

**Comparative Age Composition
of the Population 1980-1990
Hickman, Nebraska**

Age	1980		Age	1990	
	M & F Total	% of Total		M & F Total	% of Total
0-4	61	8.9%	0-4	116	10.7%
5-17	183	26.6%	5-17	286	26.5%
18-20	32	4.7%	18-20	30	2.8%
21-24	30	4.4%	21-24	35	3.2%
25-44	217	31.6%	25-44	397	36.7%
45-54	43	6.3%	45-54	89	8.2%
55-59	11	1.6%	55-59	21	2.0%
60-64	22	3.2%	60-64	23	2.1%
65-74	50	7.3%	65-74	34	3.2%
75 +	38	5.5%	75 +	50	4.6%
1980			1990		
Under 18 Years - 244			Under 18 Years - 402		
% of Population - 35.5%			% of Population - 37.2%		
65 and Over - 88			65 and Over - 84		
% of Population - 12.8%			% of Population - 7.8%		
Median - N/A			Median - 29.3		
Total Female - N/A			Total Female - 534		
Total Male - N/A			Total Male - 547		
Total Population - 687			Total Population - 1,081		

Source: U.S. Bureau of Census, Census of Population 1980, 1990

Nebraska State Data Center, UNL

Prepared by JEO

Household Characteristics

Household characteristics depicted in Table 3 for Lancaster County and Hickman mimic population growth for the same period. In Lancaster County persons per household decreased, therefore more households were formed relative to the population growth than in Hickman. In Hickman, persons per household actually increased contrary to the national trend of diminishing household size. This increasing household size would tend to indicate that the in-migration Hickman is experiencing is of families with children. Community image and the perceived quality of the school district are influencing factors. The community may experience demands for the recreational services or facilities with Hickman for the children and youth of these families. The influx of families with children will support the viability, stability and sustainability of Hickman for the future.

Table 3

Hickman, Nebraska
Lancaster County, Nebraska
Household Population 1980 & 1990

	Hickman			Lancaster		
	1980	1990	% Change	1980	1990	% Change
Total Population	687	1,081	57.4	192,884	213,641	10.8
Household Population	687	1,081	57.4	180,580	202,170	11.9
Group Quarters Population	0	0	0	12,304	11,471	-6.8
Number of Households	242	364	50.4	71,944	82,759	15.0
Population Per Household	2.89	2.97	2.81	2.51	2.44	-2.8

Source: U.S. Census, Census of Population & Housing
Prepared by: JEO

Poverty

While the incidence of poverty in Hickman was higher than the county, it was lower than the rate of poverty for the state in 1980. By 1990, however, the number of families with incomes below poverty level increased by 41, but the percent of all families with incomes below poverty level dropped to 5.0%, which is lower than the level for both the county and the state. Poverty level equates to 44% of the county median household income, or \$12,674 for a family of four. Low income is defined by the Department of Housing and Urban Development (HUD) as income below 80% of the city's or county's median household income. According to a report issued by HUD in July 1993, 50.27 percent of households in Hickman have low or moderate incomes.

Household and Family Income
Poverty Status
Hickman, Nebraska
1980 and 1990

Table 4

Income	FAMILY			HOUSEHOLD		
	1980 (%)	1990 (%)		1980 (%)	1990 (%)	
Less than \$5,000	9 (4.9)	3 (1.0)		29 (12.2)	12 (3.3)	
5,000-9,999	6 (3.2)	11 (3.7)		22 (9.2)	27 (7.4)	
10,000-14,999	35 (18.9)	20 (6.8)		45 (18.9)	29 (18.9)	
15,000-24,999	86 (46.5)	81 (27.6)		91 (38.2)	110 (30.3)	
25,000-34,999	35 (18.9)	80 (27.2)		37 (15.5)	85 (23.4)	
35,000-49,000	10 (5.4)	52 (17.7)		10 (4.2)	53 (14.6)	
50,000 and up	4 (2.2)	47 (16.0)		4 (1.7)	47 (12.9)	

	1980			1990		
Median Income						
Household	15,925	17,428	18,056	26,016	28,909	25,292
Family	19,122	21,381	20,040	31,634	36,467	28,214
Poverty Status						
No. of Families	414,503	47,906	185	418,471	53,360	294
No. of Families with Poverty Income	33,340	2,570	13	33,509	3,222	54
% of Families with Poverty Income	8.0	5.4	7.0	8.0	6.0	5.0

Source: US Bureau of Census, 1980, 1990 (JEO)

Income

Median Household income was higher in Hickman than for the County or the State in 1980. Whereas the median family income was higher than the state, it was lower than the county in the same year. According to the 1990 Census figures, Lancaster County's median household income grew by 65.9% between 1980 and 1990, while the State's median household income grew by 63.4%. In Hickman, median household income grew by 40.1% and median family income increased by 40.8% between 1980 and 1990. While the income of Hickman residents is increasing, the pace of growth is far below the county's or state's.

Population Projections
Hickman, Nebraska
2000, 2010, 2020

Table 5

Year	POPULATION PROJECTION		
	LOW	MEDIUM	HIGH
2000	1111	1194	1565
2010	1175	1319	2173
2020	1322	1457	2897

Factors Affecting Growth and Population Projections

Future population growth depends on a number of factors. A key element is the basic attractiveness of the city and its surroundings combined with its rural location in close proximity to the major economic and population center of Lincoln. Another element is community receptiveness to further growth. The community has acknowledged that its location and living environment are likely to continue to attract prospective new residents, but Hickman is not committed to population growth alone. To the extent that additional growth takes place, the community is committed to seeing that its desirable small town character is not lost in the process.

Current Lancaster county development policy is another factor affecting the potential growth of Hickman. According to the 1993 Lincoln-Lancaster County Comprehensive Plan dated June 11, 1993, new growth should be concentrated "in the Lincoln urban area and in the villages throughout Lancaster County." This policy, aimed at preserving agriculture and environmental qualities in the county, suggests that Hickman and other villages in the county will receive additional population growth.

Continued job development and population growth is forecast for Lancaster County over the next 20 years. The estimated population growth at a rate of slightly over 1% per year is 271,000 by the year 2015, according to the 1993 Lincoln-Lancaster County Comprehensive Plan. While the greatest part of this growth undoubtedly will focus on Lincoln, even a small portion of this increase attracted to the rural atmosphere of Hickman and the other villages will have major impacts. To the extent that Lincoln city policies influence the rate of job development and housing location of prospective residents, will influence the smaller community growth rates.

Housing development decisions in terms of available buildable lots, the cost of housing and housing types will have a major influence on the growth and growth rate of Hickman.

Other factors influencing the community's growth rate are the availability of land and the costs of improvements (utilities and streets) to serve new development. If community policies call for any new development to be located contiguous with current development, the availability of land so situated depends on individual landowner decisions. Costs of service extensions and electrical systems suggest a possible slower rate of development of community growth in the near term until subdivisions can be developed with service extensions.

Projections

The population growth Hickman has experienced since the 1970's has been due in large part to the development of the Sanitary Improvement District which was eventually annexed in 1987. City decision makers need to determine what level of growth is desirable in the future.

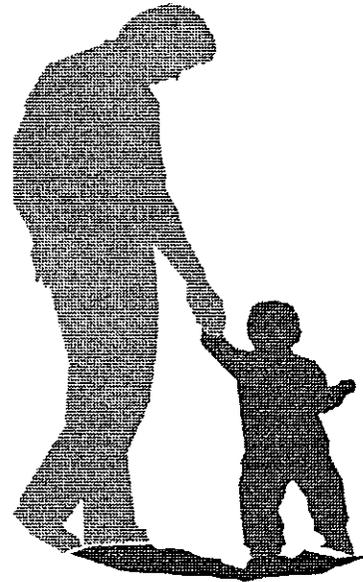
Three levels of population projections have been developed based upon differing scenarios. The projections are shown in Table 5. Housing development will be key in future growth. Development in recent years has been rapid because at least in part of low cost developed and available lots, availability of new housing at a modest price, and low interest rates.

Once all lots in the former SID are built upon, a new subdivision will be needed for future housing development. The city has control over whether or not a new subdivision is developed and annexed, the size, the location, and the rate of development. Lot costs in any new subdivision will be higher than in the previous developments because of the cost of extending city services and the current value of land. Obviously, these costs ultimately affect housing prices which may affect desirability of building or purchasing a home in Hickman.

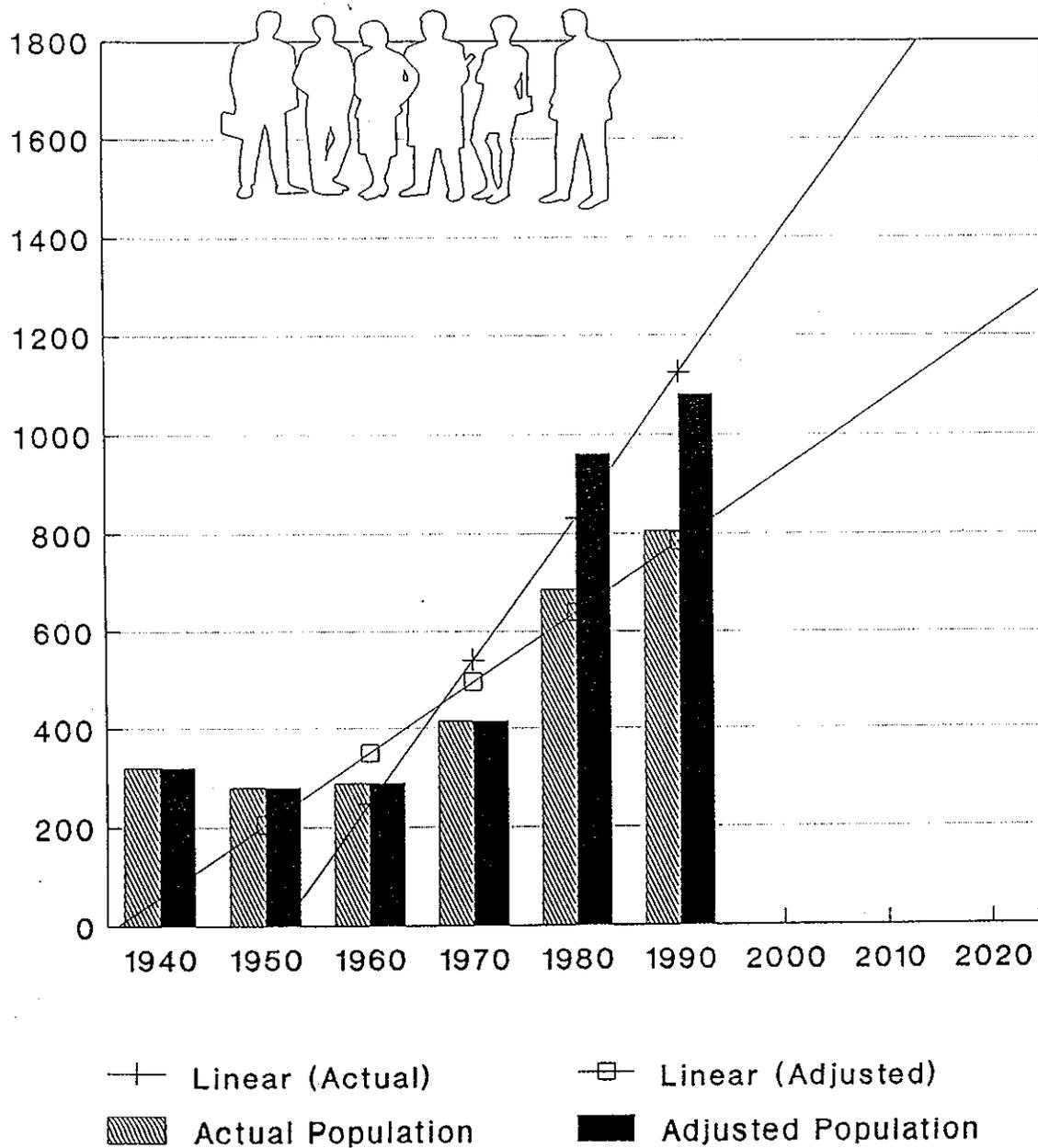
The low projection would be achieved by the eventual development of what lots are currently available and through natural increase (more births than deaths). Growth by 2000 would be 30 persons, 64 more by 2010 and an additional 147 persons in 2020.

The medium projection approximates the projected growth of Lancaster County at roughly one percent per year or 10.5% per decade. For a growing community, this rate is manageable.

The high projection would repeat the historic growth trend for the past twenty years and would require an aggressive growth and development plan.



Hickman, Nebraska Population Projection High/Low Projections: 2000-2020



Source: US Census, 1990
Figure 2

Housing Characteristics

According to the 1990 Census, 96 new housing units were added to the Hickman housing stock between 1980 and 1990 (Table 6). Of the total of 378 housing units, 79.9% or 291 were owner-occupied and 73 or 20.1% were renter-occupied. This compares to 60.5% and 39.6% for the County, respectively. Both renter-and owner-occupied housing increased. The homeowner vacancy rate is quite low, while the renter vacancy rate indicates a good market selection of rental housing. However, based on a local official interview, the rental market is currently extremely strained.

Table 6

Housing Units By Occupancy and Tenure Lancaster County and Hickman 1980-1990

	Lancaster County		Hickman	
	1980	1990	1980	1990
Total Housing Units	76,378	86,734	378	378
Occupied Housing Units		82,759		364
Owner Occupied	65,820	50,104		291
Percent	86.2%	60.5%		79.9%
Renter Occupied		32,655		73
Percent		39.6%		20.1%
Homeowner Vacancy Rate (Percent)		1.1%		1.4%
Renter Vacancy Rate (Percent)		5.8%		8.8%
Persons per Owner-Occupied Unit		2.69		3.16
Median Value, Owner Occupied	\$47,200	\$62,200		\$46,300
Contract Rent, Renter Occupied	\$191	\$322		\$238

Source: Bureau of the Census
Prepared by JEO

As demonstrated in (Table 7), there was an increase of all types of structures between 1980 and 1990. The greatest increase was in one-unit structures. Lancaster county added more multiple unit structures to its overall housing stock, thus reducing the proportion of single-unit structures. Both Lancaster County and Hickman increased the number and proportion of mobile homes.

Table 7

Housing Stock Profile
Lancaster County and Hickman 1980, 1990

Hickman	1980		1990	
	Number	Percent	Number	Percent
Total Housing Units			378	
Number of Units in Structure				
1 Unit			311	82.3%
2-4 Units			8	2.1%
5-9 Units			8	2.1%
10 or more			29	7.7%
Mobile Home Units			22	5.8%
Lancaster County				
Total Housing Units			86,734	
Number of Units in Structure				
1 Unit			56,932	65.6%
2-4 Units			8,328	9.6%
5-9 Units			3,351	3.9%
10 or More			5,080	5.9%
Mobile Home Units			13,043	15.0%

Source: Census of Housing 1980, 1990 - Prepared by JEO

A comparison of owner-occupied housing values is shown in (Table 8). Hickman has no housing over \$99,999. The addition of homes in a range over \$100,000 may attract another segment of the real estate market to Hickman. Median values have not kept pace with the county at large. The presence of modest price newer housing, however is a plus for young families and first time homeowners.

Table 8

Hickman, Nebraska
Value of Owner-Occupied Housing Units, 1990

	Hickman		Lancaster County	
	Number	Percent	Number	Percent
Less than \$50,000	169	64.0%	12,021	28.4%
\$50,000 to \$99,999	95	36.0%	24,567	58.1%
\$100,000 to \$149,999	-		4,040	9.5%
\$150,000 to \$199,999	-		1,018	2.4%
\$200,000 to \$299,999	-		539	1.3%
\$300,000 or more	-		130	.3%
*Total Units	264		42,315	
Median Value	\$46,300		\$ 62,200	
*This value represents a sample and not actual count				

Source: Bureau of the Census, 1990 - Prepared by JEO

(Table 9) shows a distribution of rents among renter-occupied housing. Rents are about average. Just over 40 percent of renters pay between \$300-499 per month, while another 26 percent pay less than \$200 per month rent. The median rent is \$302, which is slightly below the Lancaster County median. Twenty-three percent of renters pay rent exceeding 35% of their income.

Table 9

**Gross Rent and
Rent as a Percentage of Income
Hickman, Lancaster County, Nebraska
1989**

Gross Rent	Hickman	Lancaster
Specified renter-occupied housing units	72	32,241
Less than \$200	19	2,134
\$200-\$299	14	6,004
\$300-\$499	29	17,718
\$500-\$749	5	5,207
\$750-\$999	0	467
\$1,000 or more	0	221
No cash rent	5	490
Median (dollars)	302	378
Gross Rent as a Percentage of Household Income in 1989		
Specified renter-occupied housing units	72	32,241
Less than 20 percent	24	10,248
20 to 24 percent	5	5,029
25 to 29 percent	12	3,801
30 to 34 percent	3	2,419
35 percent or more	23	9,907
Not Computed	5	837
Source: 1990 Census of Population and Housing - JEO		

The distribution of the age of housing in Hickman is shown in (Table 10). A total of 62.8 percent of housing was built after 1969. Only 19.3 percent or 71 homes are over fifty years old. Generally, the older the home, the more costly the maintenance, repair or renovation. Hickman housing stock provides a good balance in terms of age. A housing condition study may be desirable if the community is interested in housing rehabilitation or development funds from the Department of Housing and Urban Development.

Given the population profile, future housing development for Hickman might include more housing in the \$75,000 to \$99,999 range, a small portion of future housing units will depend on the population projection accepted by the community and decision makers.

Age of Housing
Hickman, Nebraska 1990

Year Structure Built	No. of Units (%)
1989-March, 1990	4 (1.1)
1985-1988	5 (1.4)
1980-1984	24 (6.5)
1970-1979	193 (53.8)
1960-1969	47 (12.8)
1950-1959	11 (3.0)
1940-1949	8 (2.2)
1939 or earlier	71 (19.30)
	*368

*This number reflects a survey and not the total count
Source: US Dept. of Census, 1990 Census of Population and Housing - JEO

CHAPTER II COMMUNITY FACILITIES

Introduction

Public facilities are provided to insure the safety, well being and enjoyment of the residents of Hickman. These facilities and services provide the community with social, cultural, educational, law enforcement, fire protection and recreational facilities designed to meet residents needs.

Four general objectives have been established as guidelines for the community facilities chapter of the comprehensive plan. These objectives are:

- 1) Determine the present capacities of all public facilities and services
- 2) Compare current capacities with established standards to determine whether the capacity is adequate.
- 3) Based on population change project future adequacy of these facilities and services to meet future estimated demands within the planning period, and
- 4) Recommend improvements where community facilities are not considered adequate for present or future needs.

Recreational Facilities

Parks

The City of Hickman has four parks. They are the main City Park, located at the southwest edge of Hickman, entered from 2nd Street; Old Towne Park, a mini-park located at 3rd and Main Streets; Prairie Park, a mini-park located on East 4th Circle; and the Linear Park, which consists of the old Missouri Pacific right-of-way, extending along the entire west boundary of the City.

The City Park contains a baseball field, a softball field, a tennis court, a picnic shelter, picnic tables, a concession stand, camping area, a creek for fishing, a playground area with equipment. The City is planning to add a sand volleyball area, and possibly another ballfield for T-ball and an area for soccer.

Olde Towne Park and Prairie Park each contain a limited amount of playground equipment, and a picnic table. The Linear Park is in the development stages, and will include a paved walking/biking path, many varieties of trees and shrubs, planting, wild flower and native grasses, and possibly exercise stations along the pathway. The Linear Park will be approximately .75 miles long and contain about 10 acres. Through volunteer efforts and receipt of grants, the trail is expected to be completed in 1995. Development of plantings will be ongoing. In addition to the park being an amenity and providing recreation for Hickman residents, it will serve as a buffer between the Burlington Northern Railroad and the town. The residents and community leaders of Hickman are to be commended for developing such an asset to the community.

Other Recreational Facilities and Locations

Developing an enclosed recreation facility or joint civic center/recreation facility has been an expressed interest throughout the development of this plan. A center might contain a small pool, multipurpose room, ball courts, craft and small meeting rooms. General standards for small pools suggest 1800 square feet of water surface could serve a population up to 3000 people (DeChiara/Koppelman). Standards also suggest a civic/recreation center should be located on a parcel of approximately 0.4 acres per 1000 population. This would suggest that three to six lots in the original town site (50' x 140') would be needed.

There are two ball fields, one baseball and one softball field in the City Park. In 1993, twenty-two teams with a total of 359 players used the fields. They include eight T-Ball teams, six Girls/Women's softball teams, four Little League teams, three American Legion teams, and one Men's Softball team. In the past, Hickman has been host to American Legion Baseball District Tournaments. It is hoped that this will continue into the future, and Hickman has continued to make improvements to the baseball field with this goal in mind.

The City has received State Game and Parks funding in the past to build the tennis court, to provide lighting for the softball field, and to purchase a variety of equipment such as bleachers for the baseball field. The City operates a concession stand for all games. Volunteer help is utilized to staff the stand, with paid management in charge of scheduling the volunteers, ordering supplies and general supervision of the operation.

The City is close to two State recreational areas, Wagon Train Lake, located two miles east of Hickman, and Stagecoach Lake, located two miles south of Hickman. These lakes provide fishing, boating, picnicking, camping and a variety of other outdoor activities.

Recommendations

The Nebraska Game and Parks Commission recommends that communities with less than 2,500 residents provide twenty-five acres per 1000 population for general outdoor recreation. Hickman currently has twenty-one acres and is projected by the Game and Parks Commission to need twenty-seven acres by 1995. With the addition of ten acres of park land in the Linear Park, Hickman is expected to have sufficient park land through the year 2000. The two mini parks are heavily used by children as playgrounds. Old Towne Park could be improved with plantings and new playground equipment to replace the older equipment. If the older equipment is still safe, a few new amenities to the park would make it an asset a well. As the City grows to the east, additional land should be acquired to expand Prairie Park. Additional sites should be acquired to the north Hickman Road if development occurs.

When evaluating proposed subdivisions, the provision of park land dedicated to the City by the developer, should be a prime consideration.

Consider establishing a community foundation or other organization that would promote and acquire the resources for a community center/recreation facility. Planning should include consideration of long-term maintenance costs.

Educational Facilities

Hickman is served by the George W. Norris School District #160, located approximately four miles south of Hickman. Students from Hickman are bussed to Norris. There are one elementary, one middle school, and one high school, all located on one campus.



The enrollment of Norris is 1,350 and the size of the facility is approximately 225,000 sq. feet. Special facilities included a football field, with an all-weather surface track, and a 700-seat auditorium.

Building spaces are adequate for current enrollments and educational programs. A demographic study to predict future enrollments was completed last year. The District which is over 200 sq. miles is served by ESU #6 and contracts for multiple services and programs. The future plans of the District are to continue to serve the needs of the students of the District, and to expand to provide that service. Another building project is possible within the next 2-3 years. Post-secondary and vocational programs are available in Lincoln or Beatrice.

Fire and Police Protection

Fire Department

The Hickman Rural Fire Department has twenty-nine volunteer members, with eleven EMTs. They conduct special training for members as needed. The fire station is located at 630 Chestnut, and was completed in 1988. It is adequate for current needs. The service area is 68 sq. miles, which included an increasing number of homes as more people move onto acreages. Future plans include the possibility of a satellite station in the northern part of the District, in order to continue to serve the needs of the District.

The location and type of fire station is based primarily upon the character of the area to be served and upon the need for speed and dependability in answering alarms. Further standards depend on the population density of the area served, types of land uses in the District, and the topographic characteristics of the land itself. Maximum distances between fire stations and area served are recommended by the National Board of Fire Underwriters are as follows:

<u>Type of Area Served</u>	<u>Maximum Distance from Fire Station</u>
Major industrial and commercial concentrations (five or more structures)	3/4 mile
Build-up residential areas (three or more dwelling units per acre)	1-1/4 miles

Schools, hospitals, churches and other places of public assembly	2 miles
Rural homes and farms or low density urban areas	4 miles

Further standards pertaining to the location of municipal fire stations:

1. Fire stations should be within the center (time of travel) of the districts which they serve.
2. Movement of fire fighting equipment from fire stations should not be impaired by physical or topographic barriers.
3. Fire stations should be located with direct access for fire fighting equipment to the thorough fare networks of the city. Movement of equipment must not be impaired by or be a danger to other traffic.
4. Fire station design should recognize the surrounding area so that buildings fit into the character of the neighborhood. Space should be provided on station sites for adequate parking, landscaping and maneuvering area.

Police Department

The City of Hickman contracts with the Lancaster County Sheriff's Dept. for law enforcement services. The City has one full-time deputy on duty in Hickman 40 hours per week. In addition, other deputies in the area come through Hickman, and are on-call for service in Hickman, just as in the other smaller communities. All equipment is provided by the Sheriff's Office, and communication is through their equipment and 911. The City provides office space in City Hall.

Community Buildings

City Hall

City Hall is located at 2nd and Locust in Hickman's business district. There are three full time employees: a City Clerk/Treasurer, a Maintenance Supervisor, and a Maintenance Worker. There are several part-time employees. The building was constructed in the late 1800's and contains the office of the City Clerk, the Maintenance Supervisor, the Police Office, and the Community Center/City Council Meeting Room, plus two rest rooms and a full kitchen. It was substantially remodeled in 1980, made handicapped accessible, and is adequate for future needs. The physical condition of the building is good given it's age. In the past five years, the roof has been replaced and the walls covered with a stucco coating on the outside. Because so much money has been invested in renovations of the present building, it is doubtful that the City Hall will be relocated. However, it is recommended that

the useful life of the building be reevaluated toward the end of the planning period. Moreover, a combined city hall and recreation/civic center might provide a positive impact on the community. (See Recreation Facilities)

Recommendation

If the building were to be relocated, it is recommended that a site near 68th and Hickman Road be considered to facilitate a tie between Chestnut (68th Street) and the new central business district. This could promote new development in the area and open new business space in the existing business district.

Library

The City of Hickman does not have a library. Residents receive service from the Lancaster County Bookmobile every two weeks.

Community Center

The Community Center is located in the City Hall building. The facility is in compliance with ADA, and the occupancy is sixty-four. The facility is used often for all kinds of meetings including 4-H, Scouts, senior citizens, and private engagements. Last year, the facility was updated with new windows, carpet, painting, etc. Relocation of city functions could allow expansion of these uses.

City Maintenance Facilities

The City Maintenance Facilities include several structures. The main utility building is located at 5th and Walnut Streets in Hickman. This building was constructed in the 1960's and was purchased in 1990 by the City. The majority of the maintenance equipment is stored in this building. In addition, there is a smaller garage located just west of the City Hall that is also used for storage of smaller equipment items and for maintenance work on equipment. Current space is somewhat crowded for storage and work space and it is likely that these buildings are not adequate for future needs. Although there would be space to expand at the 5th and Walnut site, it is located in the flood plain and is not in conformance with the zoning regulations.

Postal Facility

The post office is located at 2nd and Locust, across the street from City Hall. It is an older building, probably constructed prior to 1920. It is leased, and is currently adequate. There is no space to expand. The physical condition of the building is fair.

Senior Center

The City of Hickman does not have a Senior Center as a separate building. The Senior Diners program meets weekly in the Hickman Presbyterian Church. Meals on Wheels is available and is organized through the Lincoln Senior Center program. Relocation of city functions might allow the existing city hall to act as a permanent senior center.

Transportation and Communication Facilities

Highways

Hickman is served from the west by Hickman Road, a State highway and from the north/south by 68th Street, a county highway. The City is twenty-two miles from Interstate 80. The conditions of the highways serving Hickman are excellent.



The City will be affected by Lancaster County's Road Program. During 1993 45% of the County's road budget and 100% of Federal road budget funded road development between Hickman and Lincoln. In 1994, approximately 68% of the county's road budget will fund additional road projects in this same area.

Street System

For the past several years, the streets within Hickman have been a source of concern for the various City officials. Prior to 1975, all streets in Hickman were either gravel or armor-coated. The City maintained these streets at general expense. New subdivisions developed in the 1970's as well as the Sanitary Improvement District, were built with paved streets.

In 1976, a policy was passed by the Village Board that street improvement districts would be created, and property owners would pay for full-depth paving, thus creating a permanent street system within the Village (City). This policy has been followed through the years. In 1982, the City obtained CDBG funds and paved approximately eight blocks. Since that time, various street improvement districts have been passed, and an additional 14-15 blocks have been paved. However, the City still has approximately 26 blocks that are either gravel, or in such a deteriorating condition as to be nearly hazardous in some places. This is a source of great concern to the City Council, which is of the opinion that more needs to be done in this area if Hickman is to become the City that it can be. The 1993 update of One and Six Year Plans for Street Improvements are shown in Figure 3.

Truck Lines

Hickman is served by a number of intrastate and interstate truck lines. Due to the proximity of Hickman to Lincoln, it is assumed that there will be adequate service of the future.

Railroads

No railroad serves Hickman directly. The nearest terminal is located in Lincoln, eighteen miles from Hickman.

Bus Service

There is no bus service to or from Hickman.

Airports

The nearest passenger, private, and freight service to Hickman is the Lincoln Municipal Airport, approximately twenty-five miles away. It would be assumed that this would provide adequate service for the future.

Telephone Services

The local carrier is Lincoln Telephone Company. The customer service office serving Hickman is located in Lincoln. It is assumed that this would provide adequate service for the future.

Radio and Television

Hickman is served by Douglas Cable Television Co. This company offers thirteen basic channels and two premium channels. There are no TV stations located in the planning area, but KOLN-KGIN is located in Lincoln. No radio stations are located in the planning area, but a number of stations are located in Lincoln.

Newspaper

Hickman has a local weekly newspaper, The Voice, which has 2,300 subscribers. Many citizens of Hickman also subscribe to either the Lincoln Star or the Lincoln Journal.

TRANSPORTATION PLAN

"Build a road, and they will come", is more than a passing literary reference. To a significant extent, the location of roads, their condition, and capacity to carry traffic safely will define future land use. The transportation element of the comprehensive plan is a key component of the plan's foundation for success. Traffic and pedestrian circulation plans will be one of the city's largest capital investments over the life of the plan.

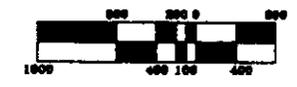
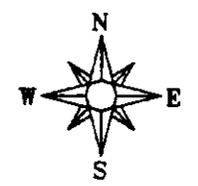
Annually the City reviews the "One and Six Year Plan" for streets and highways. This is both a planning and budget tool. The community will need to establish a policy between maintaining the existing road system or new and expanded roadways. The funds available from state highway-user revenue currently provide \$53,272.00 toward the total road budget.

Also, Lancaster County prepares a "One and Six Year Plan". The City should review this yearly update with the goal to promote Hickman Road and South 68th Street improvements. Widening of the State spur from US 77 and these two roads is an essential part of encouraging future growth.

