

Agenda Packet

NORFOLK PLANNING COMMISSION

Tuesday, May 17, 2022
7:30 a.m.

Created 5/12/2022 2:15 PM

**NOTICE OF MEETING
CITY OF NORFOLK, NEBRASKA**

NOTICE IS HEREBY GIVEN that a meeting of the Norfolk Planning Commission of the City of Norfolk, Nebraska, will be held at 7:30 a.m. on Tuesday, May 17, 2022, in the Council Chambers, 309 N. 5th Street, which meeting will be open to the public.

An agenda for such meeting, kept continually current, is available at the City of Norfolk Administration Building, located at 309 N 5th Street, Norfolk, Nebraska during normal business hours.

AGENDA
NORFOLK PLANNING COMMISSION
May 17, 2022

CALL TO ORDER

1. 7:30 a.m. Call meeting to order.
2. Inform the public about the location of the Open Meetings Act posted in the Council Chambers and accessible to members of the public
3. Roll call.

CURRENT BUSINESS

4. Approval of full agenda. **Motion**
5. Consideration of approval of the minutes of the May 3, 2022 Planning Commission meeting. **Motion**

PUBLIC HEARINGS

6. Public hearing to consider an amendment to Section 27-2 of the Official City Code to add a definition for “public signs”; to amend Section 27-321 to include an exception allowing public signs to be placed in the public right-of-way of a street or highway.
7. Consideration of recommendation of an amendment to Section 27-2 of the Official City Code to add a definition for “public signs”; to amend Section 27-321 to include an exception allowing public signs to be placed in the public right-of-way of a street or highway. **Motion**

OTHER BUSINESS

8. Consideration of recommendation of annexing a tract of land located approximately 1/4 mile east of N. 37th Street and south of W. Eisenhower Avenue. **Motion**
9. Consideration of recommendation of annexing a tract of land generally located immediately west of part of Walter's East Knolls 13th Addition. **Motion**
10. April 2022 Building Permit Report.
11. Open topics on any concerns the Commission has towards current and future planning for the City. No action can be taken on matters discussed.

PLANNING COMMISSION MEETING

The Norfolk Planning Commission of the City of Norfolk conducted a public meeting in the City Council Chambers, 309 N. 5th Street, on the 3rd day of May, 2022, beginning at 7:30 a.m.

Roll call found the following Commission Members present: Dan Spray, Kyle Deets, Melissa Figueroa, Dirk Waite, Brandon Franklin, Kaycee Kube, Martin Griffith, Jacob Thone, and Cody Ronnfeldt. Absent: None.

Staff members present were: Val Grimes, City Planner; Steven Rames, City Engineer; Anna Allen, Assistant City Engineer; Randy Gates, Finance Officer; Mickella Brabec, Economic Development Assistant; and Katelyn Palmer.

Planning Commission Chair, Dan Spray presided and the Planning Commission Secretary Elizabeth Lienemann digitally recorded the audio of the proceedings.

Chair Spray called the meeting to order and informed the public about the location of the current copy of the Open Meetings Act posted in the meeting room and accessible to members of the public.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Chair and all members of the Commission and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and Commission of this meeting. All proceedings hereafter shown were taken while the convened meeting was opened to the public.

Current Business

Commissioner Griffith moved, seconded by Commissioner Thone to approve the full agenda.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: None. Motion carried (9-0).

Commissioner Waite moved, seconded by Commissioner Figueroa to approve the April 19, 2022 meeting minutes.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: None. Motion carried (9-0).

Resolution No. 2022PC-4
Conditional Use Permit – Asphalt hot-mix facility
2101 E. Eisenhower Ave & ¾ mile east of the intersection of N. Victory Rd. and E. Eisenhower Ave.
Western Engineering Co., Inc

Chair Spray read into record the conditions of the Conditional Use Permit.

Commissioner Waite moved, seconded by Commissioner Deets to approve Resolution No. 2022PC-4 allowing the operation of an asphalt hot-mix facility at 2102 E. Eisenhower Avenue and approximately ¾ mile east of the intersection of N. Victory Road and E. Eisenhower Avenue.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: None. Motion carried (9-0).

Resolution No. 2022PC-5
Conditional Use Permit – Oversized Accessory Building
1001 Kelland Drive, Max A. & Celise H. Swanson

Chair Spray read into record the conditions of the Conditional Use Permit.

Commissioner Deets moved, seconded by Commissioner Griffith to approve Resolution No. 2022PC-5 allowing an Oversized Accessory Building at 1001 Kelland Drive.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: None. Motion carried (9-0).

Public Hearings

Public Hearing

Redevelopment Plan for the Valley Drive Properties, LLC Redevelopment Project

Chair Spray opened the public hearing at 7:35 a.m. to consider the Redevelopment Plan for the Valley Drive Properties, LLC Redevelopment Project.

Finance Officer, Randy Gates, explained that the property is located northwest of the intersection of S. Victory Road and Highway 275. The parcel is about 9.28 acres and the plan is to plat the property into 25 duplex lots (50 units). The project is to be completed in three phases from 2022 through 2024. Total TIF eligible costs are expected to be \$2.1 million. The property is currently zoned R-1 and the redeveloper plans to re-zone to R-2. The property is in the East Entrance District of the Comprehensive Plan.

Kelby Herman, 1005 Darrus Drive, owner of Valley Drive Properties, LLC, explained that some of the units will have a two car garage and some will have single car garage units. He also noted that he was part of the Nor-Park development to the east of the property, and this project would be an extension of that development.

Commissioner Deets asked if the units were all single-level townhomes. Herman confirmed and explained that 30 units will have a two car attached garage and 20 units will have a single car garage. Some will be three bedroom units and some will be two bedroom units.

No one else spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:42 a.m.

Commissioner Waite moved, seconded by Commissioner Deets to recommend approval of the Redevelopment Plan.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: None. Motion carried (9-0).

Public Hearing
Amend the Official City Code

Chair Spray opened the public hearing at 7:44 a.m. to consider an amendment to the Official City Code to amend Section 23-42 to include an exemption to the sidewalk requirements; to amend Section 23-48 for clarification and to provide for documentation when a previously waived requirement has been met.

City Planner, Val Grimes, explained that the code change will help answer whether or not large lot subdivisions, with numerous lots, should have sidewalks. She explained that the process will be similar to a hard surfacing waiver whereas someone could automatically get a waiver if they meet certain criteria but they must sign an agreement with the City. Planner Grimes read the criteria that must be met to obtain a waiver.

If the exemptions are met, the property owner would sign an agreement with the City at the time of a Building Permit. The agreement will state that once sidewalk or trail is adjacent to the subdivision, then the City will design what is needed at that time.

Chair Spray inquired if it would be appropriate to include verbiage about grading being done at the time of lot development. Planner Grimes indicated that something could be added to the template agreement. City Engineer, Steven Rames, noted that the Subdivision Agreement and Plat have language about the requirement of grading for sidewalks. Planner Grimes included that the agreement will be filed at the County so that the information is public and there are no surprises when the property changes hands.

No one spoke in favor or opposition of the request and Chair Spray closed the public hearing at 7:51 a.m.

Steve Karmazin, 1000 Westbrook Dr, shared appreciation of the work that was put into creating the Code. He stated that from experience there are enough notations on a plat and Subdivision Agreement that everyone is aware [of the sidewalk requirement].



progress. right at home.

309 N 5th St
Norfolk, NE 68701
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www.norfolkne.gov

Commissioner Waite moved, seconded by Commissioner Figueroa to recommend approval of the amendment to the Official City Code.

Roll Call: Commission Members: Ayes: Spray, Deets, Figueroa, Waite, Franklin, Kube, Griffith, Thone, and Ronnfeldt. Nays: None. Absent: None. Motion carried (9-0).

Other Business

There was no other discussion and Chair Spray declared the meeting adjourned at 7:53 a.m.

Elizabeth Lienemann, Norfolk Planning Commission Secretary

Dan Spray, Norfolk Planning Commission Chair



progress. right at home.

309 N 5th St
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Public Hearing

The Norfolk Planning Commission will hold a public hearing on Tuesday, May 17, 2022 at 7:30 a.m. in the City Council Chambers, 309 N 5th Street, Norfolk, Nebraska to amend Section 27-2 of the Official City Code to add a definition for “public signs”; to amend Section 27-321 to include an exception allowing public signs to be placed in the public right-of-way of a street or highway.

Publish (May 6, 2022)
1 P.O.P.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-2 OF THE OFFICIAL CITY CODE TO ADD A DEFINITION FOR “PUBLIC SIGNS”; TO AMEND SECTION 27-321 TO INCLUDE AN EXCEPTION ALLOWING PUBLIC SIGNS TO BE PLACED IN THE PUBLIC RIGHT-OF-WAY OF A STREET OR HIGHWAY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Section 27-2 of the Official City Code is hereby amended to read as follows:

Sec. 27-2. Definitions.