The Future Transportation Map (Figure 3) represents the adopted "One and Six Year Plan". However, it also contains the Horizon Plan recommendation for pedestrian/trail linkage to the Lincoln trail system along the MoPac Right-of-Way. This is a key feature to tie the two state recreation lakes on either side of Hickman into the State trail system and the Lincoln population center. The City should work with Lancaster County to:

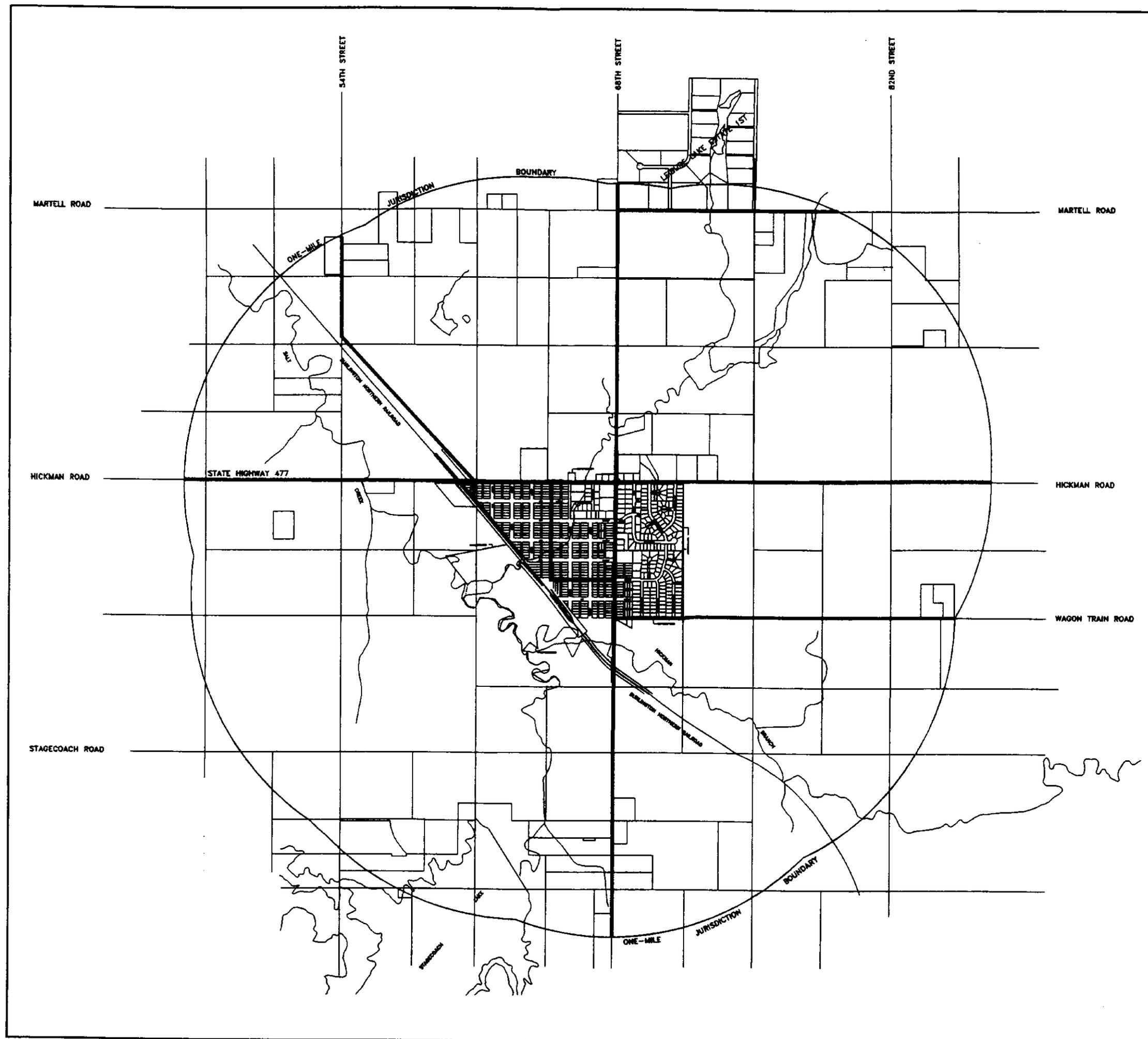
- 1) Prepare sub-area plan to connect the City's trail into a county trail to Lincoln.
- 2) Pursue ISTEA or other Rails to Trails programs to implement this recommendation.

CITY OF
HICKMAN, NEBRASKA
ONE-MILE
JURISDICTION



TRANSPORTATION MAP

-  MAJOR ARTERIAL
-  OTHER ARTERIAL
-  COLLECTOR
-  LOCAL




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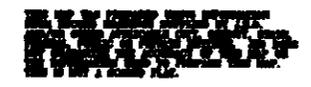


Figure 3
Transportation Map

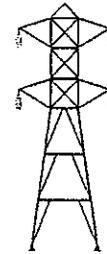
Public Utilities

Refuse Collection

Solid waste collection in Hickman is carried out primarily by Huenink Refuse Service. Citizens are not required to have this service, they may contract with someone else, or do it themselves, but most contract with Hueninks. The waste is hauled to the Lincoln City Landfill. There is no local recycling program. This service is assumed to be adequate for the future, providing the City can continue to be served by Lincoln. The City has recently established a recycling program in cooperation with the City of Lincoln. A collection site was developed with a drop box collection system.

Electric Power

The electric power is purchased wholesale from Norris Public Power District and is distributed by the City of Hickman. There is one substation located within the City of Hickman. The City is served by one line at any given time, however there is the option for three different lines for service in an emergency situation. The voltage serving Hickman is 34,500/12,500. According to Norris Public power, the system is adequate for future growth.



Natural Gas Service

The distributor and supplier for natural gas for Hickman is People's Natural Gas. Hickman has one main service line, which is a 4' main line with 100 pounds of pressure, up to the City limits. The system has been installed in the last five years, and was planned to be adequate for the future growth of the City.

Other Fuels

Liquified propane is the only other major fuel used in Hickman. Several propane distributors serve Hickman, including Hickman Propane located in Hickman. Others include Firth CO-OP, Panama Propane, and several companies from Lincoln.

Water System

The City of Hickman currently has four wells in its water system located 3.5 miles south of Hickman. They consist of Well #1, drilled in 1988, pumping capacity, 250 gallons per minute; Well #2, drilled in 1988, pumping capacity, 250 gallons per minute; Well #6, currently not in use due too high nitrate level, drilled in 1976, pumping capacity, 250 gallons per minute; and Well #7, drilled 1977, pumping capacity 700 gallons per minute. The storage facility is a 300,000 gallon water tower, built in 1977. The distribution system has been built in stages and ranges in size from 4' to 10" and range in age form 1936 to 1988. Also included in the water system is a chemical feed facility, built with the two wells in 1988, where water is treated with fluoride and chlorine.

The amount of pressure in the water system at full pumping capacity is 98 pounds, at City Hall. This pressure may vary somewhat throughout the system. The maximum pressure at the base of the tank is 56 pounds. The fire hydrants have not been tested for about 15 years. The ISO rating is 8, the water system meets this requirement. If direct power is lost to the wells, there is a PTO on Well #7 only. Water usage is metered. The City has allowed some rural residents to tie into the Hickman water system south of town. A clear policy of location and costs should be adopted concerning utility extensions outside the city limits.

In the future, the system may require replacement of some of the smaller lines with larger lines, replacement of some of the older mains, and potentially seeking an additional source of water. A new water source would be necessary if an unacceptable level of nitrates developed in the well water. The drinking water currently meets requirements of the Safe Drinking Water Act. The City should regularly test fire hydrants for pressure.

Sewer System

The City of Hickman is served by the Waste Treatment Facility with lines throughout the City, and the facility located about one-half mile west of Hickman on Hickman Road. The treatment process used is activated sludge, and meets current requirements of the NPDES permit. The system discharges into Salt Creek, with sludge being applied to agricultural land. New regulations recently released will cause the Hickman facility to be out of compliance with sludge requirements. Therefore, the City has entered into an agreement with an engineer to begin studying changes that will need to be made in order to remain in compliance. The engineer will investigate whether infiltration of sewer lines is contributing to the high daily flow. Recommendations for the system are expected from this study.

A possible additional problem exists with excessive infiltration during wet weather from groundwater. The average daily flow is .16 million gallons per day. The design flow of the facility is .17 million gallons per day. Although it has been the opinion of the City that the system is adequate for future needs and growth, the record suggests it is near capacity. Infiltration of the lines may have created the excessive daily flow rate.

Health Facilities

There are no medical clinics, hospitals, or nursing homes in Hickman. There is one local dentist with an active practice. All medical services, with the exception of dentistry, must be obtained in Lincoln, where a large variety of specialists and primary care providers exist.

CHAPTER III

LAND USE MANAGEMENT PROGRAM

Summary

Every successful organization or corporation has a sense of where it is and where it's going. To give direction and distribute resources, these groups use a management plan that has the following components:

1. **MISSION OR VISION STATEMENT:** The essence of who we are and what we aspire to become.
2. **MANAGEMENT PLAN:** The building blocks that make up the organization are individually addressed with clear goals, development policies and objectives.
3. **ACTION PLAN:** Who will do what, when and with what resources? A focused list of top priorities is prepared that outlines specific, implementation activities.

Community Vision Statement

Hickman invests in its future. Providing a quality living environment will continue to be a centerpiece of an ongoing process of enhancing community facilities, expanding employment opportunities and taking advantage of being centered in a scenic area, rich with recreational opportunities and conveniently located to a major metropolitan area.

Future Growth Areas

1. Cost efficient growth will be accommodated to the north of 7th Street (Hickman Road) and to the east, north of Hickman Branch.
2. The City will initiate a study to identify the location of future sanitary sewer trunk lines in order to reserve easements in the designated growth areas.
3. A future major street plan will establish new road and road widening locations. This program will also set design and subdivision standards to reduce potential land use/transportation conflicts.
4. The City will submit a request to amend the county land use plan to reflect to goals of the "Horizon Plan" and other exteraterritorial development goals.

Community Image

1. The intersection of Hickman Road and Chestnut (68th Street) will be targeted as the main community focal point. Structures will be removed or renovated and landscaping added. An entrance sign to the existing business district park/trail will be installed (southwest corner)

2. A landscape plan will be developed to enhance the general appearance of the wastewater treatment facility.
3. Hickman Road (west) and South 68th Street (north) are the primary entrances to the City. New development should include landscaping and general design standards to enhance these access points.
4. A development overlay district should be developed for both Hickman Road and South 68th Street. The zoning overlay would promote a positive image, safe circulation and encourage appropriate redevelopment.

Residential

1. New areas for residential development are needed. The City will explore public/private partnerships, municipal financing and other financing mechanisms to promote and create new areas.
2. The City will develop a residential conservation zoning district to encourage property maintenance and redevelopment within the original townsite (south of Hickman Road, west of S 68th). Use permits may allow increases in dwelling units or reduction of lot requirements.
3. The county will be requested to limit new development in the area one to two miles beyond the city limits. This "future" extraterritorial jurisdiction needs to be developed so as to be compatible for annexation and eventual incorporation into the City.
4. Housing authority and/or community development authority will be outlined. The City will consider creating the most appropriate agency to assist in housing and other community development issues.

Commercial

1. In order to serve future growth and provide for a stronger economic base, the intersection of Hickman Road and 68th Street will be designated as the new Central Commercial/Business District.
2. New or renovation of existing business space is needed in the existing business district. Use of the Community Redevelopment Authority or other economic development programs will be investigated.
3. Entrance signs to the business district, community trail, park and other community assets will be developed and installed.

Community Facilities

1. The county will be requested to enact a community well head protection district based on ground water movement. Hickman's water wells will be rezoned to these new districts.
2. Consideration will be given to relocating city functions in an expanded building that could also serve as a civic center located near the Hickman Road and 68th Street intersection.
3. A report will be prepared on developing a general aviation airport. It will identify the application and development process, site selection criteria, and a list of possible sites.
4. The city will take steps to insure capacity for growth in the sanitary sewer system. A program will be designed to reduce infiltration.
5. A study will be undertaken to identify the location and activities that would be included in a new civic center/city hall/recreation center.
6. Consider developing a storm sewer management plan that provides incentives for on-site storm water retention/detention to reduce any increase in run-off.

Transportation

1. A highway corridor district will be implemented. The district will cover S.68th Street/Chestnut and Hickman Road/7th Street. Design and subdivision standards will include traffic safety and urban design standards.
2. The city will work to include S. 68th Street (top priority) and Hickman Road in the County 1 and 6 Year Road Program for widening.
3. The city will set aside an annual Improvements and Maintenance fund that residents can match in order to construct streets, curb and gutter.
4. Consider designation of 2nd Street as a Collector on the City's street system.

Parks and Recreation

1. The city will encourage a county-wide trail system that will tie the Lincoln area into the state lakes near Hickman.
2. The city will seek to expand Prairie Park as development takes place to the east.
3. New park sites will be acquired north of Hickman Road.
4. A study for a recreation center, including community pool will be undertaken.

Economic Development

1. Establish a Community Redevelopment Authority. Determine or identify qualified blighted areas and prepare redevelopment plans. Consider possible public/private ventures to eliminate deteriorated conditions.
2. Establish an Economic Development Corporation (non-profit). Utilize the Nebraska Community Foundation to set up a corporation.
3. Consider an LB 840 "Local Economic Development Program". Evaluate potential for either sales tax or property tax supported programs for industrial or business development.

LAND USE

A basic goal of Hickman's Land Use Plan is to support moderate community growth through cost efficient expansion of its infrastructure. To that end the city analyzed areas for potential growth and identified priority growth areas. Also involved with supporting growth, the city identified the need to maintain its current utility systems (especially waste water treatment) and to seek greater county support in directing compatible rural growth.

Moderate growth was considered to be a ten percent (10%) per decade or, roughly, one percent per year. This amounted to new population growth of 113 people between 1990 - 2000; 125 people between 2000 - 2010; and 138 people between 2010 - 2020. The results of this analysis are presented in the following tables.

The following Land Use demands were calculated using the medium series for population growth. The Housing projections were calculated using Hickman's 1990 US Census data. See attached sheets for a detailed breakdown of calculations.

Residential Demand

Year	Projected Dwelling Units		Total new acres
	Owner Occupied	Renter Occupied	
2000	29	10	5.63
2010	32	11	6.23
2020	35	12	6.88

Projected Composition of future Land Use Demand (by Percentage)

Residential Uses	38%
Commercial Uses	3%
Industrial Uses	7%
Public Uses	5%
Public R.O.W. Uses	40%
Other Uses	7%
Total Land Uses	100%

Using these percentages allows for market competition in the growth of Hickman. This also allows for diversity in a managed framework.

Projected Paving Needs

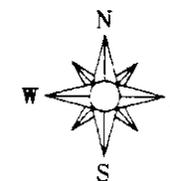
Year	Sq. Ft. R.O.W.	Length (60' R.O.W.)	Sq. Yds. of Paving	Cost/Sq. Yd. (28' Roadway)	Total Costs
2000	258,318.38	4,305	13,396	\$21*	\$281,295
2010	285,750.42	4,762	14,815	\$21*	\$315,115
2020	315,468.47	5,258	16,358	\$21*	\$343,520

*Costs per Square Yard are based upon 1994 paving costs for typical 6" thick concrete roadway paving.

The city plans to develop the area north of Hickman Road and west of South 68th as its prime growth area. The area immediately to the east of town south of Hickman Road is considered an alternate location depending on landowner and developer interests. This area will require some additional collector/trunk sewer line extending south to meet the existing sewer system at Conestoga Road.

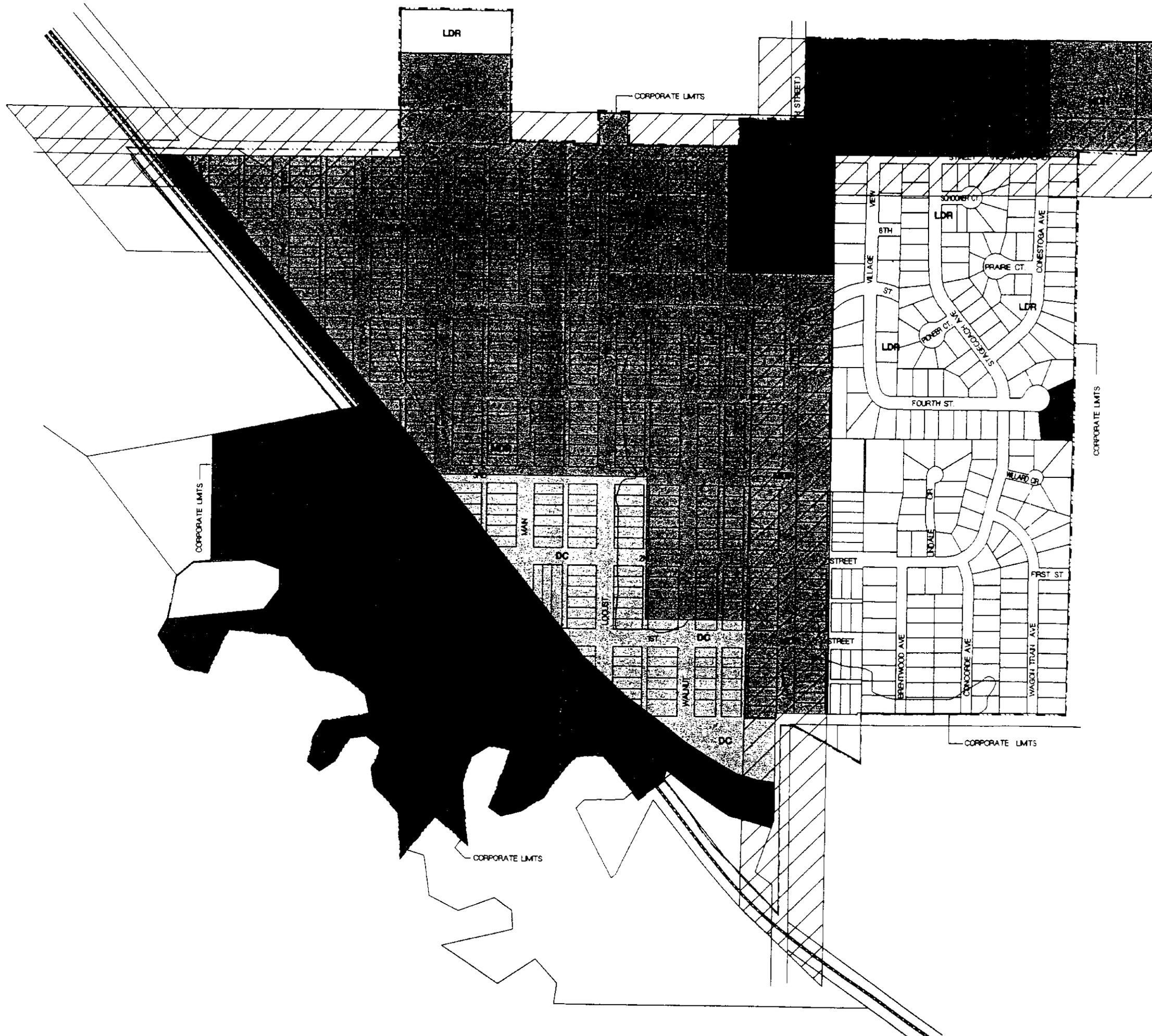
The City has also projected a Future Growth Boundary in its Horizon Plan. This looks at the area beyond the statutory one mile extraterritorial jurisdiction. This is the area that is likely to become the city's responsibility or could have a significant impact on future growth. The essential components of this plan involve restricting only new rural residential development. Consistent with the County's new Comprehensive Plan, the city's policy is new residential development should be located in the city. Also, the plan recommends the extension of the Lincoln Trail System to connect the metropolitan area and the two state recreation lakes.

CITY OF
HICKMAN, NEBRASKA
CORPORATE LIMITS



LAND USE PLAN

-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  HIGH DENSITY RESIDENTIAL
-  DOWNTOWN COMMERCIAL
-  NEW CENTRAL BUSINESS DISTRICT
-  PARKS
-  TRAIL SYSTEM
-  HIGHWAY CORRIDOR OVERLAY DISTRICT



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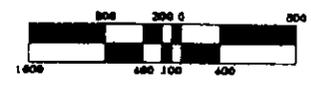
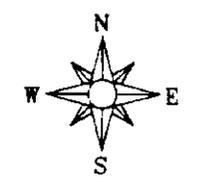
NEBRASKA CITY OFFICE
1010 W. 10TH ST.
NEBRASKA CITY, NE 68102

HARTSEL OFFICE
1010 W. 10TH ST.
HARTSEL, NE 68102

OMAHA OFFICE
1010 W. 10TH ST.
OMAHA, NE 68102

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CITY OF
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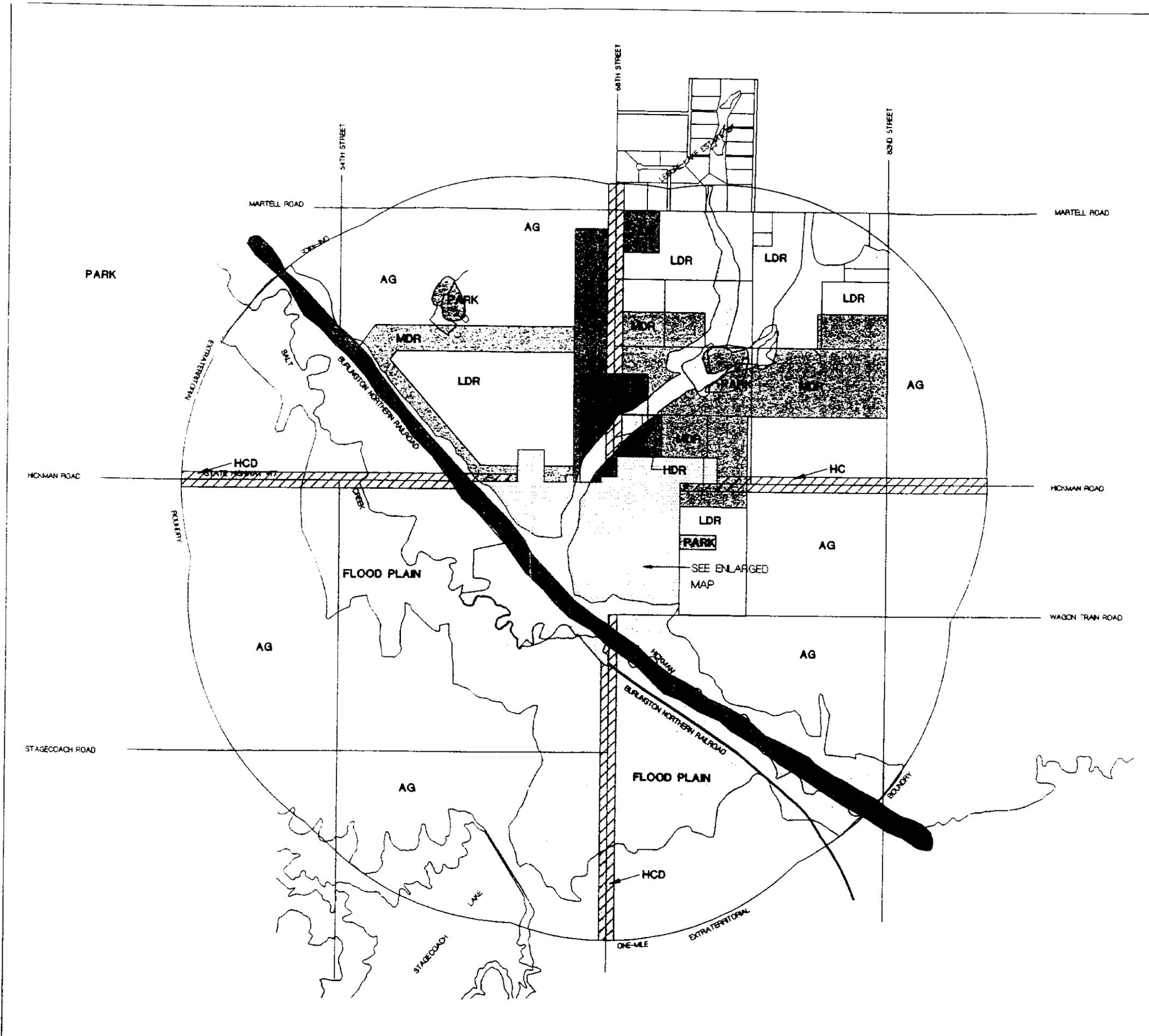


LAND USE PLAN

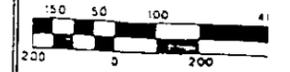
- LDR LOW DENSITY RESIDENTIAL
- MDR MEDIUM DENSITY RESIDENTIAL
- HDR HIGH DENSITY RESIDENTIAL
- HCD HIGHWAY COMMERCIAL
- NEW CENTRAL BUSINESS DISTRICT
- PARKS
- TRAIL SYSTEM
- FLOOD PLAIN CONSERVATION DIST.
- AG AGRICULTURAL
- HIGHWAY CORRIDOR OVERLAY DISTRICT

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City of
Hickman, Nebraska



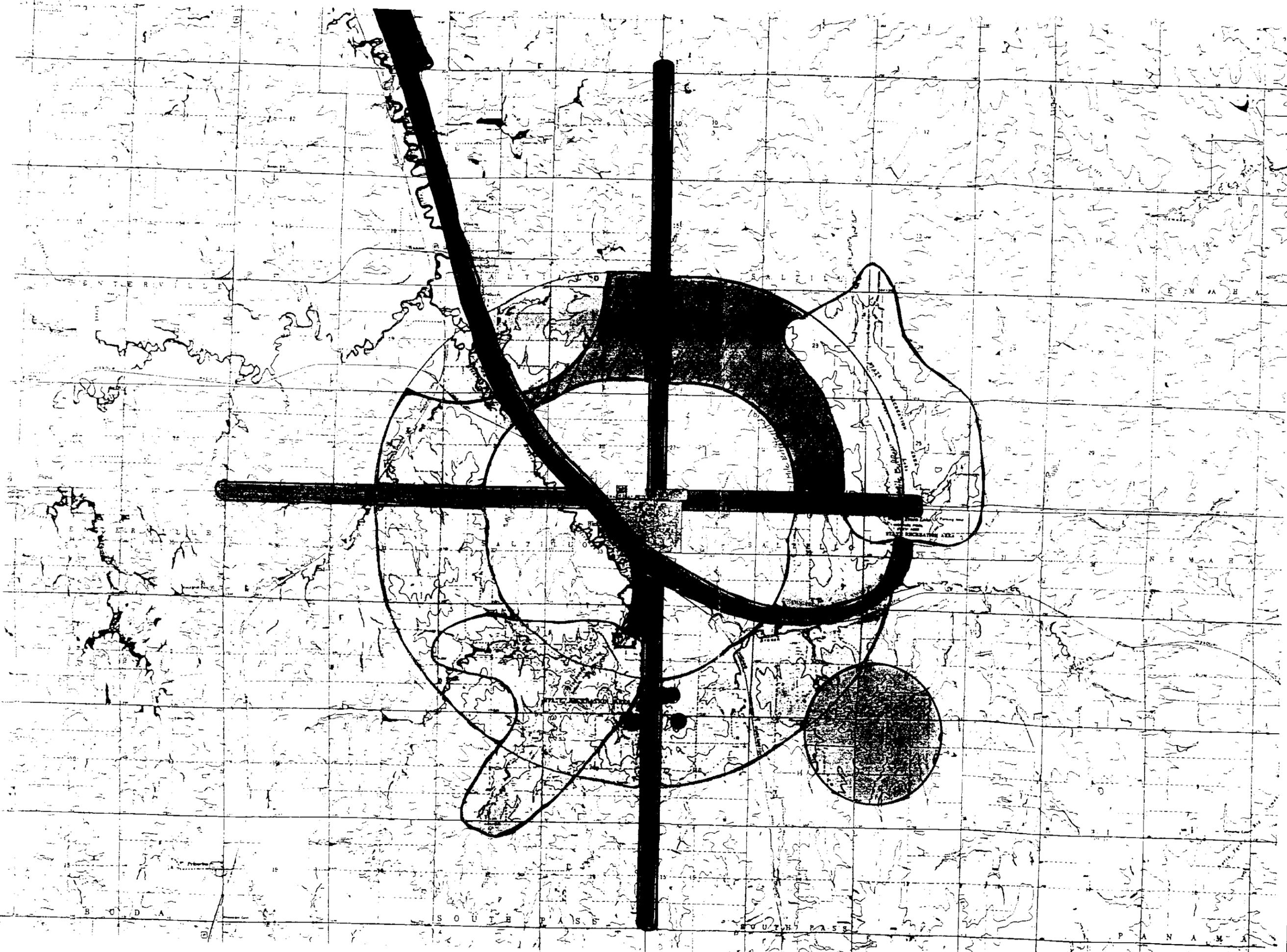
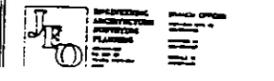
Horizon Map
2020

LEGEND:

-  AG - RES
-  RECREATION
-  TRAIL SYSTEM
-  HIGHWAY CORRIDOR
-  BUFFER
-  WELL LOCATIONS
-  OTHER ET'S

REVISIONS

DATE	ORDINANCE NO.



PLAN IMPLEMENTATION: FIVE YEAR MAN ACTION PLAN 1995

GOAL	ACTIONS	WHO	WHEN	RESOURCES
1.0 Provide for city growth through infrastructure maintenance and development	1.1 Complete sewer infiltration study and budget for cost effective repairs	a. Engineering consultant and city council	a. Complete study by 1996 b. Utilize any surplus funds to prepare plans March 95 through June 95 c. Finance repairs for FY 95-96	a. Surplus funds b. Property tax, G.O.
	1.2 Prepare interceptor/trunk Sewer Study for north and east growth areas. Identify location and estimated costs	b. City Council and engineering consultant	d. Includes study funding in FY 96-97 budget	
	1.3 Design and construct water and sewer into first growth area	c. Landowners, City, Engineering consultant	e. Fund design with FY 96-97 surplus funds. Complete design in FY 96-97	
	1.4 Establish a Community Redevelopment Authority	d. City, consultant	f. Upon completion of comprehensive plan	

GC	ACTIONS	WI	WHEN	RESOL
2.0 Guide future growth and development	2.1 Submit sub-area plan amendment to county for "Horizon Plan"	a. Planning Consultant, City council and Planning Com.	a. Submit to County February 1996	a. Budgeted funds
	2.2 Update Zoning and Subdivision Regulations	b. Planning Consultant, City council and Planning Com.	b. Complete by June 1996	
	2.3 Relocate central business district with new civic/recreation center	c. City Council, Planning Commission, Consultant	c. Initiate study in 1996-97 budget year	
3.0 Improve street conditions				
4.0 Renovations of commercial area				

GC	ACTIONS	WT	WHEN	RESOLVES
5.0 Promote Economic Development				
6.0 Explore satellite or branch offices opportunities with existing Lincoln services				

CHAPTER IV

PLAN MAINTENANCE AND SUPPORTING PROGRAMS

Four programs can help support the success of Hickman's Action Plan. These programs are:

1. Capital Improvements Financing--an annual, predictable investment plan that typically uses a six-year planning horizon to schedule and fund projects integral to the plan's action agenda.
2. Zoning Regulations--updated land use districts can allow the community to provide direction for future growth.
3. Subdivision Regulations--establish criteria for dividing land into building areas, utility easements, and streets. Implementing the Transportation Plan is a primary function of subdivision regulations.
4. Plan Maintenance --a yearly and five year review program will allow the community flexibility in responding to growth and a continuous program of maintaining the plan's viability.

Annual Review of the Plan

A relevant, up to date plan is critical to the on-going planning success. To maintain both public and private sector confidence; evaluate the effectiveness of planning activities; and, most importantly, make mid-plan corrections on the use of city resources, the plan must be current.