For the purpose of this chapter, the following words and terms as used herein are defined. Certain articles or divisions contain definitions which are additional to those listed herein. Words in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "structure" shall include the word "building," and the word "shall" is mandatory.

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

Abutting shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

Access shall mean a way or means of approach or entrance, a means of ingress or egress.

Accessory building (see Building, accessory)

Accessory structure shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory use shall mean a subordinate use which serves an incidental function to that of the main use of the premises.

Active recreation shall mean a recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.

Addition shall mean any construction which increases the size of a building or structure.

Adjacent shall mean near to or in the vicinity with or without touching or bordering upon.

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

Agriculture shall mean the use of a tract of land for the growing of crops, pasturage, nursery, or the raising of poultry, including the structures necessary for carrying out farming operations, the residence or residences of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots. The raising of livestock and poultry shall be an agricultural use if the area in which the livestock or poultry is kept is ten (10) acres or more in area.

Agronomic Rates shall mean the application of plant nutrients, from all sources, to meet, but not exceed, the estimated annual nutrient needs of the crop being produced, based upon past or projected yields, so as to avoid build-up of nutrients including, but not limited to, nitrate, chloride, ammonia and phosphorus. Determination of the agronomic rate shall include the available nutrients in the soil, the nitrogen content of any irrigation water, and the nutrient content of any animal wastes, sludges and commercial fertilizer to be applied.

Airport shall mean an area designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for housing and maintenance of aircraft. (also see Heliport)

Alley shall mean a dedicated public right-of-way, the right-of-way of which is twenty (20) feet or less in width, other than street, which provides only a secondary means of access from the abutting property, to the street.

Alteration shall mean any change, addition or modification in construction or occupancy of an existing structure.

Alteration, structural (see Structural alteration)

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

Animal hospital (see Hospital, animal)

Animals, domestic (see Household pet)

Animals, farm shall mean livestock associated with agricultural uses, commonly kept or raised as a part of a farming operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

Antenna shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (also see Satellite dish antenna and Tower)

Apartment shall mean a room or a suite of rooms within an apartment house or multiple-family dwelling arranged, intended or designed for a place of residence of a single-family or group of individuals living together as a single housekeeping unit. (also see Dwelling unit)

Apartment hotel shall mean a multiple-family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

Apartment house (see Residential uses)

Approved lot (see Lot, approved)

Aquifer shall mean a geological unit in which porous and permeable conditions exist and thus are capable of bearing and producing usable amounts of water.

Aquifer recharge area shall mean an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Architectural canopy sign (see Sign, architectural canopy)

Arterial street (see Street, arterial)

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

Automobile service station (see Service station)

Automobile wrecking yard shall mean the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard. (also see Junkyard)

Bar shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (also see Nightclub)

Basement shall mean that portion of a building which is partly or completely below grade.

Bed and breakfast inn shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

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

Beer means a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water and includes, but is not limited to beer, ale, stout, lager beer, porter, near beer, flavored malt beverages and hard cider.

Best interest of community shall mean interests of the community at large and not interest of the immediate neighborhood.

Billboard (see Sign, billboard)

Block shall mean a tract of land within a subdivision bounded by streets, streams, railroads, the exterior boundaries of the subdivision, or any combination thereof.

Block frontage shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

Board of adjustment shall mean that board which has been created by the city and which has the statutory authority to hear and determine appeals, interpretations of and variances to the zoning regulations.

Boarding/Rooming House shall mean the use of a site for the residence of more than three unrelated persons, not otherwise defined as a family in which occupants are accommodated in rooms not defined as dwelling units.

Borrow pit shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.

Brewery means a manufacturer of beer producing and/or bottling over twenty thousand barrels of beer per year.

Brewpub means any restaurant which produces on its premise a maximum of twenty thousand barrels of beer per year.

Broadcasting tower shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding fifty (50) feet in height shall not be considered broadcast towers.

Buffer shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (also see Screening)

Building shall mean any structure having a roof and walls, and used, or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. (also see Structure)

Building, accessory shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes garages, carports, and small storage sheds.

Building coverage (see Lot coverage)

Building, height shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (also see Height)

Building line shall mean a line parallel to the lot line, beyond which a building or land use cannot extend according to the terms of the applicable district regulations. (also see Setback and Yard)

Building moratorium shall mean a period of time established by the city council when no construction, additions, improvements or subdivision shall occur within a given area.

Building, principal shall mean a building within which the main or primary use of the lot or premises is located. (also see Principal use)

Building sign (see Sign, building)

Bulk Storage shall mean the storage of materials for distribution to other locations and not for use or consumption of such materials on the premises.

Business use shall mean all uses of land, buildings or structures other than agricultural, residential, public, semi-public or industrial uses.

Camper Campground (see Recreational vehicle) shall mean a parcel of land intended for the temporary occupancy of tents, campers and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

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

Carry out restaurant (see Restaurant, fast food and Restaurant, drive-in)

Cemetery shall mean a tract of land used or intended to be used for the burial of the dead, including columbariums, and mausoleums when in conjunction with and located within the boundaries of the cemetery.

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

City shall mean City of Norfolk, Nebraska.

City council shall mean the City Council of the City of Norfolk, Nebraska.

Clear view zone shall mean the area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (also see Sight triangle)

Clinic shall mean a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.

Closed sign (see Sign, closed)

Club shall mean a nonprofit organization with limited membership which is controlled by the membership into which admission can only be obtained by invitation, and in which the property is owned in common or held for the benefit of the members.

Cluster development shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

Cocktail lounge (see Bar)

Collector street (see Street, collector)

Commercial use shall mean an occupation, employment, or enterprise that is carried on for profit by the owner, owners, lessee or licensee.

Commission shall mean the Norfolk Planning Commission.

Common area shall mean that area within a development not occupied by buildings, owned in common by property owners within the development, designed and intended to provide access, parking, required yards, walkways, and services to the residents of the development. Common area does not apply as open space nor common open space. (also see Open space, common)

Common open space (see Open space, common)

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

Community sanitary sewer system shall mean an approved central sewer collecting system, meeting state and city requirements, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

Community water supply system shall mean a public water supply system which serves at least fifteen service connections used by year round residents or regularly serves 25 or more year round residents.

Compatible uses shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, vibration, electrical interference and radiation.

Comprehensive plan shall mean the Comprehensive Plan of Norfolk, Nebraska as adopted by the Norfolk City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 19-903, R.R.S. 1943, as the same may, from time to time, be amended.

Concept plan (see Site plan)

Conditional use shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety and general welfare.

Conditional use permit shall mean a permit issued by the planning commission that authorizes the recipient to make conditional use of property in accordance with the requirements of this chapter as well as additional requirements imposed by the commission.

Condominium shall mean an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Confinement feeding of livestock and poultry (see Feedlot)

Conflicting land use shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to traffic, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

Congregate housing shall mean a residential facility for four or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. (also see Housing for the elderly)

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

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

Convenience food sales (see food sales)

Copy areas (see Sign, copy area)

Corner lot (see Lot, corner)

Country club shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and management of such club are conducted by a board of directors, executive committee, or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or

corporation. Customary country clubs include, but are not limited to swimming, tennis and golf course country clubs.

Court shall mean an open, unoccupied space, other than a yard, bounded on three (3) or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Craft brewery means a brewpub or a microbrewery.

Cul-de-sac shall mean a local street which is a single continuous stretch of road one end of which is closed and terminated by a circular turn around.

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

Curvilinear street (see Street, curvilinear)

Dead end street (see Cul-de-sac)

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

Destination sign (see Sign, destination)

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

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

Development area shall mean an area of land either subdivided or not with three or more homes per nine (9) acres.

Development concept plan (see Site plan)

Development review shall mean the review, by the city of subdivision plats, site plans, rezoning requests or permit review.

Director of planning and development shall mean the person or persons authorized and empowered by the city to administer and enforce the requirements of this chapter. Director of planning and development as used in this Code shall also include other staff designated by the director of planning and development (including but not limited to the zoning official and code official) to perform any particular function.

District (see Zoning district)

Dog kennel (see Kennel, commercial and Kennel, private)

Domestic animals (see Household pet)

Dormitory shall mean a building used as group living quarters for a student body, religious order, or other group as accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use where group kitchen facilities may be provided to serve all residents.

Double frontage lot (see Lot, double frontage)

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

Drive-in facility shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

Drive-in restaurant (see Restaurant, drive-in and Restaurant, fast food)

Duplex residential (see Residential uses)

Dwelling shall mean a building or a portion thereof that provides living facilities for one or more families, but not including hotels, motels, boarding or lodging houses and shall include manufactured dwellings. (see also Residential Uses)

Dwelling (or housing) unit shall mean a single unit consisting of one or a group of rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, secondary shall mean a living facility located within a detached accessory building which living facility is equipped for cooking and sleeping and which is located on the same lot, parcel, or tract as the main dwelling unit. The secondary living unit may be used by a member of the family or guest of the main dwelling unit.

Dwelling (or housing) unit, efficiency shall mean a dwelling unit consisting of one principal room with no separate sleeping room.

Easement shall mean the right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Educational institution shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either (1) offer general academic instruction equivalent to the standards established by the State Board of

Education, or (2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. Private schools, academies or institutes, incorporated or otherwise, which operate for a profit, commercial or private trade schools are not included in this definition.

Effective date shall mean the date that this chapter shall have been adopted, amended or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment or the extension of the city's extraterritorial zoning jurisdiction.

Eleemosynary institution shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.

Emergency shelter mission shall mean a facility which provides temporary housing for one or more individuals who are indigent, needy, homeless or transient.

Encroachment shall mean an intrusion or infringement beyond the lines or limits established by the applicable district regulations, and/or to infringe or trespass into or upon the possession or rights of others without permission.

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

Erected shall mean constructed upon or moved onto a site.

Expressway shall mean a street or road which provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

Extraterritorial jurisdiction shall mean the area beyond the corporate limits, in which the city has been granted the powers by the state to exercise zoning regulations and is exercising such powers.

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

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

Family shall mean an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit. The following persons shall be considered related as "children" or "related" for the purpose of this Chapter:

- (a) Persons related by blood, marriage, or adoption.
- (b) Persons residing with a family for the purpose of adoption.

- (c) Not more than eight persons residing with a family for the purpose of receiving foster care from such family, licensed and approved by the State of Nebraska.

A family shall under no circumstances be construed as the occupants of a boarding or rooming house, fraternity or sorority house, club, lodging house, hotel, motel, or commune.

Family day care shall mean the provision of services in lieu of parental supervision for children under thirteen (13) years of age for compensation, either directly or indirectly, on the average of less than twelve (12) hours per day, but more than two (2) hours per week, and shall include any employer-sponsored day care, family day care homes, day care centers, before-and-after-school day care programs, before-and-after-school services pursuant to Section 79-444, R.R.S. 1943, as the same may, from time to time, be amended, or preschools or nursery schools; but shall not include casual care at irregular intervals, a recreation camp, classes or services provided by a religious organization other than day care or preschool or nursery schools, a preschool program conducted in a school approved pursuant to Section 79-328, R.R.S. 1943, as the same may, from time to time, be amended, or child care as defined in Section 79-1901, R.R.S. 1943, as the same may, from time to time, be amended.

Farming shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska.

Feedlot shall mean any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Flea market shall mean a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.

Flood plain (see Sec. 27-241 et seq. of this Code for all definitions relating to flood plain regulations and management)

Floor area, gross shall mean the sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Floor area ratio shall mean the maximum percentage of allowable floor area of a building or a group of buildings on the same lot, computed by dividing the floor areas by the area of the lot.

Food sales shall mean the establishments or places of business primarily engaged in the retail sale of food or household products for home consumption or use. Food sales establishments may include the sale of non-food items. However, the sales of non-food items may account for no more than the lesser of 25% of the sales area or 10,000 square feet of the food sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Convenience food sales: Establishments occupying buildings of less than 5,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
2. Limited food sales: Establishments occupying buildings of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, candy shops, small grocery stores.
3. General food sales: Establishments selling a wide variety of food commodities and related items, using facilities larger than 10,000 but less than 40,000 square feet. Typical uses include grocery stores and locker plants.
4. Supermarkets: Establishments selling a wide variety of food commodities, related items, and often providing a variety of non-food goods and services, using facilities larger than 40,000 square feet. Typical uses include large grocery stores.

Freestanding sign (see Sign, freestanding)

Front lot line (see Lot line, front)

Front yard (see Yard, front)

Frontage (see Lot frontage)

Funeral home shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.

Garage, private shall mean an accessory building designed or used for the storage of not more than four (4) motor vehicles without provisions for repairing or servicing such vehicles for profit.

Garage, public shall mean a building designed and used for the storage of over four (4) motor vehicles and operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles, campers or motor powered boats.

Garage, repair shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (also see Service station)

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

Gasoline and diesel service stations (see Service station)

General food sales (see Food sales)

Generator, traffic shall mean a use of land which generates large concentrations of population during designated periods of time.

Glare shall mean a sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and/or visibility.

Grade shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

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

Gross leasable area shall mean the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, measured from the center line of joint partitions and from outside wall faces.

Ground cover shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (also see Landscaping)

Ground coverage (see Lot coverage)

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

Group care facility shall mean a facility licensed or approved by the State of Nebraska or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than five unrelated persons who require and receive therapy or counseling on-site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Such facilities shall exclude those uses that fall under the category of group home. Group care facilities include facilities that provide for:

1. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder or dysfunction; or of mental retardation if such facility has an overnight occupancy of more than eight persons.
2. Rehabilitation from the effects of alcoholism or other substance abuse.
3. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work-release, and probationary programs.
4. Any residential setting for eligible purposes under the group home use type but including more than eight unrelated residents, unless such facilities have independent living units which permit classification as a multi-family residential use.

Group home shall mean a facility licensed or approved by the State of Nebraska in which no more than eight persons, not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training, or counseling for the purpose of living with or rehabilitation from a physical, mental, or developmental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently. Persons who have a clinical history of or are regarded as having such an impairment are included as residents under this definition. Examples of group homes include residential or residential therapeutic settings for persons with cerebral palsy or related disabilities, autism, mental retardation or other developmental disabilities; or Alzheimer's or vascular dementia, or similar conditions. The term "group home" shall not include residential settings for the treatment of alcoholism or other substance abuse, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

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

Group residential shall mean the use of a site for the residence of more than three unrelated persons, not otherwise defined as a family, in which occupants are accommodated in rooms not defined as dwelling units. Group residential uses are limited to facilities that are officially recognized or operated by a college or university, government agency, or nonprofit organization. Typical uses include fraternity or sorority houses and dormitories not incorporated into a college and university use type.

Handicap shall mean, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of

having such an impairment; or (3) being regarded as having such an impairment. Handicap shall not include current, illegal use of or addiction to a controlled substance as defined by Section 28-401, R.R.S. 1943, as the same may, from time to time, be amended.

Hazardous substances shall mean any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health care facilities shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) hospitals including offices of medical societies, offices of charitable public health associations and private office space for the practice of medicine and dentistry under a license from the Department of Health of the State of Nebraska; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) convalescent or nursing home; (3) a facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) public health clinics and facilities; and (5) ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors' or dentists' professional offices and private clinics.

Health club shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

Health/recreation facility shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

Height shall mean the vertical distance above grade from the base of a structure or building to its highest point.

Heliport shall mean a designated landing area used for the landing and taking off of helicopters and may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Helistop shall mean any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.

Highest use (see Use, highest)

Historic district shall mean an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Holding zone shall mean a zoning district, usually a very low density district, placed on property for the purpose of temporarily holding back the development of land for a more

intensive desired use as indicated by the comprehensive plan until such time as community facilities are economically available and thereby avoiding the "leap frogging" of land uses.

Home occupation shall mean an occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit, carried on by a member or members of the family who occupy the dwelling for living purposes, which does not alter the exterior of the property or affect the residential character of the neighborhood.

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

Hospital shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.

Hospital, animal shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

Hotel shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel, or other similar designations.

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

Housing for the physically handicapped shall mean a building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.

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

Incidental use shall mean a use which is subordinate to the main use of a premise.

Individual septic system shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.

Industrial park shall mean a planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

Industrial solid waste. (see Solid waste, industrial)

Industrial uses shall mean uses involved in the manufacture or processing of products. Industrial uses may be classified as light, general, or heavy, depending on their degree of environmental control and utilization of outside storage. The same use, developed in different ways, may be classified in any of these categories.

1. Light industrial uses: Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. Establishments classified as light industrial uses have no measurable or objectively offensive external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses, provided that these uses are operated in such a way as to prevent external effects. These uses are generally located in districts I-1 or I-3 (with no retail sales).
2. General industrial uses: Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines. General industrial uses may include outdoor storage. These uses are generally located in districts I-1 or I-2.
3. Heavy industrial uses: Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials. These uses are generally located in districts I-2.