After adoption of the comprehensive plan, opportunities should be provided to identify any changes in conditions that would impact elements or policies of the plan. Each year a report should be prepared by the Planning Commission which provides information and recommendations on 1) whether the plan is current in respect to population and economic changes; and 2) are the recommended policies still valid for the city and its long term growth.

The Planning Commission should hold a public hearing on this report in order to:

1. Provide citizens or developers with an opportunity to present possible changes to the plan;
2. Identify any changes in the status of projects called for in the plan; and
3. Bring forth any issues, or identify any changes in conditions which may impact the validity of the plan.

If the Commission finds that major policy issues or major changes in basic assumptions or conditions have arisen which could necessitate revisions to the plan, they should report to the city council changes or further study of those changes. This process may lead to identification of amendments to the plan which would be processed according to the procedures in the next section.

Plan Amendment Procedures

It is anticipated that each year, during the annual plan review, individuals and groups may come forward with proposals to amend the plan. We would recommend that those proposals be compiled and reviewed once a year. By reviewing all proposed amendments at one time, the effects of each proposal can be evaluated for impacts on other proposals and all proposals can be reviewed for their net impact on the comprehensive plan.

If major new, innovative development opportunities arise which impact several elements of the plan and which are determined to be of importance, a plan amendment may be proposed and considered separate from the annual review of other proposed plan amendments. City Staff could compile a list of proposed amendments received during a year, prepare an outline providing information on each proposal. The Planning Commission could then prepare recommendations to be submitted to the City Council. The comprehensive plan amendment process should adhere to the adoption process specified by Nebraska law and should provide for organized participation and involvement of interested citizens.

Methods for Evaluating Development Proposals

Interpreting how the plan relates to zoning requests should not be based on single, isolated sentences. Rather, the interpretation of the plan should be composed of a complete review, with references to the goals and policies, the overall land use plan, and specific land use policies. Moreover, when considering specific proposed developments, interpretation of the plan should include a thorough review of all sections of the plan.

If a development proposal is not supported by the plan, serious consideration should be given to making modifications to the proposal. The following criteria should be used to determine if a comprehensive plan amendment would be justified:

- the character of the adjacent neighborhood
- the zoning and uses on nearby properties
- the suitability of the property for the uses allowed under the current zoning designation
- the type and extent of positive or detrimental impact that may affect adjacent properties, or the community at large, if the request is approved.
- the impact of the proposal on public utilities and facilities
- the length of time that the subject and adjacent properties have been utilized for their current uses
- the benefits of the proposal to the public health, safety, and welfare compared to the hardship imposed on the applicant if the request is not approved

- comparison between the existing land use plan and the proposed change regarding the relative conformance to the goals and policies
- consideration of professional staff recommendations

Plan Update

The next comprehensive plan update should be initiated after the current plan has been in use for five years. The update process could include forecasts to a new target year analysis of alternate land use plans, and possible evaluation of alternate formats for the plan. The annual review of the plan, specified above, will accommodate any necessary revisions to the plan which may arise during the years prior to the next update.



HICKMAN, NEBRASKA
PLANNING & ZONING PROCEDURE

MAY 1998

JEO: JOHNSON-ERICKSON-O'BRIEN & ASSOCIATES, INC. WAHOO, NEBRASKA

PLANNING & ZONING PROCEDURES

INTRODUCTION

The purpose of the Planning and Zoning Procedures are to assist the City of Hickman in the implementation of the comprehensive plan, zoning and subdivision regulations. The City Council, Planning Commission, Zoning Administrator (or City Clerk) and the Zoning Board of Adjustment are responsible for the enforcement of the plan and its implementation, through utilization of the zoning and subdivision regulations.

The procedures or forms provided in this section are to be used as a tool or means of assisting the community and local officials and commission members. It should be noted, however, the procedures and processes described in this section are models and are subject to change due to modifications, alterations and additional requirements through legislative action and/or judicial rulings by Courts of Law. It is therefore necessary to monitor potential legislative actions and judicial rulings. Several resources are available to assist the community in this task including the city attorney, city clerk, League of Nebraska Municipalities, Nebraska Planning and Zoning Association, American Planning Association - Nebraska Chapter, Nebraska Department of Economic Development - Community Affairs Division and local state senator. All of these resources should be utilized, particularly to maintain up-to-date and enforceable zoning and subdivision regulations.

GOVERNING BODY

One of the primary governmental organizations involved in the planning and zoning process is the governing body of the municipality. For the purpose of zoning administration, the governing body for the City of Hickman is the duly elected City Council and Mayor.

Responsibilities

The governing body has the following responsibilities for zoning administration:

1. Appoint members to the planning commission.
2. Officially adopt the comprehensive plan, zoning and subdivision regulations.
3. Hold public hearings prior to adoption or amendment of the comprehensive plan, zoning and subdivision regulations.
4. Create the Board of Zoning Adjustment.
5. Consult with the planning commission prior to official action by governing body on the adoption or amendment of zoning and subdivision regulations.
6. Approve or disapprove subdivision plats.
7. Grant variances to the provisions of the subdivision regulations.
8. Approve expenditure of funds for zoning administration.

PLANNING COMMISSION

A planning commission is a group of local citizens, appointed by the Mayor and City council. The planning commission carries out planning activities and serves in an "advisor" capacity to the City Council. State statutes require that planning commissions must be consulted by the governing body on matters concerning community planning before the elected officials can take formal action. The

planning commission must therefore develop the capabilities which will enable it to provide sound and knowledgeable advice to those who seek it.

State Enabling Legislation

Nebraska legislation gives any municipality the power to create by ordinance a planning commission. The planning commission of a city shall be designated city planning or city plan commission. (Ref. 18-1302 R.S. NE) Planning commissions have jurisdictions over the incorporated area and can take jurisdiction over the area outside the city limits up to one mile.

Duties and Powers of the Planning Commission

1. To make and adopt plans for the physical development of the municipality which can include the following:
 - Comprehensive Plan
 - Capital Improvement Program
 - Subdivision Regulation
 - Building Codes
 - Zoning Ordinance
2. Consult and advise with public officials and agencies; public utilities, civic organizations, educational institutions and citizens with relation to the adoption and implementation of the comprehensive plan.
3. To delegate authority to any such group to conduct studies and make surveys for the commission.
4. Make recommendations to the City Council on the adoption or amendment of the comprehensive plan, subdivision regulations, zoning ordinance or capital improvements.
5. Make and enter into contracts with public or private bodies, with the consent of the City Council.
6. May conduct or sponsor special studies or planning work for any public body or appropriate agency.
7. May receive grants, remuneration or reimbursement for studies conducted.
8. Summon witnesses, administer oaths and compel the giving of testimony at public hearings.
9. Make recommendation on the approval or denial of special permits to the City Council. (Ref. 18-1306 R.S. NE)

Meetings

The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. The planning commission meetings shall adhere to the public meetings law and the minutes of such meeting shall be a public record.

Nebraska Public Meeting Statutes

Every meeting of a public body shall be open to the public in order that citizens may attend and speak at such meeting. The public meeting law is broadly interpreted and liberally construed to obtain the objectives of openness in favor of the public and provisions permitted closed sessions must be narrowly and strictly construed. (Ref. 84-1408 R.S. NE.) Public meetings shall also adhere to the rules and regulations authorized by Sections 84-1409 through 84-1414 of the Revised Statutes of Nebraska.

ZONING ADMINISTRATOR

In many communities, the zoning administrator is also designated as the building inspector. The zoning administrator is the central figure in zoning administration. All zoning and subdivision cases are coordinated through the office of zoning administrator and the administrator is the first and last person which has contact with developers and builders with regard to zoning and approval of subdivisions.

As the name implies, the zoning administrator is not a policy maker nor does the administrator interpret the zoning regulations or establish subdivision requirements. If there is any question about whether or not to grant approval of a zoning permit or subdivision plat, the zoning administrator will immediately begin routing the application to the appropriate governmental organization for action.

Specific duties of the zoning administrator include:

1. Issue zoning permits and certificates of occupancy.
 - a. Receive application from anyone who is erecting any structure within the zoning jurisdiction.
 - b. Explain to the applicant what the requirements are in the zoning regulations or any codes adopted by the governing body.
 - c. Check with zoning regulations to see if land is properly zoned and if plans meet the legal requirements. If in conformance, then issue permit.
 - d. Make final inspection at that time to determine if structure meets all legal requirements.
 - e. Issue certificate of occupancy (certificate of zoning compliance).
2. Receive applications for variance.
 - a. Inform applicant of legal procedures.
 - b. Prepare report for zoning board of adjustment which describes property and special conditions.
 - c. Transmits report to zoning board of adjustment.
 - d. Keep complete records on application.
3. Receive applications for special use permits.
 - a. Inform applicant of zoning requirements and codes and of legal process.
 - b. Advertise public hearing 10 days prior to planning commission meeting. Notify area residents as prescribed by law.
 - c. Maintain records.
4. Receive requests for rezoning.
 - a. Inform applicant of legal process.
 - b. Prepare report for planning commission which describes property and neighborhood.
 - c. Advertise public hearing 10 days prior to planning commission meeting. Inform school board of proposed rezoning at least 10 days before public hearing. Notify area residents as prescribed by law.
 - d. Keep minutes of public hearing.
 - e. Advertise public hearing before governing body at least 10 days prior to meeting.
 - f. Keep minutes of public hearing held by governing body.
 - g. If rezoning is granted, make the appropriate change on the Official Zoning Map.

5. Prepare proposals for amending zoning regulations.
 - a. Upon request from planning commission or governing body, prepare zoning amendment to the regulations.
 - b. Present proposal to planning commission and governing body.
 - c. Advertise for public hearing before planning commission at least 10 days prior to hearing. Inform school board of proposed amendment at the same time.
 - d. Keep minutes of public hearing.
 - e. Advertise for public hearing before governing body at least 10 days prior to hearing.
 - f. Keep minutes of public hearing held by governing body.
 - g. If amendment is approved make the appropriate change in all official copies of zoning regulations.
6. Receive application for subdivision plat.
 - a. Receive application from anyone who is subdividing any parcel of land into two or more parcels.
 - b. Explain to applicant what the requirements are in the subdivision regulations or related regulations effecting the subdivision of land in the political jurisdiction.
 - c. Make arrangements for conferences between the subdivider and the planning commission or governing body.
 - d. Receive and review preplat sketch, preliminary plat and final plat.
 - e. Submit comments and plat review remarks to the planning commission or governing body where appropriate.
 - f. Inform subdivider of plat approval or denial by governing body.
 - g. Keep records of all subdivisions and incorporate appropriate changes to the official base map for the political jurisdiction resulting from approval of subdivision.
7. Receive application for variance to the provisions of the subdivision regulations.
 - a. Receive application for variance from subdivider.
 - b. Inform subdivider of the required procedures.
 - c. Prepare report for the planning commission describing the variance and applicable information relating to the variance.
 - d. Transmit recommendations of the planning commission to the governing body with appropriate comments regarding approval or denial of the request for a variance.
 - e. Notify subdivider of action by the planning commission and the governing body
 - f. Keep records of all applications for variances.
8. Prepare proposals for amending the subdivision regulations.
 - a. Upon request from planning commission or governing body, prepare amendment to the regulations.
 - b. Present proposal to planning commission and governing body.
 - c. Advertise for public hearing before planning commission at least 10 days prior to hearing. Inform school board of proposed amendment at the same time.
 - d. Keep minutes of public hearing.
 - e. Advertise for public hearing before governing body at least 10 days prior to hearing.

- f. Keep minutes of public hearing held by governing body.
- g. If amendment is approved, make appropriate changes in all official copies of the subdivision regulations.

As the above mentioned duties indicate, the zoning administrator equally serves both the citizens of the community who apply for building permits or submit plats and the local governing body.

ZONING BOARD OF ADJUSTMENT

The zoning board of adjustment has important duties. Its functions, partly administrative and partly judicial, are defined and limited by state enabling legislation and by provisions of the local zoning ordinance. This quasijudicial body's powers include hearing and deciding appeals, map interpretations and granting variances from the zoning ordinance. Under Nebraska statutes, the zoning board of adjustment is not a policy making body, nor is it intended to be. The board is the body which provides flexibility in the administration of the zoning regulation.

State Enabling Legislation

Under Chapter 19, Article 9, Section 19-907 of the Nebraska State Statutes, the local legislative body creates zoning boards of adjustment by ordinance. Statutory references for municipal zoning boards of adjustment are Section 19-907 through 19-912.

Meetings

1. Meetings of the board shall be held at such times as the governing body may designate or at the call of the chairperson.
2. All meetings of the board shall be open to the public and adhere to the provisions of the state public meetings law.
3. 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.
4. The board must hold a public hearing before deciding upon applications for variances.
5. The concurring vote of **four** members of the board shall be necessary to reverse any order, requirement, decision or determination of any municipal official, or to decide in favor of the applicant to effect any variance from the zoning ordinance.

Duties and Powers

The zoning board of adjustment has the following powers as authorized by state legislation and local ordinance.

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision

or determination made by a municipal official based on the zoning ordinance.

2. To hear and decide, in accordance with the provisions of the zoning ordinance, request for interpretation of any map.
3. To hear and decide applications for variance from the zoning ordinance.
4. Summon witnesses, administer oaths and compel the giving of testimony at public hearings.

Criteria for Granting Variances

The criteria and conditions which must exist for granting a variance are identified by state statute and in the Hickman Zoning Ordinance. The variance is intended as a device for adjustment where the ordinance creates unnecessary hardship in unusual cases, to give affected property owners rights as nearly equal as possible to those of others in the same district.

A heavy case load on variances may indicate that the ordinance is, or one of its specific regulations, is not appropriate, the board is malfunctioning, or both. The need for variances should be minor, and variances should be granted sparingly.

Under no circumstances can the board grant a variance to permit a use not generally or by special permit allowed in the zoning district.

A variance is granted for the property and not for the owner of the property. The variance is thus in effect perpetually and remains with the property and whatever structure may be constructed in the future.

The following are general guidelines which can be used by the board in deciding upon applications for variances. These general guidelines are to be used in conjunction with the criteria and conditions specified in the zoning ordinance.

1. A variance is not the appropriate remedy for a general condition. If this is the case, a change in the zoning regulation would be the appropriate action.
2. Self-inflicted hardships are not grounds for a variance. If the request for the variance is based upon some action of the applicant such as the selling of a portion of a lot which does not comply to the existing district regulations as opposed to a case where the area or width of a lot was reduced because land was taken for street widening.
3. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property.
4. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations. In general, the law guarantees that police power measures will not prevent a property owner from obtaining some reasonable return on his/her land, however that may be defined ... one of the most common statements in variance law is that purely financial hardship -- i.e., restriction to a less profitable use -- is not sufficient to justify a variance. The granting of such variance must be based upon a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

**PROCEDURE
for
ZONING PERMIT ISSUANCE**

Purpose: A zoning permit shall be obtained from the zoning administrator prior to construction of any structure to insure the protection of owner, municipality and adjacent property owners.

Procedure: The following steps should be taken to insure proper compliance with the zoning regulations.

Step 1. The application shall obtain a zoning permit from the Zoning Administrator by contributing the necessary information and meeting all requirements.

Step 2. The Zoning Administrator shall open a file for applicant's zoning permit.

Step 3. The Zoning Administrator may issue a zoning permit providing:

- a. All zoning requirements are met.
- b. Permit fee is paid.
- c. Evidence of available utilities.

Step 4. The zoning permit may be revoked at any time during construction and utility service denied when applicant is in violation of zoning requirements.

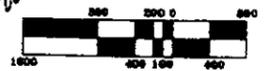
Step 5. A certificate of zoning compliance shall be issued upon varification that all items are in conformance.

If at Step 3, the zoning administrator determines that he or she must deny granting the zoning permit, the zoning administrator should advise the applicant of the following options:

1. Revise plans to conform to zoning regulations and resubmit zoning permit application.
2. Apply to zoning administrator for a variance approved by Board of Zoning Adjustment.
3. Apply to zoning administrator for granting of a conditional use permit approved by the governing body.
4. Apply to zoning administrator for an interpretation of the zoning regulations by the Board of Zoning Adjustment.
5. Apply to zoning administrator for a change of zone or amendment to zoning regulations granted by the governing body.
6. Applicant may wish to discontinue project.

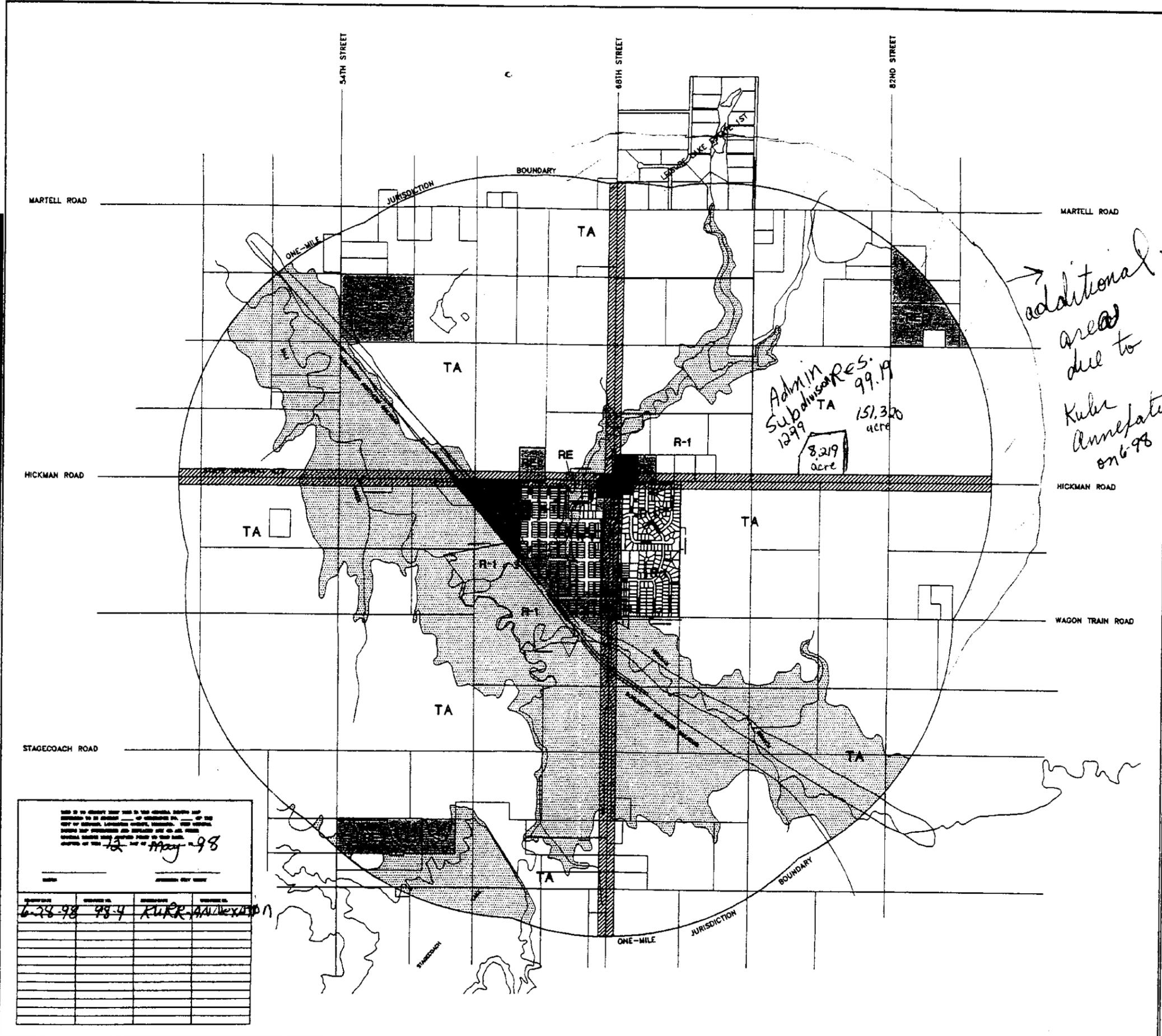
CITY OF
HICKMAN, NEBRASKA

ONE-MILE
JURISDICTION



ZONING MAP

- TA TRANSITIONAL AGRICULTURE
- RESIDENTIAL ESTATES
- URBAN DEVELOPMENT OVERLAY
- R-1 SINGLE FAMILY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- COMMERCIAL LIMITED DISTRICT
- COMMUNITY BUSINESS DISTRICT
- HIGHWAY OVERLAY DISTRICT
- LIGHT INDUSTRIAL
- GENERAL INDUSTRIAL
- INDUSTRIAL PARK
- PLANNED DEVELOPMENT
- FLOOD PLAIN



THIS IS TO CERTIFY THAT THIS IS THE ORIGINAL COPY OF THE ZONING MAP AS APPROVED BY THE BOARD OF SUPERVISORS OF THE CITY OF HICKMAN, NEBRASKA, ON THIS DATE: 12 May 98

DATE	APPROVED BY	APPROVED BY	APPROVED BY
6-28-98	98-4	KURRAN	ANNEXATION

JOHNSON ERICSSON O'BRIEN
ENGINEERING ARCHITECTURE SURVEYING PLANNING

1000 S. 10TH ST. SUITE 100
HICKMAN, NEBRASKA 68341
PHONE: 402-438-1111
FAX: 402-438-1112

THIS MAP IS THE PROPERTY OF JOHNSON ERICSSON O'BRIEN ENGINEERING ARCHITECTURE SURVEYING PLANNING. IT IS TO BE KEPT IN A SAFE PLACE.

PUBLIC HEARING PROCEDURES
for
ZONING CHANGE (AMENDMENT)

Purpose: A public hearing shall be held by the Planning Commission for adoption of Zoning Regulations or Amendments to the Zoning Regulations.

Procedure: A public hearing held for the purposes of informing citizens of a suggested change in zoning regulations should encompass the following elements:

- Step I. The secretary of the Planning Commission shall cause a notice of public hearing to be published at least ten (10) days prior to the date set for the hearing.
- Step II. The notice of public hearing shall fix the time and place and describe in general terms, the regulations and zoning districts proposed and a brief statement regarding the purpose thereof.
- Step III. The chairman of the Planning Commission shall call the hearing to order at the prescribed time and identify the purpose of said hearing. (It is acceptable to read the Notice of Public Hearing.)
- Step IV. The chairman or other members of the Planning Commission shall describe the order of the hearing and present a complete but brief summary of the proposed zoning change. The hearing should then be open to the discussion by attending citizens. A record of proceedings of the hearing should be maintained by the secretary. The hearing may be adjourned from time to time upon discretion of the chairman.
- Step V. Upon conclusion of the hearing the Planning Commission shall prepare and adopt its recommendations in the form of a proposed zoning amendment. This may be done immediately following adjournment of the hearing or at the next meeting of the commission.
- Step VI. A copy of the proposed amendment shall be submitted to the Governing Body with a record of the hearing proceedings.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the _____ *(Name of the Commission/Council)* _____ will hold a public hearing on _____ *(Date)* _____ at _____ *(Time)* _____ in the/at the _____ *(Specific location/room/building/address/city)* _____ on the following items. For more information call or send comments to the _____ *(Name of agency/department with phone number)* _____.

1. Item (from agenda, include legal description and describe the general nature of request).
- 2.
- 3.

BY: _____ *(Name of Administrator or Clerk)* _____.

DATE: _____

Hickman, Nebraska

NOTICE TO PROPERTY OWNERS

PUBLIC HEARING
BOARD OF ZONING APPEALS
CASE NO. _____

Parties in interest

A notice of hearing shall be sent to non-resident landowners of land being considered in said hearing.

Name

Address

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

REQUEST FOR CONDITIONAL USE PERMIT

File No.: _____

Applicant _____
Applicant Address _____

Date _____
Phone _____

Hereby requests to a Conditional Use Permit for the following Use: _____

The Conditional Use Permit is for the property legally described as (attach separate page if necessary): _____

The current Zoning of said Property is _____

Is the request Conditional Use allowable in the current Zoning District? _____ yes _____ no
If the answer is no, then a Change of Zoning Request shall be processed prior to any Conditional Use being submitted.

APPLICATION REQUIREMENTS (Submit information and fee with application)

- _____ Complete legal description (including address)
- _____ Existing and proposed zoning
- _____ Existing use of property
- _____ Statement of reasons why rezoning is necessary and its relationship to the Comprehensive Plan

- Application Fee: _____
- Notice of Hearing: _____
- Date to PC: _____
- PC Action: _____
- Date to City Council: _____
- Action: _____

I hereby certify that all required information and materials are herewith attached and said materials are true and accurate to the best of my knowledge.

Date

Applicant

**SUPPLEMENTAL INFORMATION FOR:
REQUEST FOR CONDITIONAL USE PERMIT**

The following conditions represent MINIMAL requirements for the granting of any Conditional Use Permit. There may be additional requirements placed upon the applicant's request by either the Planning Commission and/or the City Council. The granting of said Conditional Use Permit does not constitute permanent use of the property in this fashion. *Failure to accept or adhere to these conditions may result in the denial or rescinding of any application.*

No special use permit shall be granted unless that Planning Commission or City Council has found:

- A. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- B. That the special 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 special use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. The use shall not include noise which is objectionable due to dust vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- G. The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- H. 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.
- I. 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.
- J. 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.

I hereby certify that I have read and understand all requirements listed above.

Date

Applicant

REQUEST FOR ZONE CHANGE

File No. _____

Applicant _____
Applicant Address _____

Date _____
Phone _____

Hereby requests to change the zoning classification from _____ District to the _____ District on property legally described as (attach separate page if necessary):

APPLICATION REQUIREMENTS (Submit information and fee with application)

- ___ Complete legal description (including address)
- ___ Existing and proposed zoning
- ___ Existing use of property
- ___ Statement of reasons why rezoning is necessary and its relationship to the Comprehensive Plan

Application Fee: _____
Notice of Hearing: _____
Date to PC: _____
PC Action: _____
Date to City Council: _____
Action: _____

I hereby certify that all required information and materials are herewith attached and said materials are true and accurate to the best of my knowledge.

Date

Applicant

SUPPLEMENTAL REQUIREMENTS FOR REQUEST FOR ZONING VARIANCE

VARIANCE REQUIREMENTS: Nebraska law allows for granting of a variance where the applicant clearly demonstrates special conditions and peculiar circumstances exist related to the subject property.

APPLICANT: Complete the following (Attach page if necessary)

1. Describe conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. Explain how a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
3. Demonstrate the special conditions and peculiar circumstances which do not result from the actions of the applicant.
4. Explain how granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

I hereby certify the information in this application is true and correct to the best of my knowledge.

Date _____

Applicant _____

**DECISION OF THE
BOARD OF ZONING ADJUSTMENT**

Applicant: _____ Appeal No. _____
Date hearing advertised: _____
Date of hearing: _____

The decision of the Board of Adjustment is to ___ grant ___ deny the request. Reasons for denial or conditions of approval are:

1. _____
2. _____
3. _____
4. _____

City Clerk

In the event the appeal is granted, the applicant hereby agrees to all conditions and safeguards set forth above. The applicant further agrees that, in the event the specified conditions and safeguards are not complied with within the time specified, approval of this appeal shall become null and void.

Date _____

Signature of Applicant

File No.: _____

HICKMAN, NEBRASKA

**REQUEST FOR VARIANCE
APPEAL OF DECISION OR INTERPRETATION**

Applicant _____
Address _____

Date _____
Phone _____

Hereby request the Board of Zoning Adjustment to consider the following:

_____ **Interpretation of zoning ordinance or map affecting Article _____ Section _____**
Legal Description _____

_____ **Appeal of Decision** related to the _____ (individual or agency)
decision. Specifically: _____

_____ **Variance from Article _____ Section _____** which requires _____
On property legally described as _____

The applicant is requesting the variance for the following purpose: _____

Legal description _____ Plot plan _____ Fee _____ Other information _____

I hereby certify the information in this application is true and correct to the best of my knowledge.

Date _____ Applicant _____

APPLICATION FOR ADMINISTRATIVE PLAT
Hickman, Nebraska
LEGAL DESCRIPTION AND GENERAL LOCATION

SUBDIVIDER

Name: _____
Address: _____

Telephone: () _____

OWNER

Name: _____
Address: _____

Telephone: () _____

CITY USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____
Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: _____
Address: _____

Telephone: () _____

NAME OF ADMINISTRATIVE PLAT: _____ **NUMBER OF LOTS:** _____

1. Does the plat propose a new roadway or alley to access any lot? _____

2. Does the plat propose the vacation of streets, alleys, setback lines, access control or easements? _____

3. Does each lot abut a public street or private roadway? _____

4. Will this action result in significant increases in service requirements, e.g. utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.?
Yes ___ No ___. If yes, please describe: _____

5. Does the applicant provide the easements required by the City of Hickman (utilities, drainage and other improvements)? _____

6. Do all proposed lots conform to the minimum lot size requirements? Yes ___ No ___ If no, please describe: _____

7. How will the lots be served for water and wastewater? Public ___ or Private? ___ If private, please attach approval from the City Utility Department.
8. Is a statement from the County Treasurer's office showing no tax liens against the land attached: Yes ___ No ___
9. Is a statement from the City Clerk's office showing that all special assessment, if any, installment payments are current attached: Yes ___ No ___

APPLICATION FOR ADMINISTRATIVE PLAT cont.

(Hickman, Nebraska)

10. If a dedication for public use is propose, is a certificate of title or title opinion attached? Yes ___ No ___
11. Is the administrative plat consistent with the Comprehensive Plan? Yes ___ No ___. If not, please explain: _____

12. Is the administrative plat in accordance with all the Development Standards of the City of Hickman? Yes___ No___. If not, please explain: _____

13. Does all of the land within the plat lie within the corporate limits of the City of Hickman? Yes___ No___
14. Does the applicant request modifications as provided by the City of Hickman's Design Standards/Subdivision Regulations? Yes_ ___ No___. If yes, please describe: _____

15. Any other information or comments the applicant wants to provide:

Applicant's Signature: _____

Date: _____

ADMINISTRATIVE PLAT APPLICANT'S TECHNICAL CHECKLIST

(Hickman, Nebraska)

NAME OF FINAL PLAT: _____

LOCATION: _____

FORM OF FINAL PLAT

- Four (4) copies of a scaled drawing on one sheet if possible - sufficient to show all required information clearly
- Drawn in ink or photographed on tracing cloth or mylar
- Signatures in black opaque ink
- Blank margin of 1/2 inch and outline
- Number and total number of sheets - index sheet if more than two sheets
- Boundary of the subdivision shall be indicated

CERTIFICATES AND ACKNOWLEDGEMENTS

- Owner's acknowledgement and offer of dedication
- Surveyor's certificate
- Planning Commission approval certificate
- City Council approval and acceptance certificate
- All affidavits, certificates, acknowledgements, endorsements, dedications, and notarial seals as are required by Law and the provisions of this zoning ordinance

DATA REQUIRED ON THE FINAL PLAT

- Sufficient data to determine all existing and place stakes and to locate and retrace all lots, blocks and parcels
- All dimensions shall be to the nearest .01 of a foot
- Lot, outlot and block dimensions and designations
- Areas reserved for public use - must clearly identify which are private and which are public
- Streets must include the following:
 - Location
 - Name
 - Centerline
 - Centerline radius
 - Length and interior angle of horizontal curves
 - Tangent Length
 - Width
- Location, width and purpose of all easements
- Location and identification of all section corners
- Total number of lots and outlots and total number of acres

REQUIRED ON EACH SHEET

- Name of Subdivision
- Scale
- North arrow
- Sheet number and total number of sheet comprising the subdivision

ADMINISTRATIVE FINAL PLAT APPLICANT'S TECHNICAL CHECKLIST (cont.)