Infill land shall mean vacant tracts of land surrounded by developed properties containing improvements.

Inoperable motor vehicle shall mean any motor vehicle which (1) does not have a current state license plate or (2) which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle

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

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

Interim zoning or development controls shall mean a process to freeze or severely restrict development for a short period, during which a comprehensive plan for an area or a new set of zoning regulations is prepared.

Interior lot (see Lot, interior)

Junk shall mean dilapidated or worn out scrap or abandoned metal, paper, building material and equipment, bottles, glass, plastics, appliances, furniture, rags, rubber, motor vehicles or parts thereof, or other waste that has been abandoned from its original use.

Junkyard shall mean any area or parcel of land where accumulation of discarded junk, salvaged or salvageable materials are stored, baled, packed, disassembled or handled in any manner. The materials may include, but not be limited to inoperable motor vehicles or vehicle parts, inoperable machinery or equipment or parts, used lumber, or scrap or salvaged metal. An area or parcel of land shall not be considered a junkyard if the material stored thereon is a permitted accessory use to the main permitted use of the premises. The terms junkyard and salvage yard shall be synonymous. (also see Automobile wrecking yard)

kennel, commercial shall mean an establishment where four (4) or more dogs or cats or any combination thereof, or other household pets are groomed, bred, boarded, trained or sold as a business.

kennel, private shall mean any premises used for the keeping of (4) or less dogs or cats or a combination thereof by the owner/occupant or occupant of the premises for the purpose of show, hunting, or as pets. The dogs and cats shall belong to the owner/occupant or occupant and their keeping shall be accessory to the main use of the premises.

Kiosk shall mean a freestanding structure used for the purposes of posting information, notices, announcements and posters of a temporary nature.

Lagoon (see Wastewater lagoon)

Landfill shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

Landscaping shall mean the changing, rearranging, or adding to a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. This may include the

reshaping of the land, adding vegetation, sculptures, decorative lighting, structures, decorative surfacing or other enhancement for aesthetic, ecological and environmental reasons. (also see Ground cover)

Laundry, self-service shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

Leapfrog development shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other public services such as police, fire, schools and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community.

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

Limited food sales (see Food sales)

Limited retail services (see Retail services)

Livestock (see Animals, farm)

Living floor area shall mean the square foot area of a dwelling unit, excluding the garage, attics and areas within a full basement that do not have ground level access to the outside, as measured between the face of the interior walls.

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

Local street (see Street, local)

Lodging house (see Boarding/Rooming house)

Lot shall mean a parcel of land occupied by or suitable for occupation by one main building, or a unit group of buildings where specifically authorized within a zoning district, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon and access to a public street or approved place. A lot as used herein may consist of one or more platted lots, or tracts, as conveyed, or parts thereof when authorized by this chapter.

Lot, approved shall mean a lot in separate ownership as of January 1, 1983, whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Madison County Register of Deeds, on or before January 1, 1983. (also see Lot of record)

Lot area shall mean the total horizontal area within the lot lines of a lot.

Lot, corner shall mean a lot abutting upon two (2) or more streets at their intersection.

Lot coverage shall mean the lot area covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

Lot depth shall mean the mean horizontal distance between the front and rear lot lines.

Lot, double frontage shall mean a lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

Lot, flag shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

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

Lot, interior shall mean a lot other than a corner lot bounded only on one side by a street.

Lot line shall mean a line dividing one lot from a street, alley or another lot. (also see Street line)

Lot line, front shall mean on an interior lot, the lot line abutting a street; on a corner lot, the street line with the least dimension, unless otherwise specified by the zoning official or his or her designee; on a through lot, the street line providing the primary access to the lot; and on a flag lot, the street line providing access to the lot. (also see Yard, front)

Lot line, rear shall mean a lot line opposite the front lot line. A lot bounded by only three lot lines will have no rear lot line.

Lot line, side shall mean a lot line not a front or rear line. A side lot line may be a party lot line, a line bordering on an alley or place or a street line on a corner lot.

Lot line, zero shall mean the location of a detached building on a lot line in such a manner that one or more of the building's sides rests directly on a lot line.

Lot, nonstandard shall mean a lot or parcel of land that has less than the required minimum area or width as established by the zoning district in which it is located as of the effective date of this chapter.

Lot of record shall mean a lot whose existence, location, and dimensions have been legally recorded in a deed or on a plat in the office of the Madison County Register of Deeds prior to the effective date of zoning in the area where the lot is located. (also see Lot, approved)

Lot, parking (see Parking lot)

Lot, reverse frontage shall mean a through lot without accessibility from one of the nonintersecting streets upon which it abuts.

Lot, subdivision identification shall mean a privately owned and maintained parcel of ground within the right-of-way of a street upon which is located a sign identifying the name of the subdivision.

Lot, through (see Lot, double frontage)

Lot width shall mean the horizontal distance between side lines, measured at the minimum front yard setback line.

Machine shop shall mean a work shop, including tool and die shops, that turns, shapes, planes, mills or otherwise reduces or finishes metal by machine-operated tools.

Maintenance guarantee shall mean any security, other than cash, that may be accepted by the city to insure that required improvements will be maintained. (also see Performance guarantee)

Major highway entrance shall mean a street or road which provides through traffic movement between and around areas and across the county or city; subject to necessary control of entrances and curb uses. This includes U.S. Highways 81 and 275, and State Highways 35 and 24.

Manufactured home dwelling shall mean a factory built single-family dwelling, structure which is to be used as a place for human habitation, which is manufactured or constructed under the authority of 42 U.S. Sec. 5403, Federal Manufactured Home Construction and Safety Standards promulgated by the U.S. Department of Housing and Urban Development, and which is not constructed or equipped with a permanently attached to its body or frame any wheels or axles, and which complies with the following architectural and aesthetic standards listed below. For the purpose of any of these regulations, manufactured home dwellings shall be considered the same as a single-family detached dwelling. In common with single-family detached dwellings, a manufactured home dwelling unit shall have the following characteristics:

1. The home shall have at least 650 square feet of floor area;
2. The home shall have an exterior width of at least 18 feet;

3. The roof shall be pitched with a maximum vertical rise of 2.5 inches for each 12 inches of horizontal run.
4. The exterior material is of a color, material, and scale comparable with those existing in the residential site on which the manufactured home dwelling is being permanently installed.
5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
6. Permanent utility connections shall be installed in accordance with local regulations;
7. The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
8. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

Manufactured home subdivision shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured home dwellings.

Manufacturing shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

Map, official zoning district shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the mayor and city council as the zoning ordinance for the City of Norfolk, Nebraska.

Marquee sign (see Sign, architectural canopy)

Mass retail services (see Retail services)

Massage parlor (see sexually oriented businesses)

Median shall mean the center of a road, street or other thoroughfare which separates the direction of traffic movement either by surface marking or separation of the road surface.

Medical or dental clinic shall mean any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry or optometry.

Medium retail services (see Retail services)

Message sign (see Sign, electronic message board)

Microbrewery means any small brewery producing a maximum of twenty thousand barrels of beer per year. Accessory uses to a microbrewery that may be permitted include but are not limited to: selling of food, operation of a restaurant and/or selling of products associated with the microbrewery or manufacture of beer.

Microdistillery means a distillery located in Nebraska that is licensed to distill liquor on the premises of the distillery licensee and produces ten thousand or fewer gallons of liquor annually. Accessory uses to a microdistillery that may be permitted include but are not limited to: selling of food, operation of a restaurant and/or selling of products associated with the distillery or manufacture of alcoholic beverages.

Mini-storage or mini warehouse (see Self-service storage facility)

Mission (see Emergency shelter mission)

Mobile home shall mean a building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured home dwellings.

Mobile home park shall mean unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile home parks, include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.

Mobile home space shall mean a plot of ground within a mobile home park which can accommodate one mobile home dwelling and which provides the necessary utility services.

Mobile home subdivision shall mean a development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile home subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage storm shelter, and other services; but do not include

mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.

Motel (see Hotel)

Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

Multiple-family residential (see Residential uses)

Municipal solid waste. (see Solid waste, municipal)

Nightclub shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (also see Bar)

Noncommunity water supply system shall mean any public water supply system that is not a community water supply system.

Nonconforming use shall mean the use of any dwelling, building, lot, land or premises, or part thereof, which was existing and lawful at the time of the effective date of this chapter and which does not conform with the provisions of this chapter and any amendments thereto.

Nonstandard use shall mean the category of nonconformance consisting of lots occupied by buildings or structures or uses which lawfully existed at the time of the effective date of this chapter which fail to comply with the minimum lot requirements for area, density, width, front yard, side yard, rear yard, height, unobstructed open space or parking for the district in which they are located, even though the use of the premises conforms to the permitted uses within the district as set out in the provisions of this chapter.