(Hickman, Nebraska)

DOCUMENTS REQUIRED

- Special assessment status form
- Certificates of Title or Title Opinion

ANY OTHER INFORMATION OR COMMENTS RELATED TO THE FINAL PLAT:

Applicant's Signature: _____ Date: _____

APPLICATION FOR PRELIMINARY PLAT

LEGAL DESCRIPTION AND GENERAL LOCATION

CITY USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

SUBDIVIDER

Name: _____

Address: _____

Telephone: () _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____

Address: _____

Telephone: () _____

OWNER

Name: _____

Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: _____

Address: _____

Telephone: () _____

NAME OF PRELIMINARY PLAT: _____ NUMBER OF LOTS: _____

1. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes___ No___. If yes, please describe the nature of such interest: _____

2. Will the preliminary plat require any zoning or other action (rezoning, Planned Development, conditional use, or vacations) to complete the development? Yes___ No___. If yes, please describe the nature of the action: _____

3. Does the preliminary plat deviate from the requirements of the Land Subdivision Ordinance of the City of Hickman or the City's Design Standards? Yes___ No___. If yes, please state each deviation, how the proposal meets the intent of the subdivision ordinance and why the proposal should be accepted (additional sheets may be added): _____

4. Is any part of the land within the preliminary plat within a flood plain? Yes___ No___. If yes, please include the following information: Hydrological and grade information to determine frequency and extent of inundation of flood waters; location of proposed use and type of use; areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use, location and elevation of open space; all plans and other information conform to Development Standards; limits of the flood plain; amount of Fill Material brought into the flood plain; a certificate that grading will not result in any increase in the flood plain. (additional sheets may be added).

Applicant's Signature: _____

Date: _____

PRELIMINARY PLAT APPLICANT'S TECHNICAL CHECKLIST

City of Hickman, Nebraska

NAME OF PRELIMINARY PLAT: _____

LOCATION OF SUCH PLAT: _____

REQUIREMENTS OF PRELIMINARY PLAT

- Name of Subdivision on each sheet
- Names and addresses of owners/applicants
- Names of adjacent property owners
- Name of engineer or surveyor
- Names of utility companies to be involved
- North arrow and graphic scale (according to sub-division regulations' specs)
- Date prepared
- A vicinity sketch at a scale no greater than one (1) inch = four hundred (400) feet and no smaller than one (1) inch = two thousand (2000) feet
- Sheet number and total number of sheets
- Contour lines (within and adjacent to subdivision, not greater than five (5) feet intervals)
- Boundary lines of area to be subdivided and their bearings and distances, lot lines and lot numbers
- Is proposed use of preliminary plat in accordance with permitted city zoning? Is a zoning action required?
- Existing and proposed streets or access easements to include:
 - R.O.W. width (according to future land use and transportation plans)
 - Paving width (according to future land use and transportation plans)
 - Approximate grades
 - Tangent length
 - Curve data and interior angle
 - Angle of Intersection
 - Name or number
- Sketch of future street system outside of plat where subdivision owns abutting land
- Utilities on and adjacent to the tract showing proposed connections to existing utilities. Rear easements for utility poles and wires shall be required whenever possible. All easements shall meet regulations set forth in subdivision regulations.
- Lot lines and dimensions; curvilinears should be noted as arc or chord
- Lot, block and outlot designation and total acreage of land to be subdivided and square feet in each lot
- Public areas for schools, parks, playgrounds or any other public uses
- All existing and proposed easements with locations, widths and distances
- All existing and proposed sidewalks, pedestrian ways and bikeways
- Location of all existing buildings and structures, easements, roads and major natural features on or within two hundred (200) feet of the boundaries of, within/adjacent to on or within two hundred (200) feet of the proposed subdivision. Any other interest in land surrounding the preliminary plat?
- Location of existing trees, wooded areas, rock out crops and other significant natural features.
- Erosion and sediment control plan, indication of proposed course of surface water drainage.
- All plans and other information conform to the City's General Requirements and Minimum Standards of Design

PRELIMINARY PLAT APPLICANT'S TECHNICAL CHECKLIST (cont.)

City of Hickman, Nebraska

ADDITIONAL INFORMATION (to be shown on Preliminary Plat or on accompanying sheets)

- Ten (10) copies of Preliminary Plat and required supplementary material filed with City Clerk
- Submit plat twenty-one (21) days prior to the meeting of the Planning commission
- Copy of application, site plan, preliminary plat, etc to proper agencies and authorities for review
 - City Engineer office
 - Utility Companies
 - Health Department
 - Law Enforcement office
 - Parks and Recreation
 - School District
 - other
- Any required landscape screens
- Copies of proposed Deed Restrictions, if any
- Sketch plan of larger tract and future concepts of development, if part of a larger tract that will be subdivided in the future

IF PLAT IS LOCATED WITHIN THE FLOOD PLAIN

- Hydrological and grade information to determine frequency and extent of inundation of flood waters
- Location of proposed use and type of use
- Limits of the flood plain

ANY OTHER INFORMATION OR COMMENTS RELATED TO THE PRELIMINARY PLAT:

(Please use additional sheet if necessary)

Applicant's Signature(s): _____

Date: _____

APPLICATION FOR FINAL PLAT

LEGAL DESCRIPTION AND GENERAL LOCATION

CITY USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

SUBDIVIDER

Name: _____

Address: _____

Telephone: () _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____

Address: _____

Telephone: () _____

OWNER

Name: _____

Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: _____

Address: _____

Telephone: () _____

NAME OF FINAL PLAT: _____ NUMBER OF LOTS: _____

a. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes ___ No ___. If yes, please describe the nature of such interest: _____

b. Will the preliminary plat require any zoning or other action (rezoning, Planned Development, conditional use or vacations) to complete the development? Yes ___ No ___. If yes please describe the nature of the action: _____

c. The final plat is based upon the preliminary plat for _____, approved by the City Council on _____, 19____, Resolution No. _____

d. Is the final plat consistent with the approved preliminary plat? Yes ___ No ___. If not, please explain the proposed changes and the reasons therefore: _____

e. Have all the improvements required by the preliminary plat been completed? Yes ___ No ___ (Please check the Planning Commission's letter indicating the approval of the preliminary plat.) If not, which improvements have not been completed: _____

Applicant's Signature: _____ Date: _____

FINAL PLAT APPLICANT'S TECHNICAL CHECKLIST

City of Hickman, Nebraska

NAME OF PRELIMINARY PLAT: _____

LOCATION OF SUCH PLAT: _____

REQUIREMENTS OF FINAL PLAT

- Name of subdivision
- Complete drawing on one sheet if possible
- Drawn in ink or photographed on mylar
- Signatures in black opaque ink
- Blank margin of ½ inch and outline
- Scale of one (1) inch equals ten (10) feet or sufficient to show all required information clearly
- Number and total number of sheets - index sheet if more than two sheets
- Boundary of the subdivision shall be indicated
- Vicinity Map
- Name(s) of the owner(s) of the subdivision
- Name of land planners, landscape architect, surveyor or engineer
- Ten (10) print submitted twenty-one (21) days prior to Planning Commission meeting date

CERTIFICATES AND ACKNOWLEDGMENTS

- Owner's acknowledgment and offer of dedication by all parties having titled interest or lien upon the lands
- Surveyor's certificate with legal description written in meets and bounds
- Planning Commission approval certificate
- Acknowledgment by Notary
- City Council approval and acceptance certificate
- Certificate of approval by City Engineer
- Certification of County Register of Deeds
- Certification by the Mayor and City Clerk that plat is approved for recording by City Clerk
- Certification that the Subdivider has complied with one of the following alternatives:
 - Improvements have been installed in accordance with requirements of the subdivision ordinance
 - A security bond or certified check filed with the city
 - Subdivision Improvements Agreement along with sufficient surety has been filed
- All affidavits, certificates, acknowledgments, endorsements, dedications, and notarial seals as are required by Law and the provisions of the zoning ordinance
- Certification by County Treasurer

FINAL PLAT APPLICANT'S TECHNICAL CHECKLIST (cont.)

City of Hickman, Nebraska

DATA REQUIRED ON THE FINAL PLAT

- Sufficient data to determine all existing and placed stakes and to locate and retrace all lots, blocks, and parcels, Include:
 - Bearings of lines
 - Radii, arcs and central angles of all curves with dimensions to the nearest second
- All dimensions shall be to the nearest .01 of a foot
- Meets or exceeds the "minimum standards of surveys"
- Location and description of monuments
- Lot numbers, square footage, outlot, block dimensions, and frontage dimensions
- Lot, outlot, and block identification system
- Areas reserved for public use - must clearly identify which are private and which are public
- Purpose for which other than residential lots are dedicated or reserved
- Minimum building set back lines
- Locations and names of adjoining subdivisions and streets, adjoining unplatted properties with names and addresses of adjoining owners of unplatted properties for a distance of two hundred (200) feet on all sides.
- Abutting streets, cul-de-sacs and alleys, whether public or private, must include the following:
 - Location
 - Names
 - Centerline
 - Centerline radius
 - Length and interior angle of horizontal curves
 - Tangent length
 - Right-of-Way and paving widths (according to sub-division regulations, future land use and transportation plans)
- Location, width and purpose of all easements (according to sub-division regulations)
- Location and identification of all section corners
- Total number of lots, outlots, and total number of acres in subdivision
- Cross-sections, profiles and grades of streets, gutters, curbs and sidewalks; with locations of all "in street utilities" -drawn to city standards
- Protective covenants, when required
- Flood Plain identification and information including minimum floor elevations for each lot subject to such flooding.
- Changes in zoning that may have been made

REQUIRED ON EACH STREET

- Name of Subdivision
- Scale
- North arrow and graphic scale
- Date
- Sheet number and total number of sheet comprising the subdivision
- Location of Subdivision (first sheet only)

FINAL PLAT APPLICANT'S TECHNICAL CHECKLIST (cont.)

City of Hickman, Nebraska

DOCUMENTS REQUIRED

- Special assessment status form
- Certificates of Title or Title Opinion
- Private restrictions or covenants, if necessary
- Copy or Copies of final plat for review prior to Planning Commission meeting. Other documents, including grading, drainage, utility plan and landscape/tree plan, will need to go to proper agencies and authorities.
 - City Engineer office
 - Utility Companies
 - Health Department
 - Law Enforcement office
 - Parks and Recreation
 - School District
 - other

CONFORMS TO APPROVED PRELIMINARY PLAT

- Meets and bounds description
- Lot dimensions and configurations
- Street names
- Street alignment
- Reasons for differences

ANY OTHER INFORMATION OR COMMENTS RELATED TO THE FINAL PLAT:

(Please use additional sheet if necessary)

Applicant's Signature(s): _____

Date: _____

OWNER'S CERTIFICATION

I/We the undersigned _____ owner(s) of the real estate shown
(names)
and described herein, do hereby certify that I/we have laid out, platted and subdivided, and do hereby lay out, plat and subdivided, said real estate in accordance with this plat.

This subdivision shall be known and designated as _____, an addition to the City of Hickman, Nebraska (delete last phrase if the subdivision is located outside of the corporate limits and will not be annexed to the City). All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public unless specifically noted herein. Other public lands shown and not heretofore dedicated are hereby reserved for public use.

Clear title to the land contained in this plat is guaranteed. Any encumbrances or special assessments are explained as follows: _____.

There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities and subject to the paramount right of utility or City to install, repair, replace and maintain its installations.

(Additional covenants or restrictions and enforcement provisions therein may be inserted here or attached to the plat).

Witness our Hands and this _____ day of _____, 19_____

Signature

Signature

Signature

STATE OF NEBRASKA

COUNTY OF LANCASTER

Before me, the undersigned Notary Public, in and for the County and State, personally appeared _____ and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed. Witness my Hand and Notarial Seal this _____ day of _____, 19_____

Notary Public Seal

SURVEYOR'S CERTIFICATION

I, _____ hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on _____, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

(signature) _____

(seal) _____

This plat of _____ Addition has been submitted to and approved by the Hickman Planning Commission this _____ day of _____, 19__.

Chairperson

ATTEST:

Secretary of Planning Commission

This plat approved by the City Council of Hickman, Nebraska, this ____ day of _____, 19____.

Mayor

ATTEST:

City Clerk

[A blank space for noting entry on the transfer record in the following form:]

Entered on transfer record this _____ day of _____, 19____.

Register of Deeds

HICKMAN, NEBRASKA
SUBDIVISION REGULATIONS

ADOPTED
MAY 12, 1998

ORDINANCE No. 98-3

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CITY OF HICKMAN, NEBRASKA SUBDIVISION REGULATIONS

Ordinance No. 98-3

Preamble

An Ordinance of the City of Hickman, Nebraska, adopted under the authority conferred by the statutes of the State of Nebraska, to regulate the subdivision of certain lands within the corporate limits of the City and within the area one mile beyond the corporate limits; to establish procedures for approval of preliminary and final plats, to require improvements, to prescribe design standards, to require reservation of land for public purposes; to provide enforcement procedures and penalties; to provide for severability of a part; and to repeal parts of ordinances or resolutions in conflict with this ordinance.

Be it ordained by the City Council of the City of Hickman, Lancaster County, Nebraska:

Article 1: Title, Purpose, and Definitions.

Section 1: Name and Citation of Titles.

These regulations shall be known, referred to and cited as "The Subdivision Regulations" of the City of Hickman, Nebraska.

Section 2: Purpose.

The purpose of these regulations is to provide for the orderly development of Hickman and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts; open spaces; adequate community facilities and utilities, to coordinate development with the City's transportation, land use and capital facilities plan, and to generally provide conditions favorable for the health, safety, convenience, prosperity and general welfare of the community, all in accordance with applicable state statutes.

Section 3: Definitions.

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in these Regulations. The definition of each word or phrase shall constitute, to the extent applicable, the definition of each word or phrase which is derivative from it, or from which it is derivative, as the case may be. All words in the singular shall include the plural, and in the plural the singular. Each gender shall include the other. Each tense shall include the other tenses.

For the purpose of these regulations, certain words used herein are defined as follows:

ALLEY. A public thoroughfare which affords only secondary access to property abutting thereon.

APPLICANT. Shall be the title holder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.

BLOCK. A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination of same.

BOND. Any form of security including a cash deposit, security bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Ordinance.

BUILDING INSPECTOR. Building Inspector of the City of Hickman.

BUILDING LINE. The term "building line" means a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard set back or where the lot width meets the minimum lot width required in the district, whichever is greater.

CITY. Shall mean the City of Hickman, Nebraska. Also, City Council or governing body.

CITY COUNCIL. The governing body for the City of Hickman, Nebraska.

CITY ENGINEER. The City Engineer of the City of Hickman retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the City.

CLERK. City Clerk of the City of Hickman, Nebraska.

COMPREHENSIVE PLAN. The master plan for the improvement and development of Hickman, Nebraska, as adopted by the Planning Commission and the City in accordance with the laws of the State of Nebraska and the ordinances of Hickman.

CUL-DE-SAC. A short public way with one end open to traffic and the other end terminated by a vehicular turn-around.

DEAD END STREET. A public way which has only one outlet for vehicular traffic and does not terminate in a vehicular turn-around.

DEDICATION. The intentional appropriation of land by the owner to some public use.

DEVELOPER. See "Subdivider".

EASEMENT. A right to use a parcel of land, granted to the general public, utility, corporation, or person(s) for a specific purpose or purposes.

ENGINEER, CITY. The engineer ordinarily retained by Hickman, Nebraska, for the recommendation, advice and execution of engineering work as requested by the City.

FLOOD PLAIN. That area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater and which has been designated by the Nebraska Natural Resources Commission, the Nebraska Department of Water Resources or the Federal Emergency Management Agency. Flood Plain shall mean those lands which are subject to a one percent (1%) or greater chance of being inundated by water from any source in any given year.

FLOODWAY. The channel of a stream, river or body of water and those portions of the adjoining floodplains designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources or the Federal Emergency Management Agency as necessary to carry and discharge the floodwater of any such river, stream, or other body of water without increasing the water surface elevation more than a designated height.

FRONTAGE ROAD. Minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

IMPROVEMENTS. Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installation as designated by the City Council or its specific approving authority.

LOT. A parcel, tract or area of land created in conformance with these regulations, that may be separately owned, used, developed or built upon.

LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection.

LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines. Corner lots shall provide at least one dimension equal to the required lot depth prescribed in the affected zoning district.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two non-intersecting streets.

LOT, FLAG. Flag lots, being those lots landlocked from public right-of-way, except for a narrow tract of land of less width than required under assigned zoning.

LOT FRONTAGE. That portion of a lot abutting a street. For purposes of determining yard requirements of corner lots and through lots, all sides of a lot abutting a street shall be considered frontage.

LOT, INTERIOR. A lot other than a corner lot which has frontage on one street only.

LOT LINE. The boundary line of a lot.

LOT MINIMUM AREA. The minimum square footage of land area occupied, or to be occupied by a single principal building and accessory buildings as applicable to designated zoning districts.

LOT, NONCONFORMING. Shall mean a lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the existing zoning district space limits.

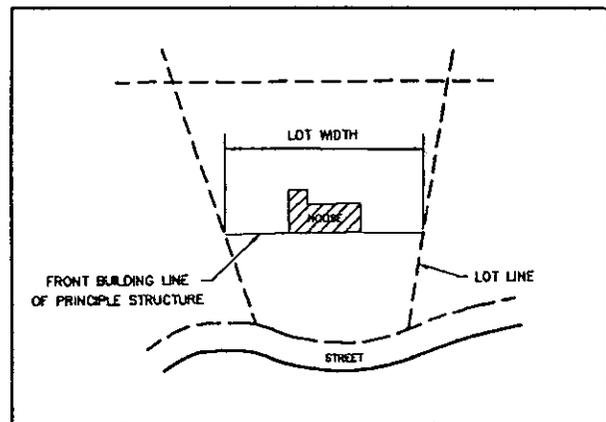
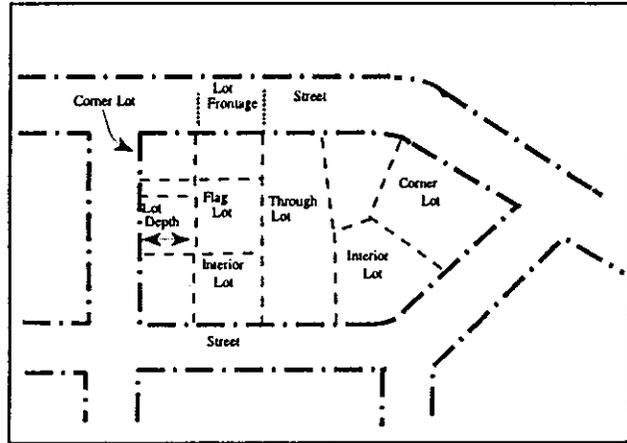
LOT, PLATTED. Platted lot shall mean a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Lancaster County.

LOT OF RECORD. A lot which is both part of a subdivision recorded in the office of the Register of Deeds for Lancaster County, and having been owned separately and individually from adjoining lots or tracts of land prior to the adoption of these regulations.

LOT, THROUGH. A lot other than a corner lot fronting on more than one (1) street.

LOT, WIDTH OF. Shall mean the minimum street frontage measured along the front street property line except when a lot fronts on the inside or concave side of a horizontal curvilinear alignment of a street or on a corner lot; in which case, the minimum lot width shall be measured along the front building line of the principal use structure extended to both lot property lines.

MASTER PLAN. See Comprehensive Plan.



MONUMENT. An identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

PERSON. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity and including any trustee, receiver, assignee, or other similar representatives thereof.

PLANNING COMMISSION. The Planning Commission of Hickman, Nebraska.

PLAT. A map which delineates the subdivision of a quantity of land. A plat commonly shows lots, blocks, streets and other features relevant to the development and improvement of the property.

PLAT, FINAL. The final plan of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.

PLAT, PRELIMINARY. The preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

SIDEWALK OR WALKWAY. That portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.

STREET. The term includes public streets, highways, avenues, boulevards, parkways, roads, lanes, alleys, viaducts, subways, tunnels, bridges, public easements and right-of-way. Where explicitly authorized by the City Council, private streets may be authorized as part of planned developments.

STREET, COLLECTOR. 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 as designated in the Comprehensive Plan.

STREET, MAJOR. A street or highway used primarily for fast or high volume traffic, including expressways, freeways, boulevards, and arterial streets as designated in the Comprehensive Plan.

STREET, MINOR. A street intended primarily to provide pedestrian and vehicular access to the abutting properties.

SUBDIVIDER. Any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

SUBDIVISION. The division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, provided that the smallest lot created by the division is less than ten (10) acres in size.

TURNAROUND. A paved area for turning vehicles at the end of the dead end street, which is constructed either within the dedicated right-of-way or upon a temporary easement, to be removed when such street is extended.

WAIVER. Exception, variation or modification of requirements set forth in Subdivision Regulations and granted by City Council after recommendation of the Planning Commission.

ZONING DISTRICT. The term "zoning district" means an area delineated on a zoning map for which uniform use regulations governing the use, height, area, size, and intensity of the use of buildings, land, and open spaces about buildings are specified.

ZONING ORDINANCE. The Zoning Ordinance of the City of Hickman as amended from time to time.

Article 2: General Provisions

Section 1: Purpose.

The Subdivision Regulations as herein set forth are intended to provide for harmonious development of the City and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan of the City; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, prosperity, or general welfare to insure conformance of subdivision plans with the capital improvement program of the City and its planning area; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, Planning Commission and the City Council.

Section 2: Jurisdiction.

The provisions of these regulations shall apply to all land located within the legal boundaries of the City, as the same may be amended by subsequent annexation, and shall also include all land lying within one (1) mile of the corporate limits of the City, and not located in any other Municipality.

Section 3: Powers.

No plat of a subdivision of land lying within the jurisdiction of the City shall be filed or recorded until it shall have been submitted to and a report and recommendation thereon made, by the Planning Commission to the City Council and the City Council has approved the final plat.

It shall be unlawful for the owner, agent, or person having control of any land within the corporate limits of the City, or within the area shown on the Official Zoning Map to subdivide land except in accordance with Neb. Rev. Stat. §§ 16-916 et. seq.(Reissue 1991) and the provisions of the title; provided, however, that any subdivision of land caused by the acquisition of land by the federal government, the state of Nebraska, any county, the City, or any City incorporated or unincorporated, within the jurisdiction of the City, shall be deemed to have received approval as required by Neb. Rev. Stat. § 16-916 (Reissue 1991).

Section 4: Applicability.

Any plat, hereafter made, for each subdivision or each part thereof lying with the jurisdiction of this ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from these regulations. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereinafter provided.

Section 5: Interpretation.

In interpreting and applying these regulations, they shall be held to be minimum requirements for the promotion of the public health, convenience, comfort, prosperity and general welfare.

Section 6: Conflict.

No Final Plat of land within the force and effect of the existing Zoning Ordinance shall be approved unless it conforms to these regulations. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in the Zoning Ordinance, Building Regulations, or other official regulations or ordinances, the most restrictive shall apply.

Section 7: Building Permits.

Unless a tract shall have been platted in accordance with the provisions of these Regulations, no building permit shall be issued, provided that one building permit for a permitted use may be issued if the tract is otherwise vacant.

Section 8: Amendments.

Any provisions of these regulations may from time to time be amended, supplemented, changed, modified, or repealed by the Governing Body; provided, however, that such amendments shall not become effective until after a study and public hearing by the Planning Commission; after a public hearing in relation thereto has been held, public notice of which shall have been published in a newspaper of general circulation at least one (1) time, ten (10) days prior to such hearing.

Section 9: Modifications.

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this regulation would result in extraordinary hardship to the subdivider because of unusual topography, or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the City Council, after report from the Planning Commission, may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, that: such variance, modifications, or waiver will not adversely affect the development, the character of which shall be in conformance with recommended platting and development practices in the general area of the proposed subdivision; will not have the effect of nullifying the intent and purpose of the regulations; and, will not interfere with carrying out the Comprehensive Plan of the Planning Area of the City. The standards and requirements of these regulations may be modified by the Governing Body after report by the Planning Commission in the case of a planned development or a redevelopment project involving the resubdividing and rebuilding of blighted or slum areas; provided, however, that the placement of structures within the area is shown on the development plan and becomes a part of the recorded plat.

Article 3: Procedures

Section 1: Filing Pre-application Plans and Data

Pre-application Plans and Data: Prior to the filing of an application for approval of a preliminary plat the subdivider may submit to the Planning Commission plans and data in sketch form showing ideas for the proposed subdivision of land. The sketch plan shall include:

- A. The proposed tentative layout of streets, lots and other features in relation to existing streets, utilities, topography and other conditions.
- B. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions.

These pre-application plans and data shall not require a formal application fee. After discussion with the subdivider and review of the data, the Planning Commission will inform the subdivider whether such plans and data submitted meet the objectives of these regulations and shall describe any inconsistencies with the requirements of these Regulations. With the concurrence of the developer, a Public Hearing date will be set for the consideration of the Preliminary Plat.

Section 2: Approval of Preliminary Plat

- A. Before any subdivider or agent contracts for the sale or offers to sell any subdivision of land or any part thereof, which is wholly or partly within the City of Hickman or which is within a one mile limit of the City of Hickman or which is proposed to be annexed, the subdivider or his agent shall file a preliminary plat and completed application (Schedule A) of said subdivision with the Hickman Planning Commission. The Preliminary Plat shall be prepared in accordance with the regulations set forth herein, and shall be submitted to the Planning Commission prior to the completion of final surveys of streets and lots and before the start of grading or construction work upon the proposed streets and lots and before any map of said subdivision is made in a form suitable for recording. The Planning Commission shall determine whether the plat is in proper form and shall not receive and consider such plat as filed until it is submitted in accordance with the requirements hereof. The street layout shall be in conformity with a plan for the most advantageous development of the entire neighboring area and in conformity with the Comprehensive Plan.
- B. All plats, preliminary and final, shall be prepared in conformance with the provisions of these regulations and in conformance with the Comprehensive Plan and Zoning Ordinance. The subdivider shall be responsible for such conformance.
- C. Ten (10) prints of the Preliminary Plat and required supplementary material as specified in Section 3 of this Article shall be submitted to the City Clerk at least twenty-one (21) days prior to the meeting at which it is to be considered. The Clerk shall distribute one (1) copy of the Preliminary Plat with a request for comments

within ten (10) days to each of the following: City Engineer, School Board, the County, if located outside the corporate limits, and wherever else deemed necessary by the Planning Commission.

- D. The Planning Commission will consider the Preliminary Plat at a public hearing, of which notice is given in a newspaper of general circulation in Hickman, Nebraska, and will (1) review the preliminary plat and other material submitted for conformity thereof to these regulations and will (2) review any recommendations of the City Engineer, School Board, County Surveyor and other Agencies and will (3) recommend to the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him. The Planning Commission shall act on the plat as submitted or modified, and if approved, the Planning Commission shall express its approval as conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons thereof.
- E. Conditional approval of a Preliminary Plat shall not constitute an acceptance of the plat, but shall be deemed an expression of approval of the layout submitted on the Preliminary Plat.
- F. The action of the Planning Commission shall be noted on or attached to two (2) copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.
- G. If the Planning Commission recommends disapproval or approval, then the City Clerk will order Notice of Hearing before the City Council to be published. The notice must be published at least ten (10) days prior to the Hearing. The City Council may (a) Concur with the Planning Commission's Recommendation; (b) Reverse the Planning Commission's recommendation; or (c) Refer the Preliminary Plat back to the Planning Commission for reconsideration with specific instructions to the Planning Commission.
- H. Approval of a Preliminary Plat by the City Council shall not constitute approval of the Final Subdivision Plat. Rather, the Preliminary Plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the Final Plat. Approval of the Preliminary Plat shall become void after twelve (12) months from the date of such approval.

Section 3: Preliminary Plat and Supplemental Data

- A. Requirement, General: A Preliminary Plat shall be based on legal description generated through a boundary survey of the property to be platted. A Preliminary Plat shall at a minimum meet the design standards set forth in these regulations. Sheet sizes for plats shall be adequate to provide for a scale of one (1) inch equals one hundred (100) feet making it possible to clearly read all necessary information shown thereon.
- B. Requirements, Specific: Preliminary Plats shall include the following information:
 - 1. Identification and description
 - a. Name of subdivision, legal description and owners of property.
 - b. Name of subdivider, engineer, land planner, landscape architect, or surveyor.
 - c. Names of adjacent property owners or subdivisions.
 - d. North arrow, date, graphics scale.
 - e. Vicinity map. A map shall be presented accompanying or included on the Preliminary Plat showing the geographic relationship of the

proposed subdivision to the surrounding area. Features to be noted on the vicinity map include major streets, railroads and public areas. Vicinity maps shall be prepared at a scale of no smaller than one (1) inch equals two thousand (2,000) feet.

- f. Show all existing structures in the area.
- g. Location of drainage channel(s), flood plains and floodways (as indicated by flood insurance maps) with base flood elevation, rock out crop and other significant natural features.
- h. The location of existing trees with trunks twelve (12) inches in diameter or greater, measured two (2) feet above the ground. Wooded areas or clumps of trees may be identified as a group of trees without precisely locating each tree.
- i. All lands and, or subdivisions, shall be shown for a distance of two hundred (200) feet from all sides of land in question showing location, names and width of streets and highways, etc. If proposed plat is a portion of a larger holding intended for subsequent development, preliminary engineering plans for all improvements for the entire holding shall be part of the requirement.
- j. Existing and proposed topographic contours with intervals of five (5) feet. If the subdivision exceeds ten (10) acres, in area or contains unusual topographic features, smaller contour interval may be required by the Planning Commission.
- k. Location, names, widths, and other dimensions of all existing and proposed streets, alleys, easements, section lines, railroad rights-of-way, dedications and reservation of land required and other such important features within and immediately adjacent to the tract.
- l. The location and size of existing and proposed utility lines and facilities including sewer, water mains, culverts or other underground structures, such as natural gas, electrical or telephone lines, within the tract and immediately adjacent thereto. If water mains and sewers are not on or adjacent to the tract, direction and distance to the nearest ones shall be shown including invert elevations of sewers.
- m. Location and dimensions of public ground and proposed public improvements, such as highways, parks or other major improvements planned by public authorities for future construction on or near the tract in accordance with the Comprehensive Plan and these regulations.
- n. The location and dimensions in feet and hundredths of the property lines, lot lines and building envelope with required setback lines.
- o. Total acreage of proposed subdivision, layout and number of lots, layout of blocks and acreages designated to other uses.
- p. A description of proposed curbs, gutters, sidewalks, street surfacing, and street sub-structure.

- q. A clear indication of the proposed course of surface water drainage entering and leaving the proposed subdivision to the point(s) where such water enters a water course, as defined in these regulations.
 - r. When required by the Planning Commission, there shall be furnished profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk.
2. The subdivider or his representative shall be in attendance at City Planning Commission Meeting when Preliminary Plat is discussed.
- C. Fees: A base fee of fifty dollars (\$50.00) plus an additional five dollars (\$5.00) per lot to a maximum of five hundred dollars (\$500.00) shall accompany the filing of the preliminary plat. When applications for a change of zone or special permit are made involving land within the proposed preliminary plat at least four (4) copies of such application shall accompany the filing of the preliminary plat.

Section 4: Procedure for Approval of Final Plat

- A. Final Plats shall be submitted to the City Clerk within one (1) year of approval of the Preliminary Plat unless an extension is granted by the Planning Commission. The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws; and may be comprised of only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. Submittal of any portion of the approved area shall be interpreted as satisfying the one (1) year submission requirement.
- B. An application (Schedule B) and one (1) mylar reproducible copy and ten (10) prints of the Plat original shall be prepared as specified in these regulations and submitted to the Planning Commission for approval at least twenty-one (21) days prior to the meeting at which it is to be considered.
- C. The Planning Commission shall approve or reject the Final Plat and have prepared a recommendation to the City Council recommending approval or rejection. All reasons for recommending rejection shall be clearly stated.
- D. The Final Approval by the City Council shall be by Ordinance after receiving the recommendation of the Planning Commission together with a letter stating that the subdivider has complied with the requirements of these regulations. Notification of approval or rejection by the Planning Commission or the City Council shall be given the subdivider within sixty (60) days after submission of the Final Plat to the Planning Commission.
- E. Upon approval of the Final Plat, a certification of approval by the City Council shall be endorsed thereon by the City Clerk, and the original shall be filed with the Lancaster County Register of Deeds, the reproducible mylar with the City Clerk, and the two (2) prints of the original with the Planning Commission.

Section 5: Final Plat and Required Supplemental Data

- A. **Requirements, General:** Final Plat prepared by a registered engineer and registered land surveyor for recording purposes. Final Plat shall be submitted twenty-one (21) days prior to Planning Commission meeting date, together with ten (10) paper prints, and one reproducible mylar. Two (2) prints to be delivered to the City Engineer for his review.
- B. **Requirements, Specific:** Final Plat, in conformance with the approved preliminary plat, shall include:
1. Identification and Description
 - a. Name of subdivision.
 - b. Name(s) of the owner(s) of the subdivision.
 - c. Name of land planner, landscape architect, surveyor or engineer who prepared the Final Plat.
 - d. Date, north arrow, and scale.
 - e. Location by specific legal description shall meet or exceed the "Minimum Standards for Surveys", as established by the P.S.A.N. in February 1989.
 - f. Property lines and rights-of-way of all existing streets, alleys and other rights-of-way within the subdivision with dimensions given in feet and hundredths.
 - g. Include lands adjoining subdivision for a distance of two hundred (200) feet on all sides, all names of such additions, and streets, together with property lines, lot and block numbers and other designations, (except dimensions, to be shown by broken lines). Dimensions of bounding streets, together with lot dimensions on side adjoining streets shall be shown.
 - h. Accurate location, size, type and material of all monuments, and an indication whether such monuments were found or set.
 - i. Location, dimensions in feet and hundredths of all easements together with the purpose of each.
 - j. If an area is subject to flooding (flood plain), the minimum floor elevation for each lot subject to such flooding shall be indicated.
 - k. Radii, central angles, tangents, lengths of arcs, curvature angles at street intersections and a complete street traverse of each street within and on the perimeter of the plat.
 - l. Proposed streets, cul-de-sacs, (with names), alleys, easements and other dedications and lots of other parcels of land must be accurately dimensioned. All angles other than ninety (90) degree, as required to definitely establish lines or parcels of land must be shown.
 - m. Identification systems for all lots, blocks and building setback lines.
 - n. Locations of markings (in feet and decimals of a foot) of iron pipe, ¾" plus or minus, in diameter and not less than two (2) feet in length at all lot corners and change in alignments of such lines.

- o. Accurate outlines of any area to be dedicated or reserved for public use or acquisition with the purposes indicated thereon. Any area to be reserved by covenant or deed restriction for the common use by the owners in the subdivision shall also be noted and copies supplied, if applicable.
 - p. A notarized certification signed and acknowledged by all parties having any titled interest in, or lien upon the land to be subdivided consenting to the final plat including the dedication of parts of the land for streets, easements, and other purposes (Schedule C).
 - q. A certification signed by the County Treasurer stating that there are no regular or special taxes due or delinquent against the platted land.
 - r. A form for the approval of the Planning Commission.
 - s. A form for the approval of the City Council to be signed by the Mayor and attested to by the City Clerk.
 - t. Certification Statement by Registered Land Surveyor (See Schedule D).
 - u. A form for the approval of the City Engineer.
 - v. A form for Certificate of County Register of Deeds.
2. Construction Plans and Specifications shall be submitted and consist of all cross-sections, profiles and all other engineering data necessary for the proper design and construction of all improvements and installations required by these regulations including but not limited to the following:
- a. Streets,
 - b. Surface Storm Drainage plan within the subdivision,
 - c. Sanitary Sewer System,
 - d. Water System,
 - e. Monuments and Markers,
 - f. Sidewalks and Pedestrian Ways,
 - g. Any construction elements peculiar to the subdivision.
3. Upon approval by the Planning Commission and signature by the Chairman, the Final Plat shall then be submitted to the City Council at their regular meeting for approval, adoption and signature prior to the start of construction, at a public hearing advertised and posted with notice at least ten (10) days prior to the hearing. The subdivider or his representative shall be in attendance at City Planning Commission and City Council Meetings when Final Plat is discussed.
- C. Fees: At the time of filing the Final Plat for processing, the subdivider shall pay the City a fee of twenty-five dollars (\$25.00) plus one dollar (\$1.00) for each lot created in excess of twenty-five (25) lots to a maximum fee of two hundred fifty dollars (\$250.00).

Section 6: Plats Outside Corporate Limits

Procedure for approval of Preliminary and Final Plats of land within one (1) mile of the corporate limits shall be the same as set forth in this Article, except that one (1) copy of the Preliminary Plat shall be referred to the Lancaster County Board with a request for their recommendations to be submitted to the Planning Commission. The Planning Commission shall withhold action on the Plat until receiving the recommendations of the Lancaster County Board. If no recommendation is received within fifteen (15) days and after such time the City Clerk has verified that there are no recommendations, the Plat shall be deemed approved by the Lancaster County Board.

Section 7: Vacation of Plat of Record

- A. **Conditions:** A subdivider may make application to the Planning Commission to vacate any plat of record under the following conditions:
1. The Plat to be vacated is a legal plat of record.
 2. Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties or utility services or other improvements.
 3. Vacation of the subdivision will not be contrary to the Comprehensive Plan.
- B. **Procedures:** The owner or owners shall present a proposal to the Planning Commission, containing the legal description of the subdivision and calling for vacation thereof. The Planning Commission shall study the proposal and shall send recommendations to the City Council. The City Council shall approve or deny the proposal. If the proposal is approved, it shall then be recorded in the office of the Lancaster County Register of Deeds. All fees for the recording of such vacation shall be paid by the subdivider.

Section 8: Replats/Small Tract Subdivision.

Whenever a subdivision or resubdivision of a parcel consists of four (4) or fewer lots, the Planning Commission may waive the separate submission requirements for the Preliminary and Final Plats to expedite the subdivision review process if, in the judgement of the Planning Commission, separate submission will not serve the public interest and will not conflict with the intent of these regulations. Concurrent Plats shall:

- A. Be discussed with the Planning Commission at a scheduled Pre-application Conference, as set out in Section 1 of this article;
- B. Be submitted to the City Clerk at least twenty-one (21) days prior to the next regular meeting of the Planning Commission at which request is to be heard;
- C. Be accompanied by the applications fees and completed application forms as required;
- D. Follow the procedure set forth herein and contain the required information for Preliminary and Final Plats;
- E. A drainage plan showing how run-off generated by the proposed development impacts drainage on downstream drainage systems;

Exceptions: Drainage reports shall not be required for the following:

1. Subdivision of existing tax lots that are primarily developed;
 2. Subdivision of a farmstead that creates not more than two (2) lots and allows for the split of the main residence from the remaining farmstead.
 3. Acreages where lots are not less than one (1) acre in size.
- F. Changes required by the Planning Commission shall be made prior to submission to governing body. Final plans shall be submitted to the City Clerk at least seven (7) days prior to the next regular meeting of the governing body.
- G. A Final Plat, in conformance with Section 5, shall be submitted to the City Council for review and action prior to start of construction. Such hearing shall be posted with notice at least ten (10) days prior to the hearing.

Section 9: Administrative Subdivision.

- A. **Intent:** The intent of this section is to provide for the issuance of building permits in lots divided into not more than four (4) tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Governing Body or its designated agent may approve or disapprove lot splits in accordance with the following regulations.
- B. **Application Procedure:** Requests for lot split approval shall be made by the owner of the land to the City Clerk. Four (4) copies of a scale drawing of the lots involved if there are not structures thereon, or, if structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s) and the location of the structures(s) thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.
- C. **Approval Guidelines:** Approval or disapproval of lot splits shall be made, based on the following guidelines:
1. No lot split shall be approved if:
 - a. A new street or alley is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.: or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
 - d. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - e. All easement requirements have not been satisfied.
 - f. If such split will result in a tract without direct access to a street.
 - g. A substandard-sized lot or parcel will be created.
 - h. If the lot has been previously split in accordance with these regulations.

2. No lot splits shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots.
3. The City Council or its designated agent may make recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy.
4. The City Council or its designated agent shall, in writing, either approve, with or without conditions, or disapprove the lot split within thirty (30) days of application. The Governing Body or its designated agent shall sign and furnish a certificate of approval to be affixed to the lot split survey and a certified copy thereof shall be filed with the Register of Deeds, the Official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.

D. Filing Fee: The filing fee for lot splits shall be set by the Governing Body.

Article 4: Design Standards

Section 1: Minimum Design Standards.

No subdivision shall be approved unless it is in conformance with the requirements of these regulations and the comprehensive plan.

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds, and other common areas for public use so as to best conform with any recommendations of the Comprehensive Plan. Any provisions for schools, parks, and playgrounds should be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate agency.

Land which the Planning Commission has found to be unsuitable for subdividing, due to flooding, bad drainage, steep slopes, rock formation, or other features likely to be harmful to the health, safety, or general welfare of the future residents, shall not be subdivided unless adequate methods for subdivision are formulated by the developer and approved by the Planning Commission that would eliminate or substantially reduce such hazards.

The Planning Commission may require all contiguous land under common ownership to be submitted with the Preliminary Plat in order to evaluate overall development patterns and conformity with the comprehensive plan and issue proper extension of future roads and services.

If a proposed subdivision contains lots which are sufficiently larger parcels than the minimum required lot size of the zoning district, such parcels shall be arranged to permit and the preliminary plat shall show a logical future street and utility system and logical resubdivision.

Section 2: Streets.

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be serviced by such streets. Refer to Schedule E of this ordinance for minimum street standards.

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas adjacent to the area being subdivided. Where, at the determination of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of the subdivision. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least thirty-five (35) feet or other approved design.

The minimum right-of-way widths for streets, alleys and pedestrian ways in Hickman, Nebraska shall be as follows:

<u>Classification</u>	
Arterials	80 feet
Collectors	70 feet
Locals	60 feet (32' paving surface)
Cul-de-sacs	60 foot radius
Alleys	20 feet
Pedestrian Way	10 feet

Section 3: Companion Easements.

In order to promote on-site management of surface drainage or other public dedications, a developer may propose the use of companion easements in lieu of a portion of the required right-of-way for local or collector streets. Such easements shall be for utilities or other public purposes and shall be allowed in proportion to dedicated areas. Such easements may be authorized by the City Council where:

- A. The proposed subdivision contains sufficient area and design that approval of the option will not create a potential problem in the construction of streets,
- B. Where areas for storm drainage control or public purpose are dedicated by easement or where a homeowners association is created and approved to provide perpetual maintenance of such common areas or where the City accepts dedication to the public, and
- C. The required rights-of-way are of sufficient width to accommodate future traffic needs consistent with the recommendations of the Comprehensive Plan and the standards set forth herein.

Section 4: Dedication of Rights-of-way for New Streets.

The dedications of rights-of-way for new streets measured from lot line to lot line shall be shown on the plat and shall meet the right-of-way requirements as stated in Schedule E of this Ordinance. Access to lots located on arterials shall be approved by the City.

Frontage roads or marginal access streets shall be required by the Planning Commission for subdivisions fronting on arterial streets where possible. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

Section 5: Dedication of Rights-of-way for Existing Streets.

Subdivisions platted along existing streets shall dedicate additional right-of-way or easements if necessary to meet the minimum street width requirements set forth in this Ordinance. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way width, measured from the centerline of the existing

roadway, shall be dedicated along with any proposed easements. Dedication of one-half (½) of the right-of-way for a proposed street along the boundaries of land proposed for subdivision shall be prohibited except where essential to the reasonable development of the subdivision and where it is found to be practical and reasonable to require the dedication of the other half of the right-of-way when adjoining property is subdivided.

Section 6: Intersections.

Streets shall intersect as nearly as possible at an angle of ninety (90) degrees, and no intersection shall be at an angle of less than sixty (60) degrees. Street curb intersections shall be rounded by radii of at least twenty (20) feet in residential areas and thirty (30) feet in commercial and industrial areas. When the smallest angle of street intersection is less than seventy-five (75) degrees, the Planning Commission may require curb radii of greater length. Whenever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at such street corner to less than nominal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction. No lot or other parcel of land which abuts on and has access to either a collector or minor street shall have a service drive, curb cut, or other means of access to an arterial street within seventy-five (75) feet of right-of-way or such arterial street. "T" intersections shall be offset a minimum of one hundred fifty (150) feet, centerline to centerline. Intersections of more than two (2) streets shall be avoided.

Section 7: Curves in Streets; Horizontal and Vertical.

A tangent at least one hundred (100) feet long shall be introduced between reversed curves on arterial and collector streets.

Where there is a deflection angle of more than ten (10) degrees in the horizontal alignment of a street, a curve with a radius adequate to ensure safe sight distance shall be made. Minimum requirements shall conform to the standards in Schedule E of this ordinance.

Section 8: Street Grades and Elevations.

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum grades for streets and gutters shall not be less than four tenths (0.4%) of one percent (0.4 feet per 100 feet). The minimum grade for ditches shall be five tenths (0.5%) of one percent (0.5 feet per 100 feet). Storm sewer construction shall be required where necessary to meet these minimum grade requirements. Fill may be used in areas subject to flooding in order to elevate streets and building pads provided such fill will not serve to increase flood elevations. Street grades shall conform to the maximum requirements provided in Schedule E of this Ordinance.

Section 9: Frontage Roads/Marginal Access Streets.

Where a subdivision fronts on or contains an existing or proposed arterial street, the Planning Commission shall require marginal access streets in all situations indicated below or, reverse frontage lots with screen planting located in the non-access arterial street frontage along the

rear of the lots, or such other treatment as may be necessary for adequate protection of properties from the arterial street and to protect and preserve the safety and traffic handling capabilities of the arterial street.

Marginal access streets shall be required by the Planning Commission for subdivisions fronting on arterial streets. If lots back up to the arterial street and such lots have access other than the arterial street frontage a marginal access street may not be required.

Section 10: Street Jogs.

Street jogs with centerline offsets of less than one hundred fifty (150) feet at intersections shall be prohibited.

Section 11: Cul-de-sac Streets.

Minor terminal temporary dead-end streets or cul-de-sacs shall not be longer than six hundred (600) feet and shall provide a turnaround having a radius at the outside of the pavement of at least thirty-five (35) feet and a radius at the right-of-way of at least sixty (60) feet.

Alternative designs for temporary turn-arounds may be approved by the City. The length of a street ending in a cul-de-sac shall be measured from the property corner at the entrance of the dead end street to the farthest point of the cul-de-sac following the centerline of the street.

Section 12: Street Names.

Proposed streets which are in alignment with other existing streets shall bear the name of such streets. The name of a proposed street which is not in alignment with an existing street shall not be similar to the name of any existing street. All north-south streets shall be named; all east-west streets shall be numbered; all diagonal or curvilinear streets shall be named; and the names or designations of cul-de-sacs shall be given the suffix "circle", "court", or "place". To avoid duplication and confusion, the proposed names of all streets shall be approved by the City Council prior to such names being assigned or used.

Section 13: Private Streets and Reserve Strips.

New private streets may be created as part of a planned development district provided such streets are specifically authorized by the Planning Commission and City Council as an exception to the terms of the Ordinance. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality under conditions of approval by the Planning Commission as authorized in these regulations.

Section 14: Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to the provisions of adequate access and circulation, building sites suitable to the needs of the use contemplated, zoning requirements regarding minimum lot sizes, widths and frontages and the limitations or opportunities presented by the topography. Block lengths, except in unusual circumstances, shall not exceed six hundred (600) feet and block widths of three hundred (300) feet. Pedestrian easements ten (10) feet wide shall be provided through or near the

center of blocks more than 600 feet long in order to provide for pedestrian circulation. Pedestrian walkways may also be required to link adjoining cul-de-sacs, regardless of length.

Section 15: Lots.

The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated as stated for each district in the zoning ordinance. All lots shall be developed to channel surface drainage to lot lines and not across adjacent properties. Corner lots for residential uses shall have additional width to permit appropriate building setback distances and orientation to both streets. The subdividing of land shall be such as to provide each lot with satisfactory vehicular access by means of public street or approved private street. Side lot lines shall be substantially at right angles or radial to street lines.

Section 16: Through (Double Frontage) Lots.

Double frontage lots, shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography. Where such lots are used in relation to an arterial street, a landscape screen easement of at least ten (10) feet in width shall be provided along the line of lots abutting such arterial street and the subdivider shall install trees, shrubbery or fences or a combination thereof to screen the residential development from the arterial street and dampen the noise generated by traffic on the arterial street.

Section 17: Sidewalks.

Sidewalks shall be labeled upon the improvement plans and installed by the property owner upon completion of the new primary structure. All required sidewalks shall be a minimum of four (4) feet in width and four (4) inches thick and shall have a cross slope of one-eighth (1/8) inch per foot. However, in multiple family residential developments and non-residential developments said sidewalks shall be of a width suitable for the anticipated traffic but not less than four (4) feet, as determined by the Planning Commission. Except where unusual conditions exist and exception is specifically granted by the Planning Commission, the following shall apply:

- A. In the public way along both sides of all streets within the subdivision, in which case the edge of the sidewalk away from the property line shall normally be placed at a distance of one (1) foot towards the street side.
- B. Parallel to any streets abutting and/or running along the outer perimeter of the subdivision.
- C. All sidewalks shall extend to the street pavement at all intersections at mid-block crossings where appropriate and shall be equipped with handicap access ramps.
- D. In neighborhoods planned as cluster developments, sidewalk locations may be adjusted to accommodate the most efficient pedestrian circulation through and to and from the development.
- E. The Commission may modify the requirements of this section, but only in instances where park, drainage, extreme topographical conditions or other unusual conditions make sidewalk installation non-essential or unnecessary on both sides of the street.

Section 18: Easements.

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least sixteen (16) feet in width - eight feet each side of lot line. A minimum of ten (10) feet, five (5) feet on each side of a lot line, shall be allowed in those zoning districts that require only a five (5) foot side yard.

Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width will be adequate for the purpose of retaining the water handling capacity of the water course.

Section 19: Storm Sewer.

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development shall not exceed an amount greater than twenty-five percent (25%) of the CFS (cubic feet per second) runoff rate of the pre-developed area based upon cultivated row crops and a ten (10)-year storm event. In determining the size or type of storm sewer the design shall be sufficient to handle all computed runoff at the point in question. For large drainage areas, the City may require cross drainage structures such as culverts, bridges, etc.

Section 20: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall be flood proof in accordance with the flood hazard zoning provisions of the Zoning Ordinance.

Section 21: Conformance with Other Regulations.

No Final Plat of land within the City or its jurisdictional area shall be approved unless it conforms with existing zoning regulations unless waived by the Planning Commission and City Council in accordance with these regulations. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in other regulations the highest standard shall govern.

Article 5: Required Improvements

Section 1: General.

The subdivider shall design and construct improvements using standards not less than the standards outlined in this Ordinance. All such plans shall be approved by the Planning Commission and City Council upon recommendation of the City Engineer.

The work shall be done under the supervision and inspection of the City and shall be completed within the time limitations established herein. The minimum requirements for materials shall be in accordance with specifications approved by the City. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health shall be the minimum standards required thereof.

All inspection costs and costs for required tests shall be paid by the subdivider.

Section 2: Monuments and Markers.

Concrete monuments shall be located at all quarter section points or other reference points tied to the federal land survey on the boundaries of or within the area being platted.

Section 3: Monument Construction.

Monumentation shall meet or exceed the "Minimum Standards for Surveys" as adopted by the Professional Surveyors Association of Nebraska in February 1989. These standards are as follows:

- A. The surveyor shall establish or confirm the prior establishment of permanent monuments at each corner on the boundary lines of the parcel being surveyed. Monuments shall be solid and substantially free from movement. In such cases where the placement of a permanent monument at the true corner is impractical because of instability or is likely to be destroyed, the surveyor shall set a corner accessory monument and show its relationship by dimension to the true corner.
- B. The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of an iron pipe or steel rod with a minimal diameter of five-eighths inch ($\frac{5}{8}$ ") and minimal length of twenty-four (24) inches. When extenuating circumstances dictate, the surveyor may use such monuments (i.e., nail and washer) that have a probability of permanence. Where a corner or a line falls on or within a wall, column line or other physical feature and the placement of a monument is not feasible, the wall, column line or physical feature shall become the monument by reference thereto.
- C. In addition, monuments shall be set at all block corners, lot corners, deflection points and points of curvature, except in cases where it is deemed clearly unreasonable or infeasible by the City Council.

Section 4: Street Grading and Construction.

All streets shall be graded to a minimum fifteen (15) feet back of the curb or edge of pavement and to within six (6) inches of the street grade. Minimum requirements for pavement construction shall be in accordance with the specifications approved by the Planning Commission and City Council.

Higher design standards may be required by the Planning Commission and City Council to provide for unusual soil conditions or extra-ordinary traffic volumes or other abnormal characteristics.

Curbs and gutters shall be required for all streets within the boundaries of the subdivision unless excepted by the Planning Commission in accordance with the terms of this Ordinance.

Section 5: Street Signs and Lighting.

At least one (1) street sign shall be installed at each street intersection within or on the perimeter of the subdivision and shall be located in the northeast corner thereof, whenever possible, and within the area between the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. For development within the corporate limits, the City shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary.

All utilities in new subdivision, including lighting, shall utilize underground wiring and easements for such wiring shall be indicated on the plat.

Section 6: Sidewalks.

Sidewalks shall be provided in conformance with the requirements of Article 4, Section 17 and shall be constructed of Portland cement concrete or other acceptable material as approved by the Planning Commission. Sidewalk thickness shall not be less than four (4) inches. The subdivider need not install such sidewalks until building construction is completed on a lot by lot basis to avoid damage by heavy equipment. Sidewalks shall be constructed on any undeveloped lot within six (6) months, by the owner, after a directive from the City.

Section 7: Landscape Screens.

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. The design of the landscape screen shall be reviewed and approved by the Planning Commission in accordance with such professional assistance as the City may require.

Section 8: Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. Culverts shall be constructed and installed whenever necessary as determined by the Planning

Commission to provide adequate drainage in accordance with recommendations of the City Engineer. In addition, the developer shall submit, unless specifically waived by the Planning Commission, a drainage report prepared by a registered professional engineer or surveyor as to the existing and proposed drainage conditions. A preliminary report shall be included on the Preliminary Plat. The final report shall be attached to the Final Plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

A. The Preliminary Plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

B. The Final Plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm.

C. Drainage Requirements. The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers determined to be necessary by the Planning Commission upon recommendation of the City Engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and installed in accordance with plans approved by the City Council upon recommendation by the City Engineer.

D. Drainage System Standards. All streets shall be provided with an adequate storm drainage system of curbs, gutters and storm sewers or side ditches.

Curb drainage inlets shall be provided at appropriate intervals along streets with curbs and gutter drainage. Where inlets connect to storm sewers, a drain inlet structure and a protective grating shall be installed.

All streets having curb and gutter on which storm water flows across intersections shall be provided with concrete cross gutters at such intersections.

All off-street drainage swales and ditches shall be protected by drainage easements noted on the Final Plat. Where water courses would cross lots diagonally, the subdivider shall straighten such course and shall substantially follow lot lines.

- E. Storm Drain Responsibility. The subdivider shall be responsible for the entire cost and expense for the construction of all storm drain systems; provided, however, that the City, through the City Council, may agree to contribute to and pay up to one-half the difference in cost as determined at the time of approval between the storm drain system requiring a storm drain thirty-six (36) inches in diameter and one requiring a storm drain over thirty-six (36) in diameter for plats located within the City limits, or to be annexed with final plat approval. City contribution shall be limited to the available funds appropriated for such purposes in the current fiscal year's budget, provided if requests for such subsidies exceed available funds appropriated for such purposes, the City Council may establish by resolution, a system of priorities upon which to base City contributions. The dollar amount of City participation for a particular subdivision shall be determined by the City Council as of the date of acceptance of the Final Plat of such subdivision and shall be set forth in the ordinance approving and accepting such Final Plat. The City's agreement to make such a contribution shall lapse if the storm drains are not constructed by the subdivider within two years after the date of acceptance of the final subdivision. The subdivider shall be responsible for the installation and maintenance of open ditches for surface drainage where permitted.

Section 9: Sanitary Sewer.

A sanitary sewer system shall be designed and constructed by the subdivider for all lots in the proposed subdivision. The following requirements shall apply:

- A. Type of Improvements. Within the corporate limits, a sanitary sewer collection system including all pipes and manhole shall be provided and said collection system shall be connected to the public sewage system in accordance with plans acceptable to the Planning Commission and City Council.

Within the jurisdictional areas of the City but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public sewer, either existing or to be existing within one (1) year from the date of application for final plat approval, or that said sewer is located within five hundred (500) feet of the proposed subdivision or can be reached if the cost of installing lateral and connecting sewers from all lots shown upon said plat, exclusive of connections from individual structures; is equal to or less than one hundred fifty (150) percent of the cost of installing a private sewage collection and disposal system for all lots, then adequate lateral and connecting sewers to said public sewer system shall be constructed.

If the subdivision is not located relative to a public sewer system, a private collection and treatment system acceptable to the City Council and appropriate to the Nebraska Departments of Health and Environmental Quality may be used. However, the City may require the developer to provide a plan for future extension of utilities including permanent easements. If on-site disposal is proposed, the subdivider shall document acceptable percolation rates on each lot and such lots shall be adequately sized to allow for the installation and safe operation of such systems in conjunction with any proposed water supply or well location.

- B. Standards. When applicable, improvement plans for a permanent sewage system shall be provided showing pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, treatment facilities if applicable, and the location, type and size of all lift or pumping stations.

Design Standards of said system shall be subject to the approval of the City in accordance with the following standards:

1. At least eight (8) inch sewer lines will be installed.
2. At least four (4) inch service connections from the sewer line to the property line of each lot will be installed with the location marked.
3. Manholes will be provided at all interceptor and lateral junctions, at the end of each line, and at all changes in direction, grade and size.

Design standard of said system shall be in general compliance with the requirements of the State Department of Environmental Quality.

Section 10: Water System.

A water distribution system shall be designed and constructed by the subdivider to provide adequate water service to all lots in the proposed subdivision. The following requirements shall apply:

- A. Type of Improvement. Within the corporate limits, a water distribution system including all pipes, fire hydrants, valves and other appurtenances shall be provided and said distribution system shall be connected to the public water system in accordance with plans acceptable to the Planning Commission and City Council.

Within the jurisdictional area of the City but outside the corporate limits, if a proposed subdivision is so located with regard to an adequate public water supply line, either existing or proposed within one (1) year from the date of application for Final Plat approval or that said water line is located within five hundred (500) feet of the proposed subdivision or can be reached if the cost of connecting to said water line and installing an adequate distribution system to all lots shown upon said plat, exclusive of connections from individual structures, is equal to or less than one hundred fifty (150)

percent of the cost of installing an individual water supply system for all lots, then adequate connecting lines to said public water system shall be constructed.

If the subdivision is not so located relative to a public water line, the City may authorize a community well system. In addition, the City may require a plan for future extension of such utilities, including permanent easements, for utilities throughout the proposed subdivision.

- B. Standards. When applicable, improvement plans for a permanent water system shall be provided showing pipe sizes, type of pipe, locations of fire hydrants and valves and, if applicable supply facilities, booster pumps, elevated or ground level storage tanks and other appurtenances.

Design Standards of said system shall be subject to the approval of the City in accordance with the following standards;

1. The minimum main or pipe size shall be determined by the type of uses to be served and the provision of adequate fire flow capacities. Generally, water lines shall be at least six (6) inches in diameter.
2. The maximum distance between fire hydrants shall be determined by the City, but generally any portion of the proposed subdivision shall be within three hundred (300) feet of a fire hydrant.
3. Gate valves on cross-connecting water lines shall be so located that no single break in the distribution system shall require more than five hundred (500) feet to be out of service in Commercial and Industrial districts or eight hundred (800) feet in other districts.

Valves or cross connecting mains shall be so located that a break in the secondary distribution system will not necessitate shutting down major distribution lines.

Design standards of the water distribution system shall be in compliance with the requirements of the Nebraska Department of Health and Human Services.

Section 11: Cost of Over-Size Improvements.

Minimum street pavement widths for streets shall conform to the standards established in Schedule E of this Ordinance. Minimum utility sizes shall be determined by the standards of the City with regard to providing service to the subdivision in question. Where pavement widths or larger pipe or main sizes are deemed necessary by the Planning Commission and City Council, the City may choose to bear the extra cost of providing such greater width or larger pipe or main sizes. The subdivider shall be required to pay for that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Planning Commission and City Council. The City shall pay the remainder of the costs.

Section 12: Extensions to Boundaries.

The subdivider may be required to extend all necessary improvements to the boundaries of the proposed subdivision at his expense to allow for service to future anticipated developments on adjoining lands, as determined by the Planning Commission and City Council.

Section 13: Off-Site Extensions.

If streets or utilities are not available at the boundary of the proposed subdivision or within the distances or costs established in Sections 11 of this Ordinance and the Planning Commission determines that extensions across undeveloped areas are not warranted, the subdivider, if he wishes to proceed with the development, shall pay the cost of such off-site improvements and provide for appropriate off-site easements prior to the approval of the Final Plat. Such improvements shall be available for connections by subdividers of adjoining lands subject to City approval.

If the City elects to participate in the extension of street, utilities or other public improvements across such tracts, the City Council may establish a connection fee to said lines as reimbursement for the construction of such lines.

Section 14: Land Preparation.

Any cut, fill and compaction of land within, and if applicable, adjacent to the subdivision, shall be accomplished in accordance with design standards of the City or as approved by the City Engineer. To control erosion and sedimentation during and after land preparation, the subdivider, his successors and assigns shall provide for disturbing only the areas needed for construction; removing only those trees, shrubs and grasses that must be removed by construction; installing required sediment basins and diversion dikes before disturbing the land that drains into them; and temporarily stabilizing each segment of graded or otherwise disturbed land by seeding and mulching or by other approved methods. As land preparation is completed, the subdivider, his successors and assigns shall permanently stabilize each segment with perennial vegetation and structural measures. Diversion dikes and sediment basins shall be leveled after areas that drain into them are stabilized, and permanent vegetation shall be established on those areas. Sediment basins that are to be retained for storm water detention shall be seeded to permanent vegetation no later than nine (9) months after completion of the sediment basins and shall be permanently maintained by the subdivider or his successors and assigns.