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

Nursery shall mean the use of a premises for the propagation, cultivation and growth of trees, shrubs, plants, vines and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

Nursing home shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age requiring skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.

Obsolete sign (see Sign, obsolete)

Offices shall mean uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

1. Corporate offices. Use of a site for administrative, processing, or research offices, which generally does not provide service to clientele from Norfolk and the surrounding region. Corporate offices are destinations for commuters drawn from a relatively wide region around Norfolk, as well as from the community itself. Typical uses include corporate headquarters offices, telemarketing, or information processing offices.
2. General offices. Use of a site for business, professional, or administrative offices who may invite clients from both local and regional areas. Typical uses include real estate, insurance, management, travel, accounting, or other business offices; organization and association offices; or professional offices.
3. Financial services. Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided onsite. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) which is not accompanied onsite by an office of its primary financial institution is considered a personal use as defined in this chapter.
4. Medical offices. Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licensed for practice in the State of Nebraska.

Office park shall mean a tract of land that has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Official map (see Map, official zoning district)

Off-street parking area or vehicular use area shall refer to all off-street areas and spaces designed, used, required or intended to be used for parking, including driveways or accessways in and to such areas.

One-family dwelling (see Residential uses)

Open sign (see Sign, open)

Open space shall mean an area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes including but not limited to lawns, decorative or natural plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, ponds, wooded areas, and water courses. Rights-of-way, driveways,

parking lots, or other surfaces designed or intended for vehicular use shall not be included as open space.

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

Outdoor storage (see Storage)

Overlay district shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

Owner shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

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

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

Parking lot shall mean an area, unenclosed, where six or more motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. (also see Garage, public)

Parking, shared shall mean the development and use of parking on two or more separate properties for joint use by the businesses on those properties.

Parking space shall mean an area, enclosed or unenclosed, of not less than eight and one half (8 1/2) feet by nineteen (19) feet, designed and reserved for the parking of one (1) automobile and having access to a street or alley.

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

Permanent foundation shall mean a base constructed from either poured concrete or laid masonry block or brick and placed on a footing located below ground level upon which a building or structure is permanently attached.

Permanently attached shall mean connected to real estate in such a way as to require dismantling, cutting away or unbolting in order to remove, relocate or replace.

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

Personal services shall mean establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barber shops; seamstress, tailor, or shoe repair shops; photography studios; television or electronics repair; or dry cleaning stations serving individuals and households. Personal services include establishments providing for the administration of massage or massage therapy carried out by persons licensed by the State of Nebraska as a part of the profession or trade for which licensed or persons performing massage services under the direction of a person so licensed; or persons performing massage services or therapy pursuant to the written direction of a licensed physician.

Pet (see Household pet)

Pipestem lot (see Lot, flag)

Place (see Street, private)

Planned development shall mean land under unified control, planned and developed with uses allowed within the zoning district and as a whole in a single development operation or in established phases.

Planning and development director, (see director of planning and development).

Planning commission shall mean the Planning Commission of the City of Norfolk, Nebraska.

Plant nursery (see Nursery)

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

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

Portable sign (see Sign, portable)

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

Principal building (see Building, principal)

Principal use (see Use, principal)

Private club (see Club)

Private garage (see Garage, private)

Private stable (see Stable, private)

Private well shall mean a well which provides water supply to less than fifteen (15) service connections and regularly serves less than twenty-five (25) individuals.

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

Projection sign (see Sign, projecting)

Promotional device shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations or other material, on a fabric of any kind. National flags, flags of political subdivisions or symbolic flags of any institution or business shall not be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers or fringe-type ribbons or piping, shall be considered as a promotional device.

Public garage (see Garage, public)

Public signs shall mean signs of a public or noncommercial nature, which shall include and be limited to traffic control signs, public transit service signs, utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interest, municipal wayfinding signs and all signs erected by a public officer in the performance of a public duty.

Public stable (see Stable, public)

Public utility shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

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

Rear lot line (see Lot line, rear)

Rear yard (see Yard, rear)

Recreational facility shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming or golf. This shall include country clubs, and athletic clubs but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events.

Recreational vehicle (RV) shall mean a vehicular unit less than forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

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

Recycling center shall mean a facility other than a junkyard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse.

Recycling collection point shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans and plastics, and where no processing of such items takes place.

Recycling plant shall mean a facility other than a junkyard where recoverable resources such as paper products, glass, metal cans and other products, are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.

Religious assembly shall mean a facility located in a permanent building and providing regular organized religious worship and religious education incidental thereto, but excluding private primary or private secondary educational facilities, community recreational facilities, and day care facilities. A property tax exemption obtained pursuant to the state property tax code shall constitute prima facie evidence of religious assembly use. A private primary or private secondary educational facility, community recreational facility, or day care facility or use other than religious worship and incidental religious education shall be considered a separate independent use and shall be independently governed by this code and require independent consideration under this code regardless of whether such facility is affiliated with or located within a religious assembly.

Research laboratory or center shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residence shall mean a building used, designed, or intended to be used as a home or dwelling for one (1) or more families. (also see Dwelling)

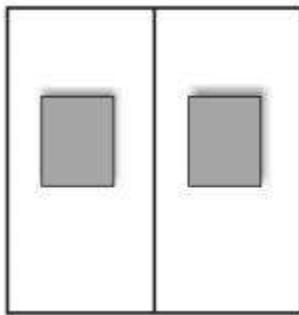
Residents association (see Homeowners association)

Residential uses shall mean uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

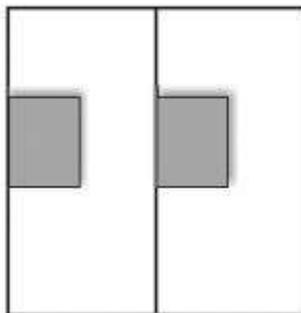
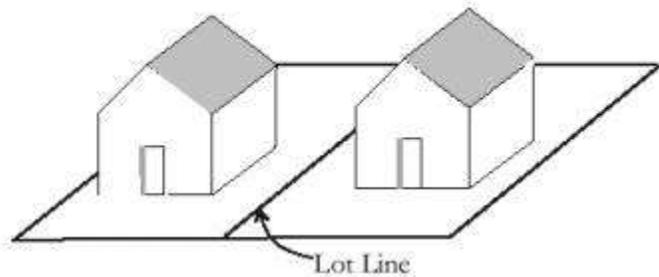
1. Single-family residential

The use of a site for one dwelling unit, occupied by one family. Mobile home units are not a single-family use type. See below categories for such units.

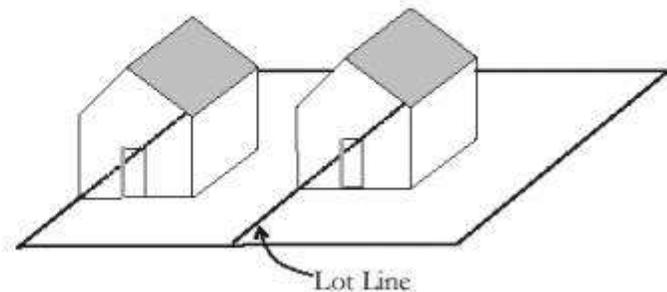
- a. Single-family residential (detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit. (may include zero lot line) See following diagrams:



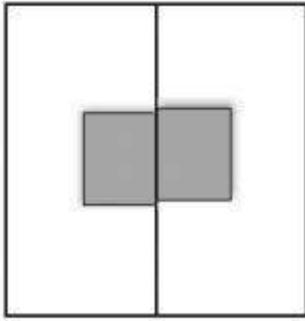
Single-Family Residential (Detached)



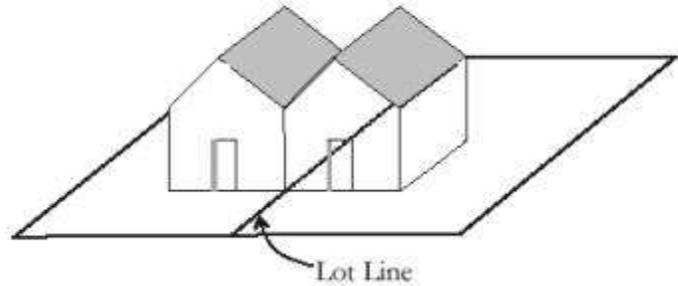
Single-Family Residential (Detached) utilizing Zero Lot Line



- b. Single-family residential (attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot. See following diagram:

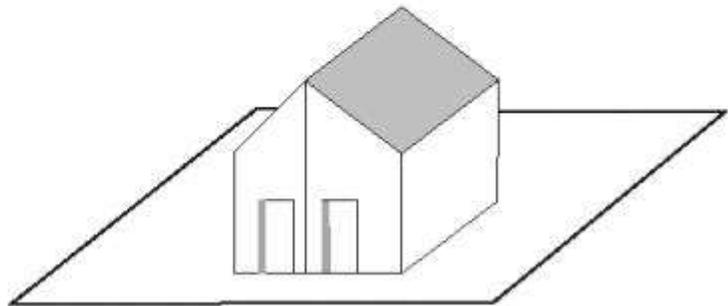
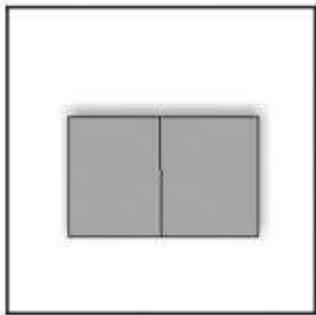


Single-Family Residential (Attached)



2. Duplex residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding manufactured or mobile home units, but including modular housing units. See following diagram:



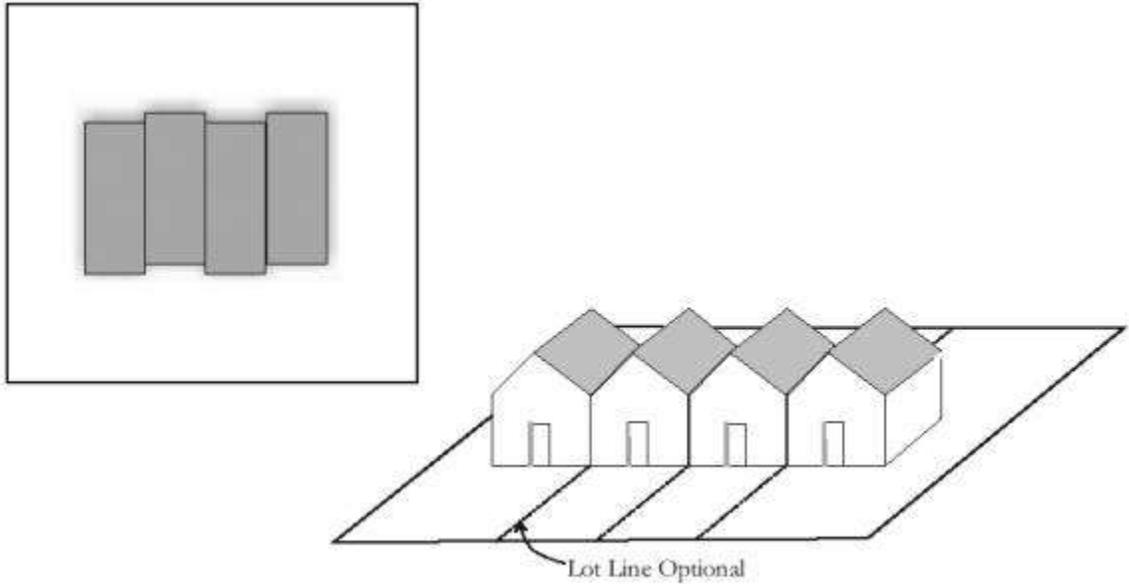
Duplex Residential

3. Two-family residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building, excluding a mobile home unit.

4. Townhouse residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical side walls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls. See following diagram:



Townhouse Residential

5. Multiple-family residential

The use of a site for three or more dwelling units within one building not otherwise defined as townhouse units.

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

Restaurant, drive-in shall mean an establishment which has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

Restaurant, fast food shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry out or drive-in and where foods and/or beverages are usually served in paper, plastic or other disposable containers.

Retail services shall mean sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those goods and merchandise classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services: Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog

sales; bicycles; and automotive parts and accessories (excluding service and installation). General Retail Services include:

1. Limited retail services: Establishments providing retail services, occupying facilities of 10,000 square feet or less. Typical establishments provide for specialty retailing or retailing oriented to Norfolk and its surrounding vicinity.
2. Medium retail services: Establishments providing retail services, occupying facilities between 10,000 and 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for specialty retailing or general purpose retailing oriented to Norfolk and its surrounding vicinity.
3. Mass retail services: Establishments providing retail services, occupying facilities over 40,000 square feet in a single establishment or multi-tenant facility. Typical establishments provide for general purpose retailing oriented to Norfolk and the surrounding region.

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

Rezoning shall mean an amendment to or change in the zoning ordinance either to the text or map or both.

Rezoning, piecemeal shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

Riding stable (see Stable, riding)

Right-of-way shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

Road, private shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. (also see Right-of-way and Street)

Road, public shall mean all public right-of-way reserved or dedicated for street traffic. (also see Right-of-way and Street)

Roadside stand shall mean a temporary structure or vehicle used solely for the sale of farm products produced on the premises or adjoining premises.

Roof sign (see Sign, roof)

Rooming house (see Boarding/Rooming house)

Salvage yard (see Junkyard)

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

Scenic easement shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.

School shall mean a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools.

School, private shall mean a facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high or middle schools, and high schools operated by a nongovernmental organization.

School, trade shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a nongovernmental organization.

Screening shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, berms, or other features. (also see Buffer)

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

Self-service storage facility shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

Service floor area shall mean the total floor area of a building, exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by inhabitants, visitors, employees, clients, customers, patients or patrons in their normal everyday use of the building.

Service station shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrication, and washing may be

conducted, but not including heavy maintenance and repair such as engine overhauls, painting and body repair. (also see Garage, repair)

Setback shall mean the required minimum horizontal distance between the building or structure and the related front, rear or side lot line. (also see Building line and Yard)

Shelter (see Emergency shelter mission)

Shopping center shall mean a grouping of retail business and service uses on a single site with common parking facilities.

Side lot line (see Lot line, side)

Side yard (see Yard, side)

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

Sight triangle shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted or allowed to grow in such a manner as to materially impede vision of traffic at an intersection. See Sec. 27-290 of this Code.

Sign shall mean any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, logo, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, strip, line, trademark, reading matter illumination device, constructed, attached, erected, fastened, manufactured or painted in any manner whatsoever so that the same shall be used for the attraction of the public, performance, article, machine or merchandise whatsoever, and displayed in any manner out of doors for recognized advertising purposes, or any letter, figure, character, etc. as set forth herein that is permanently painted on or adhered to any doors or windows of building or structures. (also see Sign, billboard and Promotional device)

Sign, architectural canopy shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's copy area integrated into its surface.

Sign area shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

Sign, awning, canopy or marquee (see Sign, architectural canopy)

Sign, billboard shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Sign, building shall mean any sign supported by, painted on or otherwise attached to any building or structure.

Sign, closed shall mean a sign in which more than fifty percent (50%) of the entire area is solid or tightly closed or covered.

Sign, copy area shall mean all lettering, wording, and accompanying designs, symbols, logos, and trademarks on a sign area.

Sign, destination shall mean a sign used to inform and direct the public to important public places and buildings, landmarks and historical sites in the most simple, direct and concise manner possible.

Sign, directional shall mean a sign which provides directional assistance to access an establishment conveniently and safely.

Sign, electronic message board shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign, flashing shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

Sign, freestanding shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

Sign, illuminated shall mean a sign illuminated in any manner by an artificial light source.

Sign, low profile shall mean a sign mounted directly to the ground with a maximum height not to exceed six (6) feet.

Sign, message (see Sign, electronic message board)

Sign, monument (see Sign, low profile)

Sign, obsolete shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six

(6) months after the termination of the existence of such business or the termination of sale of the product advertised.

Sign, open shall mean a sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Sign, portable shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, projecting shall mean a display sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

Sign, roof shall mean a sign which is erected, constructed and maintained above the roof of the building.

Sign setback shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

Sign, subdivision identification shall mean a sign erected on a subdivision identification lot which identifies the platted subdivision where the sign is located.

Sign, temporary shall mean a sign constructed of cloth, fabric or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

Sign, wall shall mean a sign which is painted on or is directly attached to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall.

Sign, window shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

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

Single-family residential (see Residential uses)

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

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

Slope (see Grade)

Solid waste, industrial shall mean waste produced by industrial activity which includes any material that is rendered useless during a manufacturing process and includes industrial by products, metals, concrete, millings, tailings, agricultural waste, medical waste, radioactive waste, and sewage sludge.

Solid waste, municipal (commonly known as trash, garbage, refuse and rubbish) shall mean a type of household waste consisting of everyday items that are discarded by the public.