Article 6: Dedications and Reservations of Public Land

Section 1: Dedication.

As a condition of Final Plat approval, the subdivider shall dedicate to the public all streets and alleys as may be required by the Planning Commission and City Council. If such streets and alleys are not to be dedicated and are to be developed as private streets, the subdivider shall make adequate provision for an owner's association with direct responsibility to and control by the property owners of the subdivision, to provide for the maintenance of all such private streets and alleys and the removal of debris and snow therefrom so as to maintain adequate access at all times for fire, police, sanitation, utility and emergency vehicles. Legal assurances shall be provided which show that the association is self-perpetuating and has the authority to collect assessments from owners of property within the subdivision to accomplish these and other related purposes.

Such provisions shall also provide for agreement of the property owners that if the City is requested or required to perform any maintenance or snow removal from such streets in order to maintain adequate access, said owners shall pay the costs thereof to the City and that if not paid, the same shall become a lien upon the properties until such costs are paid in full.

Section 2: Reservation and Dedication of Public Land and Open Space.

Before Preliminary or Final Plat approval is given, the subdivider shall reserve at least ten percent (10%) of the total property suitable for parks, playgrounds, open space and other common areas for public use in conformance with the Comprehensive Plan, as determined by the Planning Commission and City Council. Reservation of land for public acquisition and/or use shall be for a period not to exceed two (2) years from the date the plat is officially recorded unless otherwise provided for in these regulations. If such reserved site is not acquired by the City or other governmental entity within said two (2) year period, the subdivider may then re-subdivide the site for alternative purposes and sell any or all of the site.

Where a park, playground, school, or other site for public use indicated in the Comprehensive Plan is located in whole or in part in the applicant's subdivision the Planning Commission and City Council may require the immediate acquisition, reservation or accept the dedication of such area. Where necessary, the Planning Commission and City Council may require subdivider to reserve up to twenty percent (20%) of the total property for public use.

Section 3: Preservation of Land.

In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which, if preserved, will add attractiveness and value to the subdivision and to the area. The Planning Commission may prepare a list of all such features within its Area of Planning Jurisdiction which it deems worthy of preservation.

Article 7: Improvement Procedure

Section 1: Improvements Financing, General

In order to provide consistent information concerning the financing of required subdivision improvements; establish an equitable division of costs between the developer and City; and to insure orderly, cost effective growth in Hickman, the City Council shall require that the developer pay for the following services and improvements indicated as part of the subdivision process.

- A. All costs associated with the preparation and revisions to the Preliminary Plat including but not limited to surveying, preliminary grading, drawings, and related services.
- B. Unless otherwise agreed to by the City in a Subdivision Improvements Agreement (Assessment District), the developer shall pay for all preparation of all items related to the Final Plat and those improvements and related costs contained in Article 5.

Section 2: Subdivision Improvements Guarantees.

Prior to the Final Plat approval, but after approval of all improvements plans and specifications, the subdivider shall complete all improvements required for the subdivision. Final Plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City Council.

In lieu of requiring the completion of all improvements prior to the Final Plat approval, the City Council may enter into an agreement with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this Ordinance and approved by the Planning Commission and City Council in a manner satisfactory to the City Council. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one (1) or more of the guarantees set forth in Sections 3, 4 and 5 below.

Section 3: Surety Performance Bond.

The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover one hundred ten (110) percent of the cost of all improvements, as estimated by the subdivider and accepted by the City Council upon recommendations of the City Engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council in accordance with Section 6 of this Ordinance.

Section 4: Escrow Account.

The subdivider shall deposit cash, or another instrument readily convertible to cash at face value, either with the City Council or in escrow with a bank. In lieu of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to one hundred ten (110) percent of the estimated cost of all

required improvements as estimated by the subdivider and accepted by the City Council upon recommendation of the City Engineer.

In the case of an escrow account, the subdivider shall file with the City Council an agreement between the bank and himself guaranteeing the following:

- A. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during that period.
- B. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City Council for use in completion of the improvements.

Section 5: Improvements (Assessment) District.

The developer may request the City to create Improvement (Assessment) Districts to allow for the financing of improvements within the subdivision. Depending on the City's financial condition, the City Council may or may not grant the subdivider's request. In the event the City creates assessment districts, the subdivider shall deposit with the City funds equal to twenty (20) percent of the cost of improvements as determined from engineers estimates prior to receipt of bids and award of contracts. The City may finance up to eighty (80) percent of the cost of construction of said improvements.

Section 6: Time Limits.

Prior to the granting of Final Plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all improvements. Such dealings shall not exceed two (2) years from the date of Final Plat approval, provided, however, the City Council may extend that deadline for one (1) additional year where the subdivider presents substantial reason for doing so and provides any additional performance surety made necessary due to inflation or increased cost of completing the improvements.

Section 7: Installation of Improvements.

Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

- A. They may install the required improvements upon acceptance of plans and specifications being approved by the City Council.
- B. They may submit a petition or petitions requesting the City to construct street surfacing, sanitary sewer, and water mains in the proposed subdivision by the district method. In that event, the developer shall have plans and specifications prepared and pay all costs for same, approved by the City staff, City Engineer, and City Council for all such improvement districts. The City shall assess the costs of such improvements to the adjacent property as provided by law.

Section 8: Plan Review Reimbursement.

The subdivider or Sanitary and Improvements District shall reimburse the City such costs incurred by the City for Plan Review, Plan Check, and Plan Approval as to conformance with approved City Standards and Specifications, but such costs shall not exceed one (1) percent of the total contracted cost for improvements in the subdivision.

Section 9: Failure to Complete Improvements.

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 10 below within the required time period, either for reason of non-completion or for reason of substandard and unacceptable construction, the City Council shall do one (1) of the following:

- A. Where improvements have been guaranteed under Section 3 of this Ordinance, the bond shall be forfeited to the City.
- B. Where improvements have been guaranteed under Section 4 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.
- C. Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

Section 10: Inspection and Certification.

The City Engineer or other authorized person shall regularly inspect construction of required improvements for defects. Upon completion of the improvements, the City Engineer or other authorized person shall file with the City Council a statement either certifying that the improvements have been completed in the specified manner or listing defects in those improvements which do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider shall file with the City Council a statement stipulating the following:

- A. That all required improvements are complete.
- B. That these improvements are in compliance with the minimum standards specified by the Planning Commission and City Council.
- C. That the subdivider knows of no defects from any cause in the improvements.
- D. That these improvements are free and clear of any encumbrances or lien.

If the City Engineer or other authorized person has certified that the improvements are complete and free from defect, the City Council shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

Section 11: Reduction of Guarantees.

In those cases where improvement guarantees have been made under Section 3 or 4 of this Ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 2 of the dedication and acceptance of a portion of the improvements.

Section 12: Release of Guarantees.

Upon acceptance, in accordance with Sections 1 and 2 of this Ordinance, the City Council shall authorize the release of the performance bond or the remaining portion of the escrow.

Section 13: Operation and Maintenance.

It is the intention of the City to provide no services other than planning, zoning and subdivision regulations administration to the jurisdictional area beyond the corporate limits of the City. Therefore, it shall be the obligation of the subdivider to present to the Planning Commission and City Council, a precise approach for the operation and maintenance of improvements in the subdivision. Said approach may include formation of districts, homeowners associates or other methods to operate and maintain such improvements. Said approach shall be binding on the subdivider in a form, agreement, or contract acceptable to the City Council.

Article 8: Waivers, Annexations, Amendments

Section 1: Granting of Waivers and Conditions.

In addition to the exceptions contained in this Ordinance and whenever the tract to be subdivided is of such unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice, the Planning Commission may recommend and the City Council may modify such requirements or grant waivers from the provisions of these regulations, but only after determining the following:

- A. There are unique circumstances or conditions affecting the property that are not the result of actions by the subdivider.
- B. The waivers are necessary for the reasonable and acceptable development of the property in question.
- C. The granting of the waivers will not be detrimental to the public or injurious to adjacent and nearby properties.

The minimum improvements set forth in Article 7 of these regulations shall be required unless specifically and individually waived by the City Council.

Section 2: Planned Unit/Cluster Developments.

The Planning Commission and City Council may also grant reasonable waivers to these regulations if the subdivider concurrently submits an application for, and obtains approval of, a Planned Unit Development of cluster development. The subdivider shall indicate where the plans vary from the requirements of this Ordinance and shall present evidence to support such requests.

Section 3: Subdivision; Annexation of Adjoining or Contiguous Properties.

All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the municipality for all purposes whatsoever, upon approval of and acceptance by Ordinance of the City Council. Rel §§ (Sec. 19-916)

Section 4: Subdivision; Petition for Annexation.

Any subdivision in which there are lands dedicated to the City or any subdivision serviced by public utilities shall be annexed to the City. Before approval for the Final Plat is given, the Governing Body shall receive a Petition for annexation from the owners of the subdivided properties.

Section 5: Amendments.

Any provision of this Ordinance may be amended, supplemented, changed, modified, or repealed from time to time by the City Council according to law, provided however, that such amendments, supplements, changes, modification or repealed provisions shall not become effective until after the study, written report and recommendation through public hearing by the Planning Commission to the City Council.

Article 9: Administration/Enforcement

Section 1: General.

The following apply towards administration of this Ordinance:

- A. It shall be the duty of the Zoning Administrator to enforce these regulations and to bring to the attention of the Planning Commission and City Council any violation or lack of compliance herewith.
- B. No owner, or agent of an owner, of any parcel of land located in a proposed subdivision shall transfer or sell any parcel before a plat of such subdivision has been approved by the Planning Commission and City Council in accordance with the provisions of these regulations, and filed for record with Lancaster County Register of Deeds.
- C. The subdivision, including re-subdivision, of any lot or any parcel by the use of metes and bounds description for the purpose of sale, transfer or lease which would evade these regulations shall not be permitted. All such subdivisions shall be subject to all the requirements contained in these regulations.
- D. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided, sold, transferred or leased in violation of the provisions of these regulations.

Section 2: Fees for Parks and Open Spaces.

To aid the acquisition of parks and open spaces as needed or as indicated in the Comprehensive Plan, each residential subdivider shall deposit with the City Clerk, a sum set by the City Council, based on the total number of lots in the Final Plat. Where the subdivider dedicated land for a proposed park, playground, school or other public use, other than streets and alleys, and as provided the fees are waived equal to no more than fair market value as determined by the County Assessor, of the property dedicated. Any fees received shall be reserved and used for public park land acquisition.

Section 3: Violation/Penalties.

Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be guilty of a misdemeanor and shall be punishable by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) plus the cost of prosecution for each violation, and in default of payment of such forfeiture and costs, imprisonment in the county jail until payment thereof for a period not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense and shall be punishable as such.

Article 10: Legal Status Provisions

Section 1: Separability.

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 2: Repeals.

All Ordinances of the City inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed. The repeal of any of the above mentioned does not revive any other ordinances or portions thereof repealed by said Ordinances. Such repeals shall not affect or prevent the prosecution or punishment of any person for the violation of any Ordinance repealed hereby, for any offense committed prior to the repeal.

Section 3: Effective Date.

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

Section 4: Adoption.

This Subdivision Ordinance was adopted and approved this ____ day of _____, 1998 by the City Council of the City of Hickman, Nebraska.

(seal)

(Mayor)

ATTESTED: _____
(City Clerk)

**SCHEDULE A
APPLICATION FOR PRELIMINARY PLAT**

LEGAL DESCRIPTION AND GENERAL LOCATION

CITY USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

SUBDIVIDER

Name: _____

Address: _____

Telephone: () _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____

Address: _____

Telephone: () _____

OWNER

Name: _____

Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: _____

Address: _____

Telephone: () _____

NAME OF PRELIMINARY PLAT: _____ NUMBER OF LOTS: _____

1. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes___ No___. If yes, please describe the nature of such interest: _____

2. Will the preliminary plat require any zoning or other action (rezoning, Planned Development, conditional use, or vacations) to complete the development? Yes___ No___. If yes, please describe the nature of the action: _____

3. Does the preliminary plat deviate from the requirements of the Land Subdivision Ordinance of the City of Hickman or the City's Design Standards? Yes___ No___. If yes, please state each deviation, how the proposal meets the intent of the subdivision ordinance and why the proposal should be accepted (additional sheets may be added): _____

4. Is any part of the land within the preliminary plat within a flood plain? Yes___ No___. If yes, please include the following information: Hydrological and grade information to determine frequency and extent of inundation of flood waters; location of proposed use and type of use; areas of habitation and employment to include location, size and floor elevation of any structures, location and elevation of parking areas, use, location and elevation of open space; all plans and other information conform to Development Standards; limits of the flood plain; amount of Fill Material brought into the flood plain; a certificate that grading will not result in any increase in the flood plain. (additional sheets may be added).

Applicant's Signature: _____

Date: _____

**SCHEDULE B
APPLICATION FOR FINAL PLAT**

LEGAL DESCRIPTION AND GENERAL LOCATION

CITY USE ONLY

RECEIPT NO: _____

DATE: _____

PRELIMINARY PLAT #: _____

FEE PAID \$ _____

SUBDIVIDER

Name: _____

Address: _____

Telephone: () _____

AGENT (Authorized to act on Subdivider's behalf):

Name: _____

Address: _____

Telephone: () _____

OWNER

Name: _____

Address: _____

Telephone: () _____

ANY OTHER ASSOCIATES:

Name: _____

Address: _____

Telephone: () _____

NAME OF FINAL PLAT: _____ NUMBER OF LOTS: _____

- a. Does the subdivider have any interest in the land surrounding the preliminary plat? Yes ___ No ___.
If yes, please describe the nature of such interest: _____

- b. Will the preliminary plat require any zoning or other action (rezoning, Planned Development, conditional use or vacations) to complete the development? Yes ___ No ___. If yes please describe the nature of the action: _____

- c. The final plat is based upon the preliminary plat for _____, approved by the City Council on _____, 19___, Resolution No. _____

- d. Is the final plat consistent with the approved preliminary plat? Yes ___ No ___. If not, please explain the proposed changes and the reasons therefore:

- e. Have all the improvements required by the preliminary plat been completed? Yes ___ No ___ (Please check the Planning Commission's letter indicating the approval of the preliminary plat.) If not, which improvements have not been completed:

Applicant's Signature: _____ Date: _____

**SCHEDULE D
SURVEYOR'S CERTIFICATION**

I, _____ hereby certify that I am a professional land surveyor, registered in compliance with the laws of the State of Nebraska, that this plat correctly represents a survey conducted by me or under my direct supervision on _____, that any changes from the description appearing in the last record transfer of the land contained in the final plat are so indicated, that all monuments shown thereon actually exist as described or will be installed and their position is correctly shown and that all dimensional and geodetic data is correct.

(signature) _____

(seal) _____

This plat of _____ Addition has been submitted to and approved by the Hickman Planning Commission this _____ day of _____, 19__.

Chairperson

ATTEST:

Secretary of Planning Commission

This plat approved by the City Council of Hickman, Nebraska, this ____ day of _____, 19__.

Mayor

ATTEST:

City Clerk

[A blank space for noting entry on the transfer record in the following form:]
Entered on transfer record this _____ day of _____, 19__.

Register of Deeds

**SCHEDULE E
MINIMUM STREET STANDARDS**

Street Classifications	Minimum Right-of-Way	Pavement Width (ft.)	Minimum Number of Traffic Lanes	Maximum Grade (%)	Minimum Centerline Radius (ft.) (Curve Data)	Minimum Sight Distance (VC)
Arterial Street	80'	44'	2	6	700	400'
Collector Street	70'	36'	2	10	300	300'
Local Street	60'	32'	2	10	200	200'
Cul-De-Sac and Loop Street	60' radius	35' radius	2	10 (average)	100	300'
Marginal Access (Frontage Road) (No Parking)	50'	25'	2	8	100	300'
Minor Streets (No Parking)	50'	27'	2	10	200	200'

1. Pavement width measured back to back of curb.
2. Minimum right-of-way radius for the cul-de-sac turnaround shall be sixty (60') minimum pavement radius for the cul-de-sac turnaround shall be thirty-five (35') feet.
3. Developer shall not be responsible for providing improvements wider than 32' at his expense.

HICKMAN, NEBRASKA
ZONING ORDINANCE

ADOPTED
MAY 12, 1998

ORDINANCE No. 98-2

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CITY OF HICKMAN, NEBRASKA

ZONING ORDINANCE

Ordinance No. 98-2

ARTICLE 1: TITLE AND PURPOSE

Section 1: Title

This Ordinance may be known and may be cited and referred to as the Zoning Ordinance of the City of Hickman, Nebraska.

Section 2: Purposes

This ordinance has been made in accordance with a comprehensive plan and to promote the health 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.

ARTICLE 2: DEFINITIONS

Section 1: Rules

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

- 1.01 Words and numbers used singularly shall include the plural. Words and numbers used plurally shall include the singular. Words used in the present tense shall include the future.
- 1.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
- 1.03 The word "shall" is mandatory.
- 1.04 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.
- 1.05 The word "commission" shall refer to the Planning and Zoning Commission of Hickman, Nebraska.
- 1.06 Where there is a discrepancy within this ordinance, the most restrictive shall apply.

Section 2: Definitions.

For the purpose of this zoning ordinance, the following words and terms as used herein are defined as follows, unless the context clearly indicates otherwise. Certain articles or divisions hereof contain definitions which are additional to those listed herein.

Accessory Building or Use is a building or use which exhibits the following:

- 1) Constructed or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
- 2) Clearly incidental to, subordinate in purpose and area to, and serves the principal use.
- 3) Satellite Dishes.

Agriculture is the use of land for the purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, managements, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and any other agricultural or horticultural use.

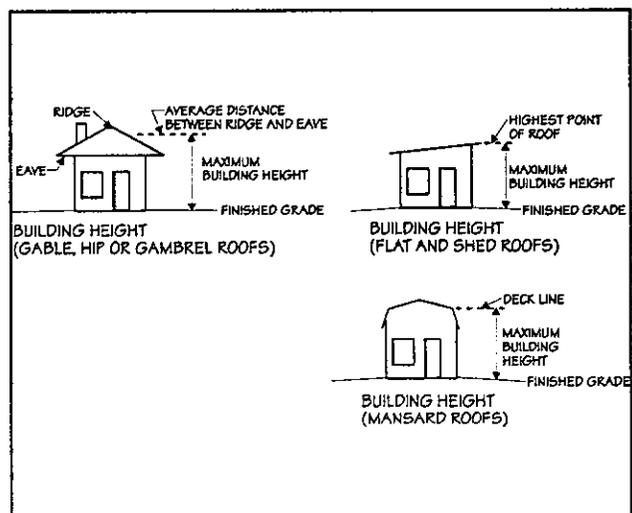
Alley is any public or private way set aside for public travel of not less than sixteen (16) feet.

Automobile Wash Facility is a building, or portion thereof, containing facilities for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

Basement is a story of a building having part but not more than one-half (1/2) of its lowest story below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a domestic employee on the premises.

Boarding House/Bed and Breakfast is a building other than a hotel or a motel, where, for compensation and by prearrangement for definite periods, meals, lodging, or lodging and meals, are provided. This includes bed and breakfast facilities and tourist homes accommodating not more than twenty persons.

Building is any structure constructed or intended for residence, business, industry for either public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, house trailers, and similar structures whether stationary or movable.



Building, Height of For a flat roof is the vertical distance measured from the established grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean level between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections, other than signs, shall not be included in calculating the height. The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the roof.

Building, Principal is a building, including covered porches and paved patios, in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

Building Setback Line is a line measured from the front property line beyond which no building or structure may be erected. On an irregular shaped lot such line shall be set at a point where the lot meets the minimum lot width or zoning district setback, whichever is greater.

Campsite is a parcel of land occupied or intended for occupancy by only one of the following: tent, tent trailer, pickup camper or camping trailer.

Cellar is that portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

Child Care Center is an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or educations for 15 or more unrelated children. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

Child Care Home is an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or educations for 14 or fewer unrelated children. In addition to these regulations, Child Care Home shall meet all requirements of the State of Nebraska.

Clinic, Medical or Dental is an organization of specializing physicians and/or dentists who have their offices in a common building. A clinic shall not include in-patient care.

Club, Private consists of buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

Commission is the Planning Commission of the City of Hickman unless the context clearly indicates otherwise.

Condominium is a multi-unit residence, the dwelling units of which are individually owned and the grounds and common areas of which are in joint ownership.

Coverage is the percentage of the lot covered by buildings and structures.

District is a section(s) of the zoning area for which this ordinance governing the use of the land, the height of buildings, the size of yards and the intensity of use are uniform.

Drive-in Establishment is a place of business being operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their automobiles or allows the consumption of any food or non-alcoholic beverage outside any completely enclosed structures. If, in addition to the consumption of food or non-alcoholic beverages in automobiles or elsewhere on the premises outside any completely enclosed structure, an establishment also allows for the consumption of such products within a completely enclosed structure, it shall be considered a drive-in establishment. The term "drive-in establishment" shall include, but is not limited to automobile service stations, auto laundries, drive-in restaurants, diners, grills, luncheonettes, sandwich stands, snack shops, soda fountains or short order cafes, banks, and drive-in theaters.

Dwelling, Attached is one which is joined to another dwelling unit at one or more sides by a party wall or walls. Generally, such units are intended for individual ownership.

Dwelling Detached is one which is entirely surrounded by open space on the same lot.

Dwelling, Manufactured Home 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 United States Department of Housing and Urban Development.

Dwelling, Mobile Home 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 roller, 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 motive 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.
- 2) Permanent Foundation: Based 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" below the final ground level.

Dwelling, Modular is considered a conventional type single-family dwelling. Any prefabricated structure, used for dwelling purposes moved on to a site essentially complete constructed condition, in one or more parts and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it

shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health under the authority granted by Section 17-1555 through 17-1567 Revised Statutes of Nebraska 1943, 2nd any amendments thereto, that do not meet the above criteria shall be considered a mobile home.

Dwelling, Multiple-Family is a building or portion thereof, containing three (3) or more dwelling units.

Dwelling, Single Family a building having accommodations for or occupied exclusively by one family, excluding mobile homes but including manufactured homes which meet all of the following standards:

- 1) The home shall have no less than nine hundred (900) square feet of floor area;
- 2) The home shall have no less than an eighteen (18) foot exterior width;
- 3) The roof shall be pitched with a minimum vertical rise of two and one-half (2) ½ inches for each twelve (12) inches of horizontal run;
- 4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
- 5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
- 6) The home shall be placed on a permanent continuous foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and;
- 7) the home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

Dwelling: Town-House is one of a group or row of not less than three nor more than twelve attached, single-family dwellings designed and built as a single structure facing upon a street or place and in which the individual town-houses may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the town-or group of town-houses shall be considered as one building occupying a single lot.

Dwelling, Two-Family is a building containing two (2) dwelling units.

Dwelling Unit consists of one or more rooms which are arranged, designed or used as separate living quarters by a single family, or other group of persons living together as a household or a person living alone. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

Family One (1) or more persons occupying a single dwelling unit, provided, that all members are related by blood, marriage, or adoption, and living as a single housekeeping unit. A family may include, in addition, not more than three people who are unrelated, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Farming is the growing of farm products such as grain, and their storage, as well as the raising of farm poultry and farm animals. Farming shall not include the operation of a commercial feedlot.

Feedlot or Feed Yard, Commercial shall mean a place where the principal business is the feeding of one hundred or more head of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part. All such operations shall be conducted in conformance with all applicable state and federal regulations.

Floodplain is that area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater and which has been designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources, or the Federal Emergency Management Agency.

Flood Proofing is a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

Floodway is the channel of the stream or body of water and those portions of the adjoining floodplains designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources or the Federal Emergency Management Agency as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water.

Floor Area is the total number of square feet of floor space within the exterior walls of a building, not including storage space in cellar or basements and not including space used for the parking of automobiles.

Frontage is all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Grade (a) For buildings having walls adjoining one street only, the elevation of the sidewalks at the center of the wall adjoining the street. (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets. (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street and where no sidewalk exists the sidewalk grade shall be established by the department of public works and utilities.

Home Occupation is any occupation or activity carried on by a member of the family residing on the premises, in connection with which (1) there is no sign other than a non-lighted and non-reflecting name plate not more than two (2) square foot in area, which may designate the home occupation carried on within, in letters not to exceed two inches in height, and must be attached to the building wherein the home occupation is conducted; (2) there is no commodity sold upon the premises, except that which is prepared on the premises in connection with or is incidental and subordinate to such occupation or activity; (3) there is no person employed other than a

member of the family residing on the premises; (4) there is no mechanical equipment used except of a type that is similar in character to that customarily found in the home; and (5) no traffic shall be generated by such home occupation in greater volumes than would be normally generated in the neighborhood.

Hotel is a building in which lodging or boarding and lodging are provided for more than 20 persons, primarily transient, and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms.

Institution is a non-profit corporation or a non-profit establishment for public use.

Junk (or Salvage Yard) is an area where waste or scrap materials (including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles) are brought, sold, exchanged, stored, baled, packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established and operated entirely within enclosed buildings.

Kennel, Commercial is any place where more than two adult pets are kept for boarding or other fee, or any place where more than five dogs or cats or any combination thereof over 12 months old are kept for any purpose.

Lawful Not in conflict with any laws, ordinances, or statutes existing at the time of the enactment of this Ordinance.

Loading Space or Loading Berth is a space within the main building or on the same lot which provides for the standing, loading, or unloading of trucks and which has a minimum dimension of 12 by 45 feet and a vertical clearance of at least 15 feet.

Lodging Room is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this Ordinance.

Lot a parcel, lot or portions of lots of record occupied by or intended to be occupied by a use permitted by this ordinance and its accessory buildings and including the open spaces and parking required under this Ordinance.

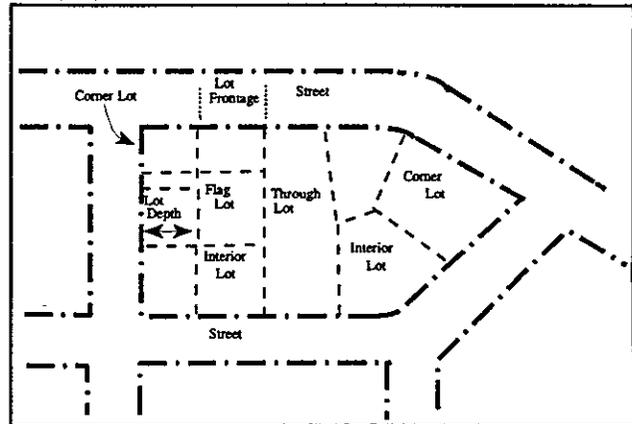
Lot Area, Gross is the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.

Lot, Corner is a lot situated at the intersection of two (2) or more streets, the interior angle of such intersection not exceeding 135 degrees. The front of such lot shall be the shortest of the two sides fronting on streets.

Lot, Coverage is the total lot area covered by buildings or structures.

Lot Depth is the average horizontal distance between the front line and the rear lot line of a lot, measured within the lot boundaries.

Lot, Double Frontage is a lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a 'double frontage lot", both street lines shall be deemed front lot lines.



Lot Line, Front shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public or private way as designated.

Lot Line, Rear shall be any boundary of a lot which is not a front lot or a side lot line.

Lot Line, Side shall be any boundary of a lot which is not a front lot or a rear lot line.

Lot of Record is a lot which is part of a subdivision which has been legally recorded in the office of the register of deeds of Lancaster County at the time of the passage of this title.

Lot Width is the average horizontal distance between the side lot lines of a lot.

Motel, Motor Court, Motor Hotel, Lodge, or Inn is the same as Hotel except it is designed to accommodate any number of guests, the building or buildings are designed primarily to serve tourists traveling by automobile, and ingress or egress to rooms need not be through a lobby or office.

Non-conforming Building or Structure is any building or structure which, when constructed, was lawful, but currently:

- 1) Either does not comply with all of the regulations of this Ordinance or with any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- 2) Or is designed or intended for a non-conforming use.

Non-conforming Lot is a recorded lot, lawful at the time of the enactment of this Ordinance which does not conform to the minimum area, yard or frontage requirements of the district in which it is located.

Non-conforming Use an existing use of a structure or land which does not comply in some respect with the use regulations applicable to new uses in the zoning district in which it is located.

Open Space is any land developed as yards, parks, landscaped green area, and recreational areas including community centers, and is exclusive of areas developed for off-street parking.

Parking Lot is 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 Space is an area, enclosed or unenclosed sufficient in size to store one motor vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an motor vehicle.

Premises is a lot, together with all buildings and structures thereon.

Professional Services are services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants.

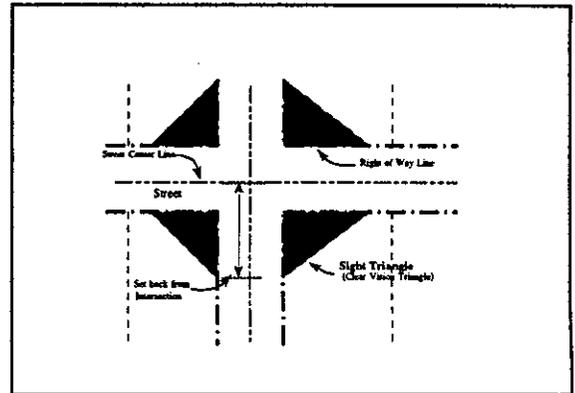
Public Way is any sidewalk, street, alley, highway, easement, or other public thoroughfare.

Rest Home, Nursing Home, or Convalescent Home is a facility for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such facility does not contain equipment for surgical care or for the treatment of disease or injury, and is subject to applicable state requirements.

Roadside Stand is a structure for the display and sale of products on a temporary or seasonal basis.

Service Station is any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, oils, or accessories, including lubricating or washing of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor re-building, body and fender repair or spray painting, but including temporary storage of wrecked, inoperable, or unlicensed vehicles outside a screened and enclosed area for more than ten days.

Sight Triangle is the triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Also known as Sight Easement or Clear Vision Triangle.



Sign Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- 1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- 2) Flags and insignia of any government except when displayed in connection with commercial promotion;
- 3) Legal notices: Identification, informational, or directional signs erected or required by governmental bodies;
- 4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- 5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

Sign, Business is a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

Sign, Flashing is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, and moving, illuminated sign shall be considered a "flashing sign".

Sign, Gross Area of shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same.

Special Use - Permits A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to design, number, area, location or relation to the neighborhood, could contribute to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district if specific provision for such special exception is made in this Ordinance.

Story is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the

finished floor level directly above a basement or cellar is more than six feet above grade and more than fifty percent (50%) of that total perimeter, or is more than 12' above grade at any point, then such basement or cellar shall be considered a story.

Street is a public or private way set aside for public travel that is more than twenty (20) feet in width. The word "street" shall include the words "road", "highway", and "thoroughfare".

Street, Center Line The center line of the surveyed street right-of-way.

Street Line is the dividing line between a lot, tract or parcel of land and a contiguous street.