Spot zoning shall mean an arbitrary zoning or rezoning of a small tract of land, usually surrounded by other uses or zoning categories that are of a markedly or substantially different intensity, that is not consistent with the comprehensive land use plan and that primarily promotes the private interest of the owner rather than the general welfare.

Stable, private shall mean an accessory building or use of land to an existing residential use, that shelters or confines horses for the exclusive use of the occupants of the premises.

Stable, public shall mean a building or land where horses are kept for commercial purposes including boarding, hire, sale, riding, or show.

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

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

State shall mean the State of Nebraska.

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

Story shall mean that part of a building included between the surface of a floor and the upper surface of the floor or roof next above.

Street shall mean a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street, arterial shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of the city with controlled access to abutting property. All section line roads are considered arterial streets unless otherwise designated.

Street, collector shall mean a street designed to provide for the efficient movement between local streets and arterial streets allowing direct access to abutting properties.

Street, cul-de-sac (see Cul-de-sac)

Street, curvilinear shall mean local streets which deviate from straight alignment and change direction without sharp corners or bend

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

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

Street, looped shall mean a continuous local street without intersecting streets and having its two (2) outlets connected to the same street.

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

Structural alteration shall mean any alteration involving a change in or addition to the supporting members of a building, structure, or sign such as bearing walls, columns, beams, girders or poles.

Structure shall mean anything constructed or erected which requires permanent location on the ground or which is attached to something having permanent location on the ground, but not including driveways, sidewalks or other surfacing, or public items such as utility poles, street lights, and street signs, or minor landscape features such as bird fountains, clotheslines, landscape lighting, and sculptures.

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

Subdivision identification lot (see Lot, subdivision identification)

Subdivision identification sign (see Sign, subdivision identification)

Supermarket (see Food sales)

Surface water class A - primary contact recreation shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate

contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g., eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.

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

Tavern (see Bar)

Temporary sale (see Flea market)

Temporary sign (see Sign, temporary)

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

Through lot (see Lot, through)

Tower shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communication. (also see Antenna)

Townhouse (see Residential uses)

Transitional use shall mean a permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Truck repair shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one (1) ton and buses but excluding pickups and other vehicles designed for the transport of under eight (8) passengers.

Truck terminal shall mean a building or an area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.

Two-family dwelling (see Residential uses)

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

Use, accessory (see Accessory use)

Use, best shall mean the recommended use or uses of land contained in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promote health, safety and general welfare.

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

Use, principal shall mean the main use of land or structures, as distinguished from an accessory use. (also see Building, principal)

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

Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

Vehicle, motor (see Motor vehicle)

Wall sign (see Sign, wall)

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

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

Warehouse, personal storage (see Self-service storage facility)

Wastewater lagoon shall mean a shallow body of water in which organic wastes are decomposed by bacteria in the presence of free oxygen.

Water Well shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground, obtaining hydrogeologic information, or extracting water from the underground water reservoir. Water well includes any excavation made for any purpose if groundwater flows into the excavation under natural pressure and a pump or other device is placed in the excavation for the purpose of withdrawing water from the excavation for irrigation (commonly called 'Pit' wells). For such excavations, construction means placing a pump or other device into the excavation for the purpose of withdrawing water for irrigation. Water well does not include:

- a) any excavation made for obtaining or prospecting for oil or natural gas or for inserting media to re-pressure oil or natural gas bearing formations regulated by the Nebraska Oil and Gas Conservation Commission;

- b) any excavation that is used to inject fluid as defined in Nebraska Revised Statutes § 81-1502 into the underground water reservoir; or
- c) any structure requiring a permit by the Department of Natural Resources used to exercise surface water appropriation. [Neb. Rev. Stat. § 46-601.01(1)]

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

Wetland shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

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

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

Yard shall mean the required open space on a lot adjoining a lot line, containing only landscaping or other uses as provided by this chapter.

Yard, front shall mean a yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line. There shall be a required front yard of each street side of a corner lot and a double frontage lot. (also see Lot line, front and Lot, corner)

Yard, rear shall mean a yard extending across the full width of the rear lot line between side lot lines and from the rear lot line to the rear building line. The depth of the rear yard is

measured at right angles to the rear line of the lot. On corner lots, the required rear yard may be to the rear of either street. On interior lots, the required rear yard shall be at the opposite end of the lot from the front yard. On pointed or irregular lots, the required rear yard shall be comprised of an area that begins at the rear point of the lot and continues to an imaginary line parallel to and farthest from the front lot line, not less than ten feet long and wholly within the lot.

Yard, side shall mean a yard between the side lot line and the side building line lying between the front yard and the rear yard.

Zero lot line (see Lot line, zero)

Zoning official shall mean the person or persons authorized and empowered by the city to administer and enforce the requirements of this chapter. Zoning official as used in this Code shall also include other staff designated by the zoning official to perform any particular function.

Zoning districts shall mean areas, as designated on the zoning district map, within the city and within the extraterritorial jurisdiction for which regulations governing the use of buildings, structures and premises, the height of buildings and structures, size of yards, and the intensity of use are uniform.

Section 2. That Section 27-321 of the Official City Code is hereby amended to read as follows:

Sec. 27-321. Generally - Signs.

(a) Signs shall be permitted in all districts as provided in this article. All signs visible from any point beyond the lot line shall be subject to this article. No sign shall be located within any required yard area other than in the front yard, nor closer to the front lot line than required hereinafter. Signs shall not be located within the area of the required side yard extended to the front street line. No signs shall be placed or located so as to encroach into the public right-of-way of any street or highway, except for those defined as public signs in Sec. 27-2. If the public signs, as defined, are not of an approved design according to the Manual on Uniform Traffic Control Devices (MUTCD), they shall be permitted only after an agreement is entered into with the city, approved by the council, showing specific locations, size and design, prior to placement.

(b) All permanent signs in place and in existence at the time of the effective date of this section, except those signs which have any part in or projecting into the right-of-way, and further excepted as provided in subsection (4) hereof, shall be grandfathered and considered as legal nonconforming signs. The copy area of said grandfathered signs may be changed or the copy thereon replaced; provided, however, the sign area shall not be enlarged beyond the sign area of said sign on the effective date of this section. In addition, all sign bases and supporting structures for signs in existence on the effective date of this section, and upon which no sign is then located, may, upon application to the Planning and Development Department, be permitted to place a sign thereon which meets the sign area requirements of the zoning district in which the sign base or supporting structure is located.

(c) Any sign in place and in existence at the time of the effective date of this section that subsequently has to be moved or relocated as a result of any public project or improvement, shall be allowed to be relocated at the same setback from the new property line as it was from the former property line, except that no part of any such sign shall extend beyond the property line into the right-of-way.

(d) Except in the C-2 zoning district and subject to the provision of subsection (2) hereof, any sign which projects into the public right-of-way at the time of the effective date of this section may remain until such time that (1) any structural alterations are made to the sign or (2) the sign area or structure has been destroyed or damaged to the extent that the sign is not functional in its damaged condition. Should either of the foregoing conditions occur, the sign shall then be made to conform to this chapter.

(e) All signs, their supports, braces, guys, anchors and electrical equipment shall be maintained in good repair and in a safe, neat, clean and attractive condition. Painted display surfaces, structures and supports of all signs shall be painted or otherwise treated when required by the zoning official or his or her designee.

(f) Obsolete signs shall be removed by the sign owner or the owner's agent. The zoning official or his or her designee may grant an extension of said six (6) month period for up to six (6) months. Only one such extension shall be granted. Should the sign owner or owner's agent fail to remove said obsolete sign after the time limitation has expired, the city shall remove said sign with the cost of such removal to be levied and specially assessed against the property where the sign is located, and be collected and enforced as a special assessment.

(g) Other than message signs no larger than twenty-four (24) square feet where permitted, flashing signs or lights, the use of stroboscopic lights, rotary beacons, unshielded flood lights, exposed incandescent bulbs exceeding thirty (30) watts or any lighting which may be confused with traffic control devices or any direct or reflected lighting that creates a traffic hazard shall be prohibited.

(h) Destination signs shall be allowed in all zoning districts and may be placed in the public right-of-way only on arterial streets with the approval of the zoning official or his or her designee; provided, however, that the placement of said sign shall meet the criteria in the most recent copy of the Manual on Uniform Traffic Control Devices (MUTCD) adopted by the Nebraska Department of Roads.