Structure is anything constructed or erected, other than a fence or retaining wall, which requires location on or in the ground or is attached to something having a location on the ground, including but not limited to, advertising signs, billboards, posterboards, patios, swimming pools, and mobile homes.

Structural Alterations consist of any change in the supporting members of a building, including, but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of re-subdividing or to the land or territory subdivide.

Total Floor Area is the area of all floors including finished attics, basements, and other areas where floor to ceiling height is not less than six (6) feet.

Tract is any parcel, lot area or piece of property in or within one mile of the corporate limits of Hickman, Nebraska.

Trailer Camp is any site, lot, parcel or tract of land which is improved, used, or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping, or recreational purposes.

Use of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory is a structure detached from the principle building, located on the same lot and incidental and subordinate in use and size to the principle building or use.

Use, Permitted is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

Use, Principal is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "special".

Use, Special is a use that may be authorized where conditions on use, design and operation are approved by the city.

Variance A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard is an open space on the same lot with a building or structure, unoccupied and unobstructed from the ground to the sky, except as otherwise permitted in this Ordinance. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

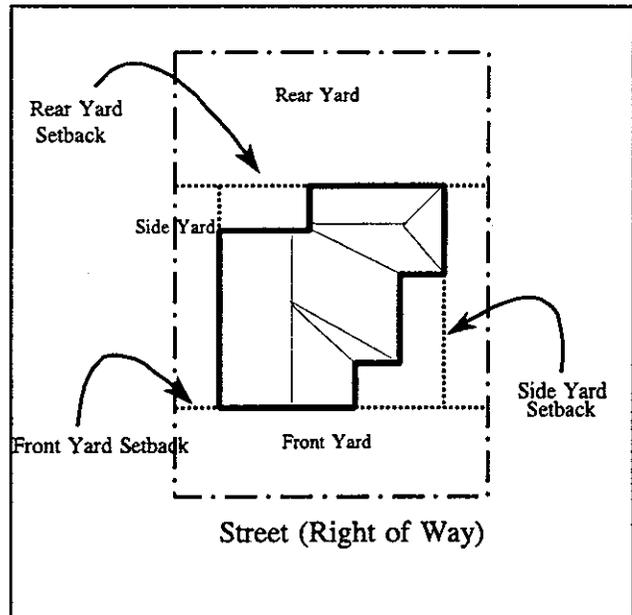
Yard, Front is a yard extending across the front of the lot between the side lot lines, said depth being the minimum required horizontal distance between the street line and the principal building

Yard, Rear is a yard extending across the rear of a lot measured between the side lot lines, said depth being the minimum horizontal distance between the rear lot line and the rear of the principal building.

Yard, Side is a yard between the main building and the side line of the lot being the minimum horizontal distance between the building and side lot line, and extending from the front yard line to the rear yard line.

Zoning Administrator is the person appointed by the City Council and designated as the Official responsible for enforcing and administering all requirements of the City of Hickman Zoning Ordinance.

Zoning Permit is a written statement issued by the zoning administrator authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.



ARTICLE 3: ZONING DISTRICTS AND OFFICIAL MAP

Section 1: 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 2: Provision for Official Zoning Map.

2.01 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 2 of Ordinance No. 98-2 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.

2.02 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 [date of adoption of map being replaced as part of Ordinance No. 98-2 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.

Section 3: Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

3.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

3.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- 3.03 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 3.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; 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;
- 3.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 3.01 - 3.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 3.07 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 3.01 - 3.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 3.08 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 fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 4: Classification of Districts Upon Annexation and Conformance with Land Use Plan.
Areas annexed into the corporate limits of Hickman shall be zoned to conform with the Land Use Plan.

ARTICLE 4: GENERAL PROVISIONS

Section 1: Planning Commission Recommendations.

Pursuant to Section 19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

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 2: 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 (1) time ten (10) days prior to such hearing.

Section 3: 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 (1) mile in all directions, 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 4: 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 require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. In case of conflict between provisions of this ordinance with any other provision, the more restrictive condition shall apply. Wherever the provisions of any other statute or local ordinance or regulations require a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 5: Zoning Affects Every Building and Use.

No building or land shall hereafter be 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 6: Lot.

- 6.01 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 (1) principal building on a lot unless otherwise provided.
- 6.02 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

Section 7: Reductions in Lot Area Prohibited.

No lot, even though it may consist of one (1) 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 8: Corner Lots.

- 8.01 *Side yards:* On corner lots, the yard(s) on that side of the lot abutting the side street(s) shall not be less than the front yard required for the district in which the lot is located. Accessory buildings on the side(s) of the lot abutting the side street(s) shall not be closer to the lot line abutting on that side street(s) than the distance specified for front yards of lots fronting on such side street.
- 8.02 *Clear Vision Triangle:* In all districts except Commercial Business, on a corner lot, within the sight triangle formed by the center line of streets at a distance of ninety (90) feet from their intersections, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Section 9: Yard Requirements.

- 9.01 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.

- 9.02 All accessory buildings which are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 9.03 The City Council may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that (1) more than thirty (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 with a variation of no more than six (6) feet.
- 9.04 Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than twenty-five (25) feet and shall contain landscaping and planting suitable to provide effective screening.

Section 10: 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 11: Permitted Obstructions in Required Yards.

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

- 11.01 *All Yards.* Open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch; awnings and canopies provided they do not extend or project into the yard more than six (6) feet; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 11.02 *Front Yards.* Bay windows projecting three (3) feet or less into the yards; and overhanging eaves and gutters projecting three (3) feet or less into the yard are permitted.
- 11.03 *Rear and Side Yards.* Open off-street parking spaces, balconies or outside elements of central air conditioning systems, extending not more than four (4) feet into the yard; breezeways and open porches; bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard are permitted.
- 11.04 *Double Frontage Lots.* The required front yard shall be provided on each street.

11.05 *Building Groupings.* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Section 12: Accessory Building and Uses.

- 12.01 No accessory building shall be constructed upon a lot for more than six (6) months prior to beginning construction of the principal building. No accessory building shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 12.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- 12.03 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 12.04 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet.
- 12.05 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.
 - B. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.
 - C. Parking or Storage of an unlicensed boat, trailer, recreational camper, or other unlicensed vehicle shall not be permitted in any required yard unless otherwise provided for in these Regulations.

Section 13: Bulk Regulations.

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall by virtue or change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

Section 14: Permitted Modifications of Height Regulations.

- 14.01 The height limitations of this Ordinance shall not apply to:
- Belfries
 - Chimneys
 - Church Spires
 - Conveyors
 - Ornamental Towers and Spires
 - Stage Towers or Scenery Lots
 - Commercial Radio and Television Towers less than 125 feet in height

- | | |
|------------------------------|---|
| -Cooling Towers | -Silos |
| -Elevator Bulkheads | -Smoke Stacks |
| -Fire Towers | -Tanks |
| -Water Towers and Standpipes | -Air-Pollution Prevention Devices |
| -Flag Poles | -Other Similar Structures Approved by the |
| -Public Monuments | City Clerk/Zoning Administrator |

14.02 When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot for each one (1) foot of additional building height above the height regulations for the district in which the building is located.

Section 15: Regulations for Unique Uses — Fences and Wall Hedges.

Except as provided in Section 4.11 of this article, fences, wall hedges or shrubbery may be erected, placed, maintained, or grown along a lot line to a height not exceeding six (6) feet above the ground level, except that no such fence, wall hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet.

Section 16: Occupancy of Basements and Cellars.

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

Section 17: Non-Conforming, General Intent.

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

Section 18: Nonconforming Lots of Record.

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

prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.

- 18.02 In any district a lot boundary may be altered as long as a new nonconforming lot is not created. Existing lots that conform to the appropriate zoning district may not be reduced below minimum requirements as so stated in this Ordinance.
- 18.02 In the Transitional Agriculture District, two (2) or more adjoining lots, all of which do not meet the area, width or frontage requirements, or any combination thereof, of the district in which they are situated, may alter their common lot lines without affecting the purpose for which they may be used; provided:
- A. That such alteration does not result in the creation of a lot which does not meet the minimum standards for water and sanitary sewage disposal systems as required by applicable state, county and city regulations; and
 - B. That such alteration meets all requirements set forth in the adopted Subdivision Regulations of the City of Hickman.

Section 19: Nonconforming Structures.

- 19.01 *Authority to continue:* Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 19.02 *Enlargement, Repair, Alterations:* Any such structure described in sub-section 19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, or as otherwise permitted by special permit.
- 19.03 *Damage or Destruction:* In the event that any structure described in sub-section 19.01 is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) 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 that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, whichever is applicable. When a structure is damaged to the extent of fifty percent (50%) or less, 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.
- 19.04 *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 20: Nonconforming Uses.

- 20.01 *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 nonconforming 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 of 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 twelve (12) 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.
- 20.02 *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 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 structure 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 twelve (12) 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 21: Repairs and Maintenance.

- 21.01 On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (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.
- 21.02 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 22: Uses under Special Permit not Nonconforming Uses.

Any use for which a special permit is issued as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE 5: ZONING DISTRICTS

Section 1: TA Transitional Agriculture District

1.01 *Intent.* The Transitional Agriculture District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl.

1.02 *Permitted Uses.*

- A. Agricultural farms, truck gardens, greenhouses, pasture, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
- B. Farm dwellings for the owners and their families, tenants, and employees.
- C. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- D. Railroads, not including switching, terminal facilities or freight yards.
- E. Public overhead and underground local distribution utilities.
- F. Single family dwelling.

1.03 *Permitted Special Uses:*

- A. Overhead and underground utility main transmission lines including water, power, telephone, gas, fuel lines; substations; terminal facilities; and reservoirs.
- B. Radio, television and communication towers and transmitters.
- C. Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- D. Wastewater treatment facilities.
- E. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- F. Public and private schools and colleges.

1.04 *Permitted Accessory Uses:*

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- C. Home occupations.
- D. Signs as provided for in Article 7.
- E. Parking as provided for in Article 7.

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

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max Height</u>	<u>Max Lot Coverage</u>
Permitted Uses	40 Acres	500'	70'	25'	50'	65'	10%
Accessory Buildings	-----	-----	100'	15'	15'	15'	5% ¹

¹ Total not to exceed 1,500 sq. ft. for non-agricultural uses where total lot coverage of all structures does not exceed 10%.

Section 2: RE Residential Estates

2.01 *Intent.* The Residential Estates District is intended to provide for large lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, because of forests, unstable land, or other natural land features, intensive development is not in the best public interest.

2.02 *Permitted Principal Uses:*

- A. Single family dwellings.
- B. Horticulture and orchards.
- C. Publicly owned and operated buildings including, fire stations, libraries, community centers, auditoriums and museums.
- D. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies.
- E. Public underground local distribution utilities.
- F. Railroads, not including switching, terminal buildings or freight yards.

2.03 *Permitted Special Uses:*

- A. Seasonal offering for sale of agriculture products produced on the premises.
- B. Churches, temples, seminaries, and covenants, including residences for pastors and teachers.
- C. Public and private schools, colleges, universities.
- D. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
- E. Hospitals, nursing homes, and philanthropic institutions.
- F. Radio, television and communication towers and transmitters.
- G. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
- H. Commercial camping areas.
- I. Cemeteries.

2.04 *Accessory Uses:*

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Home occupation.
- C. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
- D. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- E. Signs as provided for in Article 7.
- F. Parking as provided for in Article 7.

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

	<u>Min. Area</u> <u>(Sq. Ft.)</u>	<u>Lot</u> <u>Width</u>	<u>Front</u> <u>Yard</u>	<u>Side</u> <u>Yard</u>	<u>Rear</u> <u>Yard</u>	<u>Max</u> <u>Height</u>	<u>Max Lot</u> <u>Coverage</u>
Single Family, Dwelling	20,000	80'	35'	15'	30'	35'	20%
Other Permitted Uses	20,000	80'	35'	15'	30'	65'	20%
Accessory Buildings	----	----	50'	8'	10'	15'	10% ¹

¹ Total not to exceed 900 sq. ft. for residential uses; provided the total lot coverage of all buildings does not exceed 30%.

Section 3: UDO - Urban Development Overlay District

3.01 *Intent.* This district is created as an overlay to the agricultural district and any other district located outside the corporate limits but within the extraterritorial zoning district of the city. It is intended for those areas identified in the comprehensive plan as future growth areas for the city. The district allows the city to work with developers to promote zoning and subdivision options compatible with urban expansion including:

- A. Smaller lot sizes where a common (publicly or privately operated) water and/or sewer service is planned.
- B. Flexible land use and lot designs to protect areas with potential flood plain, forest or important visual qualities.

3.02 *Area of Tract.* The minimum area of a tract of land to be zoned with the UDO - Urban Development Overlay District shall be five (5) acres. No lot shall be created prior to approval of zoning and subdivision requirements by the city.

3.03 *General Requirements.*

- A. General Provisions. Within the UDO - Urban Development District variations and departures from normal practice may be permitted. More than one building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum district lot size requirements where provisions for common utilities and future inclusion to the city are provided. If approved by the city, buildings may be served by private roads in lieu of public streets where

perpetual maintenance is provided. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining property or where landscaping provides a suitable buffer. Any building or portion thereof may be owned in condominium under applicable state laws governing same.

B. Compatibility with Future Growth. A development plan prepared in conformance with preliminary plat requirements shall be submitted with the request for rezoning to UDO. Such development plan shall, in addition, contain;

1. easements to accommodate future proposed common or future public utilities
2. siting of proposed water wells and leach fields including reserve areas, if the city does not require immediate connection to public systems; or proposed locations of community wells and waste treatment facilities to serve the subdivision until such time as the development can be connected to city services.
3. Additional easements, rights-of-way and future set back lines as required by the city, that would allow lots to be further subdivided upon annexation. Such provision is intended to encourage economical integration of suburban development.
4. proposed land uses and their location

C. A Subdivision Improvements Agreement that specifies scheduling, financing and maintenance of improvements plus provisions for annexation. Such provisions shall be reviewed and receive approval from the city with the rezoning request.

3.04 *Permitted Uses.* Any permitted and accessory use allowed in the underlying zoning district or as authorized in the approved development plan. Uses not otherwise allowed in the underlying district shall be developed to minimize impacts within the overall development and on adjacent tracts. Such uses shall not exceed ten percent (10%) of the total district size.

3.05 *Minimum Lot and Yard and Maximum Height Requirements.*

- A. Lot area requirements, height requirements, building setbacks, size of buildings, and density of dwelling units, commercial or industrial uses of the primary zoning district to which the UDO - Urban Development District is attached may be amended or reduced where said revision is shown to further the purpose and intent of the district.
- B. Other conditions, standards or amenities may be required to be greater than the minimum provided for in the underlying district.
- C. Changes in requirements or limited inclusion of land uses not otherwise permitted may be granted after considering the impact on adjacent uses and compatibility with the Future Land Use Plan. All development shall be in conformity with the Land Use District policies and criteria within the Comprehensive Plan and consistent with the purpose of the Hickman Zoning Ordinance, including such

specific purposes as:

1. Minimizing congestion in streets or roads;
2. Securing safety from fire and similar dangers;
3. Lessening or avoiding the hazards to persons or damage to property resulting from the accumulation or runoff of storm or flood waters;
4. Preventing excessive and wasteful scattering of population or settlement;
5. Protecting the tax base;
6. Protecting property against blight and depreciation;
7. Securing economy in governmental expenditures and services;

3.06 *Procedure.*

- A. A property owner or developer who intends to develop a tract of land containing at least the minimum lot area for the underlying zoning district of five (5) acres, whichever is greater and involving more than one lot, may apply for rezoning the property to a UDO - Urban Development Overlay District. The rezoning change shall be an amendment of the zoning map as an appendage to the existing zoning district. The rezoning change may also be a request to change the existing primary zoning district to another primary zoning district with the UDO as an appendage.
- B. The applicant shall file, together with the rezoning application, a Development Plan and such other drawings or calculations necessary to determine whether the proposed development conforms with the intent of the UDO and provides for incorporation into the city's future growth.
- C. The plans and other drawings and calculations shall provide adequate information to show the arrangement of lots, the number of dwelling units or establishments, building set backs and height, access drives, walks, parking areas, drainage, grading plan, utilities distribution, recreation areas, open spaces, and the general landscape development.
- D. The property owners may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.
- E. The property owner shall submit the tentative construction time schedule (phasing plan); the description of the intended means of financing any proposed common areas or common improvements; statements covering ownership and maintenance of common easements or other common areas, such as open space or recreational facilities; documents for incorporation of Home Owners organization; restrictive covenants; and any other document that may assist the city in reviewing the application. Such construction schedule shall be substantially completed as approved in this section. If, in the opinion of the city council, sufficient development has not been commenced or completed, a public hearing to consider removing all or a portion of the UDO may be initiated. The applicant shall be given notice and may present a request for extending the construction time schedule.
- F. The developer shall be required to complete all development in each phase prior to starting construction on subsequent phases including such elements as roads, utilities, and landscaping. Each phase shall provide a balance of permitted uses

and shall not contain a majority of uses not otherwise permitted. This may be waived where sufficient phases have been completed to reduce potential impacts on adjacent properties.

- G. These plans, construction schedule, the site development plans, drawings, calculations, and other documents, shall form the basis for issuance of a building permit in conformity therewith.
- H. Any major change in the development plan which may increase the number of dwelling units or establishments, the number of parking stalls, the size or number of structures, and which is a substantial change from the plans and documents approved by the City Council, in the opinion of the Building Inspector, may require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities and recreation facilities may be approved by the Building Inspector without resubmission.

Section 4: R-1 Single Family Residential.

4.01 *Intent.* The Single Family Residential District is intended to establish minimum standards that will foster a suitable environment for residences by preserving adequate light, air, and open space, and to provide for supporting neighborhood convenience facilities that will not disrupt the residential quality of any neighborhood.

4.02 *Permitted Uses:*

- A. Single family dwellings.
- B. Churches, temples, seminaries, convents, including residences for teachers and pastors.
- C. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums.
- D. Public underground local distribution utilities.

4.03 *Permitted Special Uses:*

- A. Nursing homes, rest homes, sanitariums, convalescent homes, funeral homes or other similar uses.
- B. Hospitals, colleges, universities, philanthropic institutions.
- C. Bed and breakfast in existing residence.
- D. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, and similar public services uses.
- E. Non-conforming residential structure. The city may allow a permit to expand an existing nonconforming single family dwelling or accessory structure. In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. Limited to structures built before July, 1977.
 - 2. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
 - 3. A structure must be located on a lot of not less than 5000 square feet.

4.04 *Accessory Uses:*

- A. Buildings and uses customarily incidental to the permitted uses.
- B. No accessory building shall exceed the ground floor coverage of the principal dwelling.
- C. Home occupations.
- D. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- E. Signs as provided for in Article 7.
- F. Parking as provided for in Article 7.

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

	Sq. Ft. <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max <u>Height</u>	Max Lot <u>Coverage</u>
Single Family Dwelling	7,200'	70'	30'	10'	30'	35'	30%
Other Permitted Uses and Special Uses	10,000'	75'	30'	10'/15' ¹	25'	65'	25%
Accessory Buildings	-----	-----	50'	8'	8'	15'	10% ²

¹ 15 foot side yard required for building over 35' in height.

² Provided total area of accessory structure for single family does not exceed 600 sq. ft. and the total lot coverage of all buildings does not exceed 30%

Section 5: R-2 Medium Density Residential.

5.01 *Intent:* This district is intended to provide for single to two (2) family residential development in areas with adequate public facilities and supporting uses near population centers.

5.02 *Permitted Uses:*

- A. Single family dwellings.
- B. Single family attached dwellings (Maximum of two (2) dwelling units per structure).
- C. Two-family (duplex).
- D. Public and private schools.
- E. Universities and colleges.
- F. Churches, temples, seminaries, convents, including residences for teachers and pastors.
- G. Public underground local distribution utilities.

5.03 *Permitted Special Uses:*

- A. Three (3) and four (4) family dwellings. Location of 3-4 family units shall be adjacent to arterial with driveway from side street; adjacent to R-3 or Commercial District; and not allowed adjacent to R-1 Districts.

- B. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- C. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, other similar institutions, philanthropic institutions or funeral homes.
- D. Bed and breakfast in existing residence.
- E. Non-conforming residential structure. To expand an existing non- conforming single family dwelling or accessory structure. In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. Limited to structures built before July, 1977.
 - 2. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
 - 3. A structure must be located on a lot of not less than 5000 square feet.

5.04 *Accessory Uses:* The following accessory uses are permitted in the R-2 Medium Density Residential District:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. No accessory building shall exceed the ground floor coverage of the principal dwelling.
- C. Parking for permitted uses as per Article 7.
- D. Signs allowed in Article 7.
- E. Home occupations.

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

	Sq. Ft. <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max <u>Height</u>	Max Lot <u>Coverage</u>
Single Family Dwelling	5,000'	50'	25'	6'	25'	35'	40%
Two Family Dwellings	10,000'	75'	25'	6'	25'	35'	40%
Other Permitted Uses	10,000'	80'	25'	10'	30'	30'	25%
Accessory Buildings	-----	-----	50'	6'	5'	15'	10% ¹

¹ Provided total area of accessory structure for single family does not exceed 600 sq. ft. and the total lot coverage of all buildings does not exceed 40%

Section 6: R-3 High Density Residential.

6.01 *Intent:* The purpose of this district is to permit high density residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

6.02 *Permitted Uses:*

- A. Single family dwellings.
- B. Single family attached dwellings.
- C. Multiple family dwellings, with two or more dwelling units.
- D. Lodging and boarding houses, including bed and breakfast facility.
- E. Public and private schools.
- F. Universities and colleges.
- G. Churches, temples, seminaries, and convents including residences for teachers and pastors.
- H. Publicly owned and operated parks, playgrounds, fire stations, community centers, libraries, and auditoriums, golf courses, tennis clubs, swimming clubs.
- I. Public local distribution utilities.
- J. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions or funeral homes.

6.03 *Permitted Special Uses:*

- A. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- B. Mobile home parks. In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. A mobile home park shall have an area of not less than two (2) acres, nor more than five (5) acres, and no mobile home park lot or office or service building shall be closer to a street or road right-of-way or other property line than twenty-five (25) feet.

2. Individual mobile home lots shall have an area of not less than three thousand (3,000) square feet and the mobile home park shall not include more than seven (7) units per gross acre.
3. A minimum of twenty-five (25) feet, measured from any entrance, lean-to or other extension from said mobile home shall be maintained between mobile homes.
4. When submitting an application to the Planning Commission for a Special Use Permit, for the purpose of this subsection, said application shall set forth the location and legal description of the proposed mobile home park property, a sketch of the proposed locations of mobile homes and location of sanitary conveniences and other buildings and improvements.
5. No certificate of occupancy shall be granted until after certification of compliance with all federal, state and local ordinances and regulations regarding mobile home park licensing, health, plumbing, electrical, building, fire prevention and all other applicable ordinances has been made.

C. Non-conforming residential structure. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a special use permit, the following requirements must be met:

1. Limited to structures built before July, 1977.
2. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
3. A structure must be located on a lot of not less than five thousand (5000) square feet.

6.04 *Accessory Uses:*

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Home Occupations.
- C. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- D. Signs as provided for in Article 7.
- E. Parking as provided for in Article 7.

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

	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max Height</u>	<u>Max Lot Coverage</u>
Single Family Dwelling	5,000'	50'	25'	8'	25'	35'	40%
Two Family Dwelling	8,000'	75'	25'	10'	25'	35'	40%
Multi-Family Dwelling (per dwelling unit)	2,900'	100'	25'	(¹)	25'	45'	40%
Other Permitted Uses	10,000'	70'	15'	10'	25'	45'	30%
Accessory Buildings	-----	-----	50'	5'	5'	15'	10% ²

¹ For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 2 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

² Provided total area of accessory structure for single family does not exceed 600 sq. ft. and the total lot coverage of all buildings does not exceed 40%.

Section 7: CL Commercial Limited District.

7.01 *Intent.* The Commercial Limited District is intended to provide a compact area of retail and office uses to serve portions of the community. The edge of such districts shall be designed to provide compatibility with residentially zoned properties.

7.02 *Permitted Uses, (subject to 7.06 Use Limitations):*

- A. Retail and Service establishments carried on within an enclosed building.
- B. Business services such as banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services.
- C. Civic and cultural facilities.
- D. Clothing and apparel services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
- E. Self-service cleaning establishments such as laundromats and laundries.
- F. Equipment sales and service such as radio or television shops, business machines, musical instrument shops, sewing machines, plumbing and heating, and electrical fixtures.
- G. Personal services such as barber shops, beauty salons, reducing salons, and photographic studios.
- H. Retail stores such as food markets, delicatessen, bakery, candy store, fruit and vegetable store, department store, drug stores, haberdasheries, books and stationery, newspaper distribution, shoe and apparel shops, hobby, camera and sporting goods, dry goods, furniture, household appliances, home furnishings, hardware, gift, jewelry, variety stores, retail mail order stores, confectionery, retail dairy stores, men's and boy's clothing and furnishings store, radio, electronics and music store, retail liquor store, antiques, cigar and tobacco, retail paint stores, flower shops, wallpaper, drapery, or floor covering store, convenience mart (with gasoline sales) and camera shops.

- I. Food service, such as eating, ice cream parlor, and sandwich shops.
- J. Residential uses above the first floor.
- K. Public overhead and underground local distribution utilities.
- L. Mortuaries, funeral homes, and funeral chapels.

7.03 *Permitted Special Uses:*

- A. Temporary structure for festivals or commercial events.
- B. Drive-in restaurants.
- C. Recreational establishments such as bowling alleys, billiard halls.
- D. Gasoline service stations with service and/or automobile repair.
- E. Residential uses on the first floor of existing buildings.
- F. Cocktail lounges and taverns.
- G. Self storage units with no outdoor storage.

7.04 *Accessory Uses:*

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as allowed in Article 7.
- C. Signs allowed in Article 7.

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

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max Height</u>
Permitted Uses	0'	0'	0' ¹	20'	35' ²

¹ Side yard 10 Feet when abutting a zone requiring a side yard and 25 feet for front yard

² Special Provisions. Any building over two (2) stories in height permitted in Commercial Limited District shall be so designed to provide for adequate light and air so that any part of such building above the second story shall be no closer than twenty (20) feet perpendicular distance from the vertical extension of any lot boundary.

7.06 *Use Limitations:*

When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in the required front yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property.

Section 8: CB Commercial Business District.

8.01 *Intent:* The Commercial Business District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

8.02 *Permitted Uses:*

- A. Permitted uses allowed in the CL District with the exception of residential uses above the first floor.
- B. Cleaning establishments such as laundromats, dry cleaning and laundries using nonflammable solvents.
- C. Food service, such as eating and drinking establishments, including drive-in facilities.
- D. Recreational establishments such as bowling alleys, billiard halls.
- E. Theaters, fraternal and cultural facilities.
- F. Motels, Hotels.
- G. Cocktail lounges, taverns and retail liquor stores.
- H. Commercial parking structures or lots.
- I. Gasoline service station.
- J. Transportation depots such as railroad passenger station, bus station.
- K. Public buildings, assembly halls, auditoriums, civic centers.
- L. Other retail businesses such as equipment rental and leasing, photo finishing, trade stamp service, radio, television and electrical repair services, pawn shop, used furniture, and pet shop.

8.03 *Permitted Special Uses:*

- A. Temporary structures for festivals or commercial events.
- B. Residences in conjunction with the principle use when located above the ground floor.
- C. Garden and Lawn centers.

8.04 *Accessory Uses:*

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as permitted in Article 7.
- C. Signs allowed in Article 7.

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

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side¹ Yard</u>	<u>Rear Yard</u>	<u>Max Height</u>
Permitted Uses	0'	20'	0'	10'	45'

¹ 10 feet when abutting a zone requiring a side yard and 20 feet for any street side yards. Such side yard shall not be used for parking, drives, storage or signs.

8.06 *Use Limitations:*

Any business with a drive through or drive-in facility shall not be permitted on any lot adjacent to a residential district nor within one hundred feet (100') of such district.

Section 9: HO Highway Overlay District

9.01 *Intent.* This is an overlay district. It adds certain design standards to those zoning districts located along Hickman Road (7th Street) and South 68th (Chestnut). This district is indicated as HC on the Land Use Map. They are designed to promote:

- A. Safe traffic circulation on and off and across the highway.
- B. A high quality of design and site planning.
- C. Flexibility in development in order to provide an attractive, viable employment corridor.

9.02 *Permitted Uses:*

- A. Agriculture on more than ten (10) acres.
- B. Public or semi public buildings on more than ten (10) acres.
- C. Any permitted use allowed in the underlying zoning district.

9.03 *Special Permitted Uses:*

- A. Uses allowed in the underlying districts subject to Article 6 and Use Limitations of this section.
- B. Parking.
- C. Accessory buildings.

9.04 *Area Yard and Height Requirements:*

- A. Minimum lot size: None.
- B. Minimum yard requirements:
 - 1. With no parking in front: 25 feet.
 - 2. With parking in front: 50 feet.

9.05 *Use Limitations:*

- A. Thirty-five percent (35%) of the required front yard shall be maintained in a landscaped yard.

- B. Signs: One pole sign not to exceed fifteen (15) feet in height and one wall sign affixed to the side of a principle permitted building. Maximum size: eighty (80) square feet.
- C. All lots shall be served by a paved frontage road and may not take access directly from the Highway.

Section 10: I-1 Light Industrial.

10.01 *Intent.* It is the intent of the Light Industrial District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

10.02 *Permitted Uses:*

- A. Assembly, fabrication and processing of products inside an enclosed building, including such uses as machine shops and vehicle repair, except hazardous or combustible materials.
- B. Laboratories.
- C. Manufacture and assembly of electrical and electronic appliances.
- D. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- E. Manufacture of light sheet metal products including heating and ventilation equipment.
- F. Printing and publishing business.
- G. Stone and monument works.
- H. Public local distribution and main transmission utilities.
- I. Warehouses and wholesale businesses.
- J. Building materials yards with enclosed and screened storage areas.
- K. Highway maintenance yards or buildings.
- L. Self storage units.

10.03 *Permitted Special Uses (Reserved):*

10.04 *Accessory Uses:*

- A. Signs as permitted in Article 7.
- B. . Parking as permitted in Article 7.

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

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max Height</u>	<u>Max. Lot Coverage</u>
Permitted Uses	10,000	25'	0'	15'	45'	50%

¹ 15 feet side yard when abutting a lot with residential use. Such side yard shall not be used for parking, drives, storage or signs.

Section 11: I-2 General Industrial.

11.01 *Intent.* It is the intent of the General Industrial District Regulations to provide areas and standards for development of those suitable for industrial and storage activities, and particularly to separate high hazard activities from those less hazardous and to prevent the encroachment of less hazardous activities into the high hazard areas.

11.02 *Permitted Uses:* The following principal uses are permitted in the I-2 District, except those which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety, and general welfare. These permitted uses shall include such as:

- A. Assembly of metal products.
- B. Concrete or cement products manufacture.
- C. Dyeing and cleaning establishments.
- D. Laboratories.
- E. Manufacture and assembly of electrical and electronic appliances.
- F. Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
- G. Manufacture of sheet metal products including heating and ventilation equipment.
- H. Machine shops or other metal working excluding drop hammers and other noise producing tools.
- I. Wholesale Bakery products manufacture.
- J. Dairy products manufacture.
- K. Feed and forage plants.
- L. Grain mill products manufacture.
- M. Fabrication, manufacture and treatment of lumber or wood products.
- N. Public local distribution and main transmission utilities.
- O. Watchman's Residence in conjunction with the principle use.
- P. Self storage units.

11.03 *Permitted Special Uses: (Reserved)*

11.04 *Accessory Uses:*

- A. Signs as permitted in Article 7.
- B. Parking as permitted in Article 7.

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

	<u>Lot Area</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max Height</u>
Permitted Uses	10,000	25'	0' ¹	15'	45'

¹ 15 feet side yard when abutting a lot with residential use. Such side yard shall not be used for parking, drives, storage or signs.

Section 12: IP Industrial Park.

- 12.01 *Intent.* It is the intent of the Industrial Park District Regulations to provide standards for areas suitable for clean, un Hazardous industrial activities, to preserve land for the establishment and expansion of basic economic activities, to free these areas from intrusion by incompatible land uses, and that users of this area be permitted to maintain an attractive, safe area for their activities.
- 12.02 *Permitted Uses.* The following uses of land, structures and buildings shall be permitted in this district: manufacturing, and assembly; as listed in Sub Section 10.02 I-1 Light Industrial District.
- 12.03 *Permitted Accessory Uses.* The following uses of land, structures and buildings shall be permitted within this district provided they are recognized as accessory to the performance of the uses permitted in subsection b above; freight, handling, warehousing, office, food service.
- 12.04 *Special Use Exceptions.* Uses permitted in the I-2 General Industrial District where a site plan and conditions are established to provide safe access; screening from adjacent properties and limitations on activities that would have a potential negative impact on adjacent properties.
- 12.05 *Permitted Structures.* Structures in the following use group classifications shall be permitted in this district, as listed in the I-1 Light Industrial District.
- 12.06 *Special Structure Exceptions.* None.
- 12.07 *Minimum Lot and District Requirements.*
- A. Lot size: 10,000 square feet.
 - B. District size: 1 Acre.
- 12.08 *Minimum Yard Requirements.* It shall be permissible for a wall to be used by adjoining property owners as a wall common to their business; however, where a common wall is not utilized, no building shall be closer than twenty (20) feet from the property line in the district and fifty (50) feet from property lines in other non-industrial districts. Nothing in this section shall be construed to invalidate any requirement of any other code or ordinance.

12.09 *Maximum Lot Coverage.* Eighty (80) percent of the total lot area of any lot in this district is the maximum permitted coverage by buildings, structures and surface paving.

12.10 *Special Provisions.* None

Section 13: PD - Planned Development District

13.01 *Intent.* This zoning district is created to be appended to a residential, commercial, or industrial district for the placement and location of more than one building on a lot in an arrangement to allow for increased flexibility in site planning and to encourage development compatible with the long range goals of the community.

13.02 *Permitted Principal Uses.* Any principal uses permitted in the primary zoning district to which the PD Planned Development District classification is appended.

13.03 *Permitted Special Uses.* Any special uses permitted in the primary zoning district to which the PD Planned Development District classification is appended may be authorized.

13.04 *Accessory Uses.* Any accessory uses permitted in the primary zoning district to which the PD Planned Development classification is appended.

13.05 *Height and Lot Requirements.* All height and lot areas provisions of the primary zoning district to which PD - Planned Development District classification is appended shall be applicable, unless the Council shall find that modifications of the standards:

- A. are consistent with the goals of the comprehensive plan and provide quality of design and livability;
- B. will preserve the values of adjacent properties, and that adequate design provisions have been included along the perimeter of the proposed development, and
- C. will generally protect the health, safety and welfare of the community.

13.06 *Minimum District Size.* The minimum area of a tract of land to be zoned as an appended PD-Planned Development District is dependent on the primary zoning district as follows:

<u>Primary Zoning Districts</u>	<u>Minimum Area (Acres)</u>
Residential	5
Commercial	2
Industrial	10

13.07 *Procedure:*

- A. Application. When a property owner or developer intends to develop a tract of land containing at least the minimum area for that primary zoning district and involving more than one establishment, or in the case of a residential zoned area, more than one dwelling unit, he may apply for rezoning the property to a PD, Planned Development District. The rezoning change shall be amendment to the zoning map as an appendage to the existing primary zoning district. The

rezoning change may also be a request to change the existing primary zoning district to another zoning district with the PD as an appendage.

The property owner shall file, together with the rezoning application, a Site Development Plan and such other drawings or calculations necessary to determine whether the proposed development conforms with the provisions of the primary zoning district to which the PD is to be appended. In the event the applicant is seeking modifications to the district requirements, information shall be submitted as to the extent of the modification, justifications, and specific proposals for mitigating any impacts on adjacent properties.

- B. Required Information. The plans and other drawings and calculations shall provide adequate information to show the arrangement of buildings, the number of dwelling units or establishments, building bulk and height, access drives, walks, parking areas, drainage, grading plan, utilities distribution, recreation areas, open spaces, and the general landscape development.

The property owner may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.

- C. Amendments. Changes in the Development Plan, which increase the number of dwelling units or establishments, the arrangement of buildings, the number of parking stalls, any increase in the size or number of other improvements, and the alignment of driveways or roadways shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities and recreation facilities may be approved by the Council without resubmission.

13.08 *Other Applicable Provisions.* Off-street parking shall be provided for all uses established in this zoning district.

The entire planned development may be considered as one zoned lot.

Signs in districts with industrial or commercial designation shall be limited to ground signs not over eight (8) feet in height (8) feet in height and wall signs.

Section 14: FF/FW Flood Plain Districts

14.01 *Statement of Purpose:* It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize losses due to flood hazards by applying the provisions of this ordinance to:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

14.02 *General Provisions:*

A. Lands to Which Ordinance Applies:

This ordinance shall apply to all lands within the jurisdiction of the City of Hickman identified on the Flood Insurance Rate map (FIRM) as numbered and unnumbered A Zones (including AE, AO, and AH Zones) and within the Zoning Districts FW and FF established in sub-section 14.04 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Council or its duly designated representative 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 sub-section 14.05, 14.06 and 14.07.

B. The Enforcement Officer:

The Mayor of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.

C. Rules for Interpretation of District Boundaries:

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment 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 his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.

D. Compliance:

Within identified special flood hazard areas 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.

E. Abrogation and Greater Restrictions:

It is not intended by this ordinance 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 ordinance are hereby repealed to the extent of the inconsistency only.

- F. 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 governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- G. 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 on rare occasions or the flood height may be increased by man-made 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.
- H. 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.
- I. Appeal:
Where a request for a permit to develop or a variance is denied by the Mayor the applicant may apply for such permit or variance directly to the Board of Adjustment.

14.03 *Development Permit:*

- A. Permit Required:
No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in sub-section 14.12.
- B. Administration
1. The Mayor is hereby appointed to administer and implement the provisions of this ordinance.
 2. Duties of the Mayor shall include, but not be limited to:
 - a) 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.
 - b) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, State, or Local governmental agencies from which prior approval is required.
 - c) Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency

Management Agency.

- d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e) 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 special flood hazard areas.
- f) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
- g) When floodproofing is utilized for a particular structure the Mayor shall be presented certification from a registered professional engineer or architect.

C. Application for Permit:

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 development to be covered by the floodplain development permit.
2. Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
3. Indicate the use or occupancy for which the proposed development is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Give such other information as reasonably may be required by the Mayor.

14.04 *Establishment of Zoning Districts:* Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

14.05 *Standards for Floodplain Development:*

- A. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones including AE, AO, and AH zones, unless the conditions of this Section are satisfied.

- B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of sub-section 14.06. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State, and other sources.
- C. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas 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 on the Flood Insurance Study.
- D. New Construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured and mobile homes and other developments shall require:
1. Design or anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and 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.
 4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.
- E. Storage of Material and Equipment:
1. 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.
 2. 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.

- F. Subdivision proposals and other proposed new development, including manufactured or mobile home parks or subdivisions, be required to assure that:
1. All such proposals are consistent with the need to minimize flood damage,
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage,
 3. Adequate drainage is provided so as to reduce exposure to flood hazards, and
 4. Proposals for development (including proposals for manufactured or mobile home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevations.

14.06 *Flood Fringe Overlay District - Including AO & AH Zones*

A. Permitted Uses:

Any use permitted in sub-section 14.07 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of sub-section 14.05 are met.

B. Standards for the Flood Fringe Overlay District:

1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
2. Require new construction or substantial improvements of non-residential structures to 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, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to by Mayor as set forth in Section 14.03, B (2) (g).
3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding 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 minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom

of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5. Manufactured or Mobile Homes:

a) All manufactured or mobile homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

(1) Over-the-top ties be provided at each of the four corners of the manufactured or mobile home, with two additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured or mobile homes less than sixty (60) feet long requiring four (4) additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any additions to the manufactured or mobile home be similarly anchored.

b) Require that all manufactured or mobile homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:

(1) Outside of manufactured home park or subdivision.

(2) In a new manufactured home park or subdivision.

(3) In a subdivision to an existing manufactured home park or subdivision, or

(4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.06, B (5) (a).

- c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 14.06, B (5) (a) be elevated so that either:
 - (1) The lowest floor of the manufactured home is at or above (1) foot above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.06, B (5) (b).
- 6. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than one hundred eighty (180) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently-attached additions.
- 7. Located within the areas of special flood hazard established in sub-section 14.02,A are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
 - a) All new construction and substantial improvements of residential structures 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 community's FIRM (at least two feet if no depth number is specified).
 - b) All new construction and substantial improvements of non-residential structures shall:
 - (1) 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 community's FIRM (at least two feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any

space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of buoyancy. Such certification shall be provided to the official as set forth in Section 14.03, B (2) (g).

- c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

C. **Minimum Standards Governing Location of Obstructions and Substantial Improvements in the Floodplains for the Base Flood:**

The following minimum standards shall apply when an obstruction is to be located or substantially improved within the floodplain of a base flood. In the event of a conflict between the following minimum standards and those in sub-section 14.05, the minimum standards in sub-section 14.05 shall govern.

- 1. Appurtenant structures used exclusively for storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below one foot above the base flood elevation provided the structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood and provided that no utilities are installed in the structure except elevated or floodproofed electrical fixtures. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use.

14.07 Floodway Overlay District:

A. **Permitted Uses:**

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

- 1. Agricultural uses such as general farming, pasture, nurseries, forestry.
- 2. Residential uses such as lawns, gardens, parking, and play areas.
- 3. Non-residential areas such as loading areas, parking and airport landing strips.
- 4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

B. **Standards for the Floodway Overlay District:**

New structures for human habitation are prohibited. 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 occurrence of the base flood discharge. These uses are subject to the standards of sub-section 14.05 and 14.06. In Zone A unnumbered, obtain, review, and reasonably utilize any flood elevation and floodway data available through Federal, State, and other sources or sub-section 14.05, F (4) of this section, in meeting the standards of this section.

14.08 *Variance Procedures:*

- A. The Board of Adjustment, as herein established by the City, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City in the enforcement or administration of this ordinance.
- C. Any person aggrieved by the decision of the board may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
- D. In passing upon such applications, the boards shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and;
 - 1. the danger that materials may be swept onto other lands to the injury of others;
 - 2. the danger to life and property due to flooding or erosion damage;
 - 3. the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. the importance of the services provided by the proposed facility to the community;
 - 5. the necessity to the facility of a waterfront location, where applicable;
 - 6. the availability of alternative locations, 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 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 flood waters and the effects of wave action, if applicable, expected at the site; and
 - 11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Conditions for Variances:

1. 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 (2-5 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
2. 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 a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, 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.
5. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

14.09 *Non-conforming Use:*

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance.
 2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent (50%) 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, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

14.10 *Penalties for Violation:* 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 who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

14.11 *Abrogation and Greater Restrictions:* It is not intended by this ordinance 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.

14.12 *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 governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

14.13 *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 on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside floodplain 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 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.

14.14 *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.

14.15 *Conflicting Ordinances:* This ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The Governing Body of the City of Hickman may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. 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 1983 Nebraska Floodplain Management Act.

14.16 *Definitions:* Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

Appeal means a request for a review of the Chairman of the Board's interpretation of any provision of this ordinance or a request for a variance.

Appurtenant Structure means 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.

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 percent chance of being equalled or exceeded in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Development means any man-made 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 or storage of equipment or materials.

Existing Construction means (for the purpose of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to a "existing structure".

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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 of Existing Manufactured Home Park or Subdivision the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured 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 means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.

Flood Fringe is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

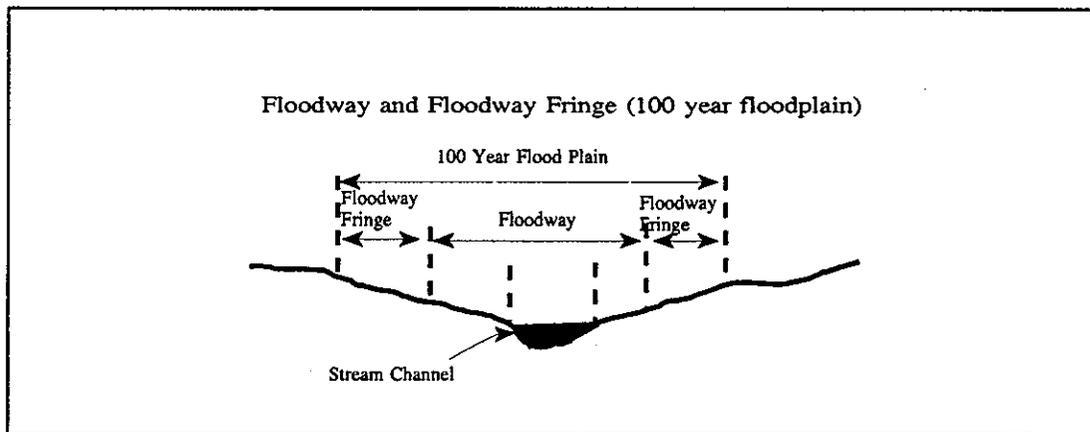
Flood Insurance Rate Map (FIRM) Means an official map of a community, on which the Administrator has delineated both the special flood hazards areas and the risk premium applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway 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").

Floodproofing means 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 means the channel of the 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 a designated height.



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.

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 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 so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means a structure, transportable in one 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 home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured 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 Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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.

100-Year Flood means the condition of flooding having one percent chance of annual occurrence.

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.

Principally Above Ground means that at least 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 projection; (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 water surface elevation of the 100-year flood.

Special Flood Hazard Area is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of Construction [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] 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 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 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 home, and a gas or liquid storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 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 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 local code enforcement 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 means a grant of relief to a person from the terms of a floodplain management ordinance.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Schedule of Lot and Area Requirements by Districts

ZONING DISTRICT	MINIMUM LOT AREA		MINIMUM YARD REQUIREMENTS			MAXIMUM HEIGHT		MAXIMUM LOT COVERAGE
	LOT AREA (per dwelling unit)	LOT WIDTH	FRONT SETBACK	SIDE	REAR	IN STORIES	IN FEET	PERCENT OF LOT AREA
TA: Transitional Agricultural	40 acres	500 ft.	70 ft.	25 ft.	50 ft.	2½	65 ft.	10%
RE: Residential Estates	20,000 sq.ft.	80 ft.	35 ft.	15 ft.	30 ft.	2½	35 ft.	20
UDO: Urban Dev. Over	Total: 5A.	-----	review by	City	-----	-----	-----	-----
R-1 Single-family Residential	7,200 s.f.	70 ft.	30 ft.	10 ft.	30 ft.	2½	35ft	30
R-2 Residential Single-family Two-family	5,000 s.f. 10,000 s.f.	50 ft. 75 ft.	25 ft. 25 ft.	6 ft. 6 ft.	25 ft. 25 ft.	2½	35 ft. 35 ft.	40 40
R-3: Residential Single family Two-family Multi-family	5,000 s.f. 8,000 s.f. 2,900 s.f.	50 ft. 75 ft. 100 ft.	25 ft. 25 ft. 25 ft.	8 ft. 10 ft. 10+ ft. (variable on heights)	25 ft. 25 ft. 25 ft.	2½	35 ft. 35 ft. 45 ft.	40 40 40
CL Commercial Limited	0	0	0 ¹	0 ²	20 ft.		35 ft.	
CB Commercial Business	0	0	20 ft.	0 ³	10 ft.	6	45 ft.	
HO Highway Overlay	0		25 ft.					
I-1 Light Industrial	10,000 s.f.		25 ft.	0 ⁴	15 ft.	4	45 ft.	50
I-2 General Industrial	10,000 s.f.		25 ft.	0 ⁴	15 ft.	4	45 ft.	
IP Industrial Park	10,000 s.f.		20 ft.					80
PD Planned Develop	Comm. 2 acres	-----	review by	City	-----	-----	-----	-----
FF/FW Flood Plain	-----	-----	review by	City	-----	-----	-----	-----

Notes: ¹Subject to same regulations as Parent District of which it is appended.

²No side yard setback required unless it abuts residential district.

⁴ 15 ft. side yard if abuts residential.

³10 ft. side yard required when abutting a zone requiring a side yard and 20 ft. for any street side yards.

ARTICLE 6: SPECIAL USE PERMITS

Section 1: General Provisions.

The City Council may, by special permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit special uses as designated in the district use regulations. 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.

Allowable uses may be permitted, enlarged, or altered upon application for a special use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a special use permit in accordance with the intent and purpose of this ordinance. In granting a special use permit, the Council will authorize the issuance of a special use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special use permit.

Section 2: Application for Special Use Permits.

A request for a special use permit or modification of a special use permit may be initiated by a property owner or his authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. 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. The application shall be accompanied with a fee of one hundred dollars (\$100.00) which is non-refundable.

Section 3: Public Hearing.

All special use permits must have a public hearing before the Planning Commission and a separate public hearing before the City Council. Before recommendation of any special use permit by a public hearing of the Planning Commission, proper notice must be given by publication in a legal newspaper of general circulation in the City one (1) time at least ten (10) days prior to such hearing. Before issuance of any special use permit, the Council will consider the application for the special use permit together with the recommendations of the Planning Commission at a public hearing after prior 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 ten (10) days prior to such hearing.

Section 4: Decisions.

The concurring vote of two-thirds of the members of the Council shall be necessary to grant a special use permit. No order of the Council granting a special use permit shall be valid for a period of longer than twelve (12) months from the date of such order, unless the Council specifically grants a longer period of time upon the recommendation of the City Planning Commission. A special use permit may not be applied for again by the same owner for a period of twelve (12) months if such request is denied.

Section 5 Standards.

No special use permit shall be granted unless the City Council has found:

- 5.01 That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 5.02 That the special 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.
- 5.03 That the establishment of the special use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 5.04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 5.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 5.06 The use shall not include noise which is objectionable, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 5.07 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 5.08 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.
- 5.09 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.
- 5.10 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.

ARTICLE 7: PARKING AND SIGNS

Section 1: Scope of Parking Regulations.

Parking regulations are as shown in Section 2: Schedule of Minimum Off-Street Parking and Loading Requirements and also as required in the additional sections of this Article. Any additional conditions imposed by any other ordinances or regulations also apply.

Section 2: General Conditions.

- 2.01 Off-street automobile parking or standing space shall be provided on any lot on which any of the following uses are hereafter established, except for residential uses in the TA and RE Districts; such space shall be provided with vehicular access to a street or an alley and shall be paved unless otherwise provided for in these regulations. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used. The following are the minimum requirements for specific uses:
- A. Dwellings - Three (3) spaces for each family dwelling unit.
 - B. Boarding Houses and Rooming Houses - One (1) space for each two (2) rooms occupied or intended for occupancy by boarders or roomers, in addition to the requirements of paragraph 2.01.
 - C. Tourist Accommodations - One (1) space for each room offered for tourist accommodations.
 - D. Commercial or Business Building in a Commercial Limited or Commercial Business District - Four (4) spaces for the first one thousand (1,000) square feet of ground floor space and one (1) additional space for each additional one hundred fifty (150) square feet of such floor space.
- 2.02 No parking space is permitted in the required front yard in any district except as follow:
- A. Except for single family residences located in the TA and RE Districts, the drive and parking in the front yard of a single family residence is permitted for passenger vehicles and other licensed vehicles outside of an enclosed structure on a concrete driveway or its equivalent under the following conditions:
 - 1. The width of such parking areas shall not exceed thirty-five percent (35%) of the width of the front yard.
 - 2. The parking area shall be not less than two (2) feet from and parallel to the side lot line and not less than two (2) feet from the front property line.
- 2.03 No parking space is permitted in the required side yard in any district except as otherwise provided for in these Regulations.
- 2.04 Required parking spaces are permitted in any required rear yard.
- 2.05 All required parking spaces shall be provided on the same lot as the use for which they are required.

- 2.06 If vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 2.07 A special use permit is required for all parking areas greater than four (4) spaces regardless of surface material (gravel, crushed rock, asphalt, concrete, or other).
- 2.08 A special use permit is required for parking or storage of any unlicensed vehicle, boat, trailer, recreational camper, or any other unlicensed vehicle that does not require licensing on any required yard.

Section 3: Special Conditions; Licensed Personal Vehicles.

Parking of a licensed vehicle, boat, trailer, or recreational camper, unless otherwise provided for in these Regulations, in addition to, not in lieu of, the required parking space(s) in the Zoning District shall be permitted under the following conditions:

- 3.01 A vehicle, boat, trailer, or recreational camper may be parked inside of an enclosed structure when the structure conforms to the zoning requirements of the particular district in which it is located.
- 3.02 A vehicle, boat, trailer, or recreational camper may be parked outside of an enclosed structure in the side yard or rear yard but not within two (2) feet of a property line.
- 3.03 A vehicle, boat, trailer, or recreational camper may be parked outside an enclosed structure in the required front yard on a concrete driveway or its equivalent under the following conditions:
 - A. Space is unavailable in the rear yard or side yard and there is no reasonable access to either the rear yard or side yards. A corner lot is always deemed to have reasonable access to the rear yard; a fence is not deemed to prevent reasonable access.
 - B. Enclosed parking is not possible in conformance with the requirements of the district; such enclosure is not a requirement for parking a vehicle, recreational camper, trailer, or boat.
 - C. The vehicle, recreational camper, trailer, or boat is parked perpendicular to the front curb.
 - D. The vehicle, recreational camper, trailer, or boat may be parked not less than two (2) feet from the front property line, and not less than two (2) feet from the side lot line.
 - E. No part of the vehicle, recreational camper, trailer, or boat may extend over the public sidewalk or the public right-of-way.
 - F. Parking is permitted only for storage and any vehicle, recreational camper, trailer or boat shall not be:

Section 5: Certificate of Occupancy.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of occupancy 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 (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy 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 6: Penalties.

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), 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 one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution of a jury trial.

Section 7: 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 Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), 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.

Section 4: Required Parking.

**SCHEDULE OF MINIMUM OFF-STREET
PARKING AND LOADING REQUIREMENTS**

<u>Structures and Uses</u>	<u>Parking Requirements</u>	<u>Loading Requirements</u>
Bowling Alleys	4 Spaces per alley	1 Space per establishment
Churches, Synagogues, Temples and Funeral Homes and Chapels	1 Space per 4 seats in main unit of worship	2 spaces per main structure
Eating and Drinking Places	Parking spaces equal to 30% of capacity in persons	2 Spaces per establishment
Educational Uses, Nursery	Parking spaces equal to 20% capacity in students	2 Spaces per structure
Educational Uses, All Other	Parking spaces equal to 40% of capacity of students	2 Spaces per structure
Hospitals	1 Space per 2 beds	3 Spaces per structure
Hotels	1 Space per rental unit	1 Space per establishment
Industrial Uses	1 Space per 2 employees on largest shift	2 Spaces per establishment
Libraries	1 Space per 500 square feet of floor area	1 Space per structure
Lodging and Boarding Houses	1 Space per rental unit	None required
Medical Clinics	5 Spaces per staff doctor or dentist	None required
Mobile Home Park	2 Spaces per dwelling unit	None required
Motels	1 Space per rental unit	None required
Private Clubs and Lodges	1 Space per 500 square feet of floor area	1 Space per establishment
Residential Structures (including Mobile Home Dwellings)	3 Spaces per dwelling unit	None required
Retail Sales Establishments	1 Space per 200 square feet of gross floor area	1 Space per establishment
Roadside Stands	4 Spaces per establishment	None required
Sanitariums, Convalescent, and Rest Home Services	1 Space per 3 beds plus 1 space per employee	1 Space per establishment
Service Establishments	1 Space per 200 square feet of gross floor area	1 Space per establishment
Theaters, Auditoriums, and Places of Assembly	1 Space per 5 people in designed capacity	1 Space per establishment
Veterinary Establishments	3 Spaces per staff doctor	None required
Wholesaling and Distribution Operations	1 Space per 2 employees on largest shift	2 Spaces per establishment

Section 5 Signs: Standard of Measurement

- 5.01 The total area of all signs permitted on a lot shall include:
- A. The total area of the faces of all permanent exterior signs visible from a public way, plus
 - B. The area of permanent signs placed upon the surface of windows and doors, plus
 - C. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
- 5.02 A building or use having frontage on a second street may include twenty percent (20%) of the length of the lot facing the second street.

Section 6: Signs, Type

- 6.01 *Real Estate.* Not more than two (2) signs per lot may be used as a temporary sign no larger than six (6) square feet (except, TA-1 may be up to twelve (12) square feet) and set back twenty (20) feet from the road right of way or road easement boundary.
- 6.02 *Announcement.* Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least twenty (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.
- 6.03 *Wall.* A sign or sign flat against a building appertaining to a nonconforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area except as may be authorized by the Board of Adjustment.
- 6.04 *Name plate.* One nameplate not exceeding two (2) square feet for each dwelling.
- 6.05 *Billboard.* Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.
- A. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - B. No billboard, signboard, or similar advertising signs shall be located within fifty (50) feet of any lot in a residential district.
 - C. No billboard, signboard, or similar advertising signs shall exceed seven hundred (700) square feet in area.
 - D. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 6.06 *Ground.* Ground signs at least five (5) feet from any lot line with a maximum height of ten (10) feet.

6.07 *Projecting or Pole.* One free standing or projecting sign for each enterprise on the premises of not more than one hundred (100) square feet per sign face, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceeding fifty (50) feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

Section 7: Sign Schedule

Signs shall be permitted in the various districts according to the following schedule:

Sign Schedule

<u>Zoning District</u>	<u>FW</u>	<u>TA-1</u>	<u>RS</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I1</u>	<u>I2</u>	<u>IP</u>	<u>PD</u>
<u>Sign Type</u>												
Real Estate	+	+	+	+	+	+	+	+	+	+	+	+
Announcement	-	-	+	+	+	+	+	+	+	+	+	c
Wall	-	-	-	-	-	-	+	+	+	+	c	c
Name Plate	+	+	+	+	+	+	+	+	+	+	+	+
Billboard	-	-	-	-	-	-	-	-	+	+	-	-
Ground	-	-	-	-	-	-	+	+	+	+	+	c
Projecting or Pole	-	-	-	-	-	-	+	+	+	+	+	c

- +: permitted
- : not permitted
- c: Special Use

ARTICLE 8: BOARD OF ADJUSTMENT

Section 1: Members, Terms and Meetings.

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) members, each to be appointed by the City Council for staggered terms of three (3) 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 (1) 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 his immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the Board of Adjustment. The members of the Board shall select one of their number as chairman, and another as vice-chairman who shall act as chairman in the chairman's absence. Both shall serve one (1) year and until their successors have been selected. The City Clerk shall act as secretary to the Board and keep a record of all proceedings, but shall take no other part in the Board's deliberations. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board shall determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings 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. The Board shall adopt from time to time, subject to the approval of the City Council, such rules and regulations as it may deem necessary, to carry the appropriate provisions of this Ordinance into effect.

Section 2: Appeals to Board, Record of Appeal, Hearings and Stays.

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): 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 his 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 ten (10) days 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 3: Powers and Jurisdiction on Appeal.

3.01 The Board of Adjustment shall have the following powers:

- A. 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;
- B. 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
- C. 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;
- 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- 3. The authorization of such variance 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.

3.02 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 (4) 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 4: 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 Section 19-912, Reissue Revised Statutes of 1943 (in full).

ARTICLE 9: AMENDMENT

Section 1: Amendments.

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty (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 three hundred (300) feet therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. The provisions of this section of the Ordinance 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 eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (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 ten (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, and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100). 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 districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

Section 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. Public hearings by the Planning Commission and City Council for such proposals shall follow the same requirements as listed in Special Use Permits (Section 3 of Article 6). The Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within forty-five (45) days after receipt thereof. 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.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

- 2.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited a fee of one hundred dollars (\$100.00) to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

- 2.02 An application for a change of district to Commercial Limited or Commercial Business shall contain a minimum area of three (3) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- 2.03 An application for a change of district to an Light Industrial or General Industrial District shall contain a minimum area of five (5) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- 2.04 The foregoing requirements in sub-sections 2.02 and 2.03 shall not apply in the case of an extension of a Commercial Limited or Commercial Business District or Light Industrial or General Industrial District.
- 2.05 An owner denied a change in zoning may not apply for the same change for one (1) year after being denied the change.

Section 3: Zoning Administrator.

The provisions of this Ordinance shall be administered and enforced by a Zoning Enforcement Officer appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Section 4: Building Permits.

- 4.01 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 building permit for such work.
- 4.02 Issuance of a building permit. In applying to the Zoning Administrator for a building 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. He 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 are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Zoning Administrator shall issue a building permit for such excavation or construction. If a building 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 building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 5: Certificate of Occupancy.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of occupancy 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 (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy 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 6: Penalties.

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), 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 one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution of a jury trial.

Section 7: 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 Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), 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 10: LEGAL STATUS PROVISIONS

Section 1: Separability.

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 2: Repeal of Conflicting Ordinances and Effective Date.

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. This Zoning Ordinance of the City of Hickman 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 the City of Hickman, Nebraska,

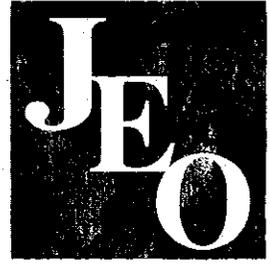
This _____ day of _____, 1998.

(Seal)

(MAYOR)

ATTEST: _____
(CITY CLERK)

March 3, 1998



JOHNSON
ERICKSON
O'BRIEN

Mike Dekalb
Lincoln/Lancaster Co. Planning Dept.
555 So. 10th
Lincoln, NE 68508

RE: Hickman Zoning
342 PL1

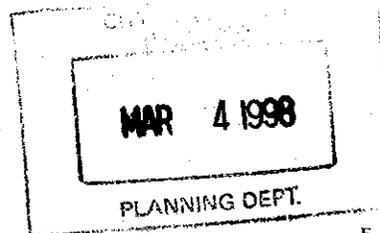
Dear Mike:

Enclosed is the proposed Zoning Map for the City of Hickman. It has gone through first READING and I do not foresee any problems or changes. IF there is any minor changes, I'll be sure to call you.

Zoning Maps for the City of Hickman and the Village of Bennet were the ones you requested. According to our records, you should now have both. Let us know if there are any problems/questions.

Thanks,

David Patter
Planner - JEO.



ENGINEERING
ARCHITECTURE
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