- (1) Destination signs shall have a reflectorized white copy on a green sign area. Said signs shall conform to the specifications prescribed by the Nebraska Department of Roads, and said signs shall be paid for by the person(s) or entity desiring said sign.
- (2) Size of destination signs shall depend on the length of copy, size of lettering and spacing necessary for proper legibility. Destination signs shall be designed to fit on the standard rectangular sizes given in the standard highway signs booklet

prepared by the Federal Highway Administration as the same may from time to time be amended. Lettering shall not exceed eight (8) inches in height. Copy shall be kept to a minimum to be legible and shall not exceed three (3) lines of copy. Arrows may be used in the copy to indicate directions toward destinations.

- (3) Cost of installation, maintenance and replacement of destination signs shall be the responsibility of the person(s) or entity applying for said sign.

(i) No signs or lettering shall be placed on or affixed to moving vehicles and/or trailers or to those which are parked on public or private property, so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, political candidate, or to direct people to a business or activity located on the same or nearby property; provided, however, that this section shall not prohibit signs or lettering placed on or affixed to vehicles and/or trailers where the sign or lettering is incidental to the primary use of the vehicle or trailer; and provided further that this section shall not prohibit the use of what is commonly referred to as “bumper stickers” on motor vehicles or trailers. Signs permanently affixed to or an integral part of a motor vehicle are exempt from this section.

(j) Except in the C-2 zoning district or as otherwise provided in this chapter, no sign or promotional device shall be erected or hung over any sidewalk, street, avenue or alley within the city other than street identification signs, except the mayor and city council may issue a special permit to civic, philanthropic, educational or religious organizations for the hanging of a temporary promotional device; provided, that said promotional device is hung with the lowest point thereof not less than fourteen (14) feet above a sidewalk, street, avenue or alley. Said promotional devices shall be exempt from permit fee upon application to the Planning and Development Department. In addition, promotional devices may display advertising or promotions as a temporary building sign or as a freestanding temporary sign for a period of up to one hundred twenty (120) hours without a permit; provided, however, the Planning and Development Department is notified prior to their display. Failure to notify the Planning and Development Department shall subject the promotional device to regulation as a temporary sign and be subject to obtaining of a temporary sign permit.

Section 3. That the effective date of this Ordinance shall be from and after its passage, approval and publication in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2022.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

Approved as to form: _____
Danielle Myers-Noelle, City Attorney



BUILDER / DEVELOPER

1000 Norfolk Ave.
P.O. Box 939
Norfolk, NE 68702-0939

Bus: (402) 379-3236
Fax: (402) 371-7003
whitecliff@doversite.com

April 21, 2022

Steven Rames
Public Works Director
309 S 5th St
Norfolk, NE 68701

Dear Steven,

Please consider this as our official request for the property described below to be annexed by the City of Norfolk.

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA; THENCE N88°31'22"E ALONG THE NORTH SECTION LINE, A DISTANCE OF 1289.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N88°31'22"E ALONG THE NORTH SECTION LINE, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE CONTINUING N88°31'22"E ALONG THE NORTH SECTION LINE OF SAID SECTION 17, A DISTANCE OF 292.58 FEET; THENCE S01°42'23"E A DISTANCE OF 49.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EISENHOWER AVENUE AND THE NORTHWEST CORNER OF LOT 1 OF FEILMEIER'S EISENHOWER AVENUE ADDITION; THENCE CONTINUING S01°42'23"E ALONG THE WEST LINE OF LOT 1 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION, A DISTANCE OF 531.99 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION; THENCE N88°32'14"E ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION, A DISTANCE OF 521.77 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION; THENCE S01°41'54"E A DISTANCE OF 742.73 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE S88°34'20"W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 814.70 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE S01°41'12"E ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 28.57 FEET; THENCE S88°31'22"W A DISTANCE OF 33.00 FEET; THENCE N01°41'12"W A DISTANCE OF 1352.70 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 18.82 ACRES, MORE OR LESS.

The proposed project will include upper end duplexes and triplexes and be zoned R2. The property is currently outside of Norfolk City Limits.

Sincerely,

Erica Daake
Manager
Whitecliff Development
402-649-3700
whitecliff@doversite.com

EISENHOWER AVENUE

P.O.C.
N.W. COR. 17-24-1W



BALANCE OF
NE1/4 NW1/4

NW1/4 NW1/4



SW1/4 NW1/4

LEGAL DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA;

THENCE N88°31'22"E ALONG THE NORTH SECTION LINE, A DISTANCE OF 1289.19 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N88°31'22"E ALONG THE NORTH SECTION LINE, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE CONTINUING N88°31'22"E ALONG THE NORTH SECTION LINE OF SAID SECTION 17, A DISTANCE OF 292.58 FEET;

THENCE S01°42'23"E A DISTANCE OF 49.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EISENHOWER AVENUE AND THE NORTHWEST CORNER OF LOT 1 OF FEILMEIER'S EISENHOWER AVENUE ADDITION;

THENCE CONTINUING S01°42'23"E ALONG THE WEST LINE OF LOT 1 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION, A DISTANCE OF 531.99 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID FELIMEIRE'S EISENHOWER AVENUE ADDITION;

SE1/4 NW1/4

THENCE N88°32'14"E ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION, A DISTANCE OF 521.77 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID FELIMEIRE'S EISENHOWER AVENUE ADDITION;

THENCE S01°41'54"E A DISTANCE OF 742.73 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE S88°34'20"W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 814.70 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE S01°41'12"E ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 28.57 FEET;

THENCE S88°31'22"W A DISTANCE OF 33.00 FEET;

THENCE N01°41'12"W A DISTANCE OF 1352.70 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 18.82 ACRES, MORE OR LESS.

LEGEND

	SECTION LINE
	QUARTER LINE
	SIXTEENTH LINE
	PARCEL LINE
	PROPOSED ANNEX



Surveyed By: JPG Date: 02/15/22
 Drawn By: JPK Date: 04/26/22
 Checked By: C.JG Date: 04/26/22
 Project Number: 42210501.03



McLaury Engineering
 502 W Madison Ave
 Norfolk, NE 68701
 Ph (402) 316-2625
 Fax (420) 860-5816
www.mclauryengineering.com
Office in South Omaha with Nebraska

ANNEXATION EXHIBIT

IN THE NE1/4 OF THE NW1/4 OF SECTION 17, T24N,
 R1W OF THE 6TH P.M., MADISON COUNTY, NEBRASKA

1

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P. M., MADISON COUNTY, NEBRASKA.

REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM.

WHEREAS, such lands, lots, tracts, streets, and highways are urban or suburban in character and are not, in any event, agricultural lands which are rural in character, and

WHEREAS, it is deemed proper that such real estate be annexed to said City.

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of Norfolk, Nebraska:

Section 1. That the real estate located in part of the Northeast Quarter of the Northwest Quarter and part of the west half of the Northwest Quarter of Section 17, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska described to-wit:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P.M., MADISON COUNTY, NEBRASKA;

THENCE N88°31'22"E ALONG THE NORTH SECTION LINE, A DISTANCE OF 1289.19 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING N88°31'22"E ALONG THE NORTH SECTION LINE, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE CONTINUING N88°31'22"E ALONG THE NORTH SECTION LINE OF SAID SECTION 17, A DISTANCE OF 292.58 FEET;

THENCE S01°42'23"E A DISTANCE OF 49.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EISENHOWER AVENUE AND THE NORTHWEST CORNER OF LOT 1 OF FEILMEIER'S EISENHOWER AVENUE ADDITION;

THENCE CONTINUING S01°42'23"E ALONG THE WEST LINE OF LOT 1 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION, A DISTANCE OF 531.99 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID FELIMEIRE'S EISENHOWER AVENUE ADDITION;

THENCE N88°32'14"E ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID FEILMEIER'S EISENHOWER AVENUE ADDITION, A DISTANCE OF 521.77 FEET TO THE SOUTHEAST CORNER OF LOT 2 OF SAID FELIMEIRE'S EISENHOWER AVENUE ADDITION;

THENCE S01°41'54"E A DISTANCE OF 742.73 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE S88°34'20"W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17, A DISTANCE OF 814.70 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 17;

THENCE S01°41'12"E ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 28.57 FEET;

THENCE S88°31'22"W A DISTANCE OF 33.00 FEET;

THENCE N01°41'12"W A DISTANCE OF 1352.70 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 18.82 ACRES, MORE OR LESS.

SEE EXHIBIT "A".

be and the same is hereby included within the boundaries and territory of the City of Norfolk, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all rules, regulations, ordinances, taxes, and all other burdens and assets of other persons and territories included within the

City of Norfolk, Nebraska, and shall receive substantially the benefits of other inhabitants of such city as soon as practicable.

Section 2. That all ordinances and parts of ordinances in conflict herewith be and they are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form.

PASSED AND APPROVED this ____ day of _____, 2022.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

(S E A L)

Approved as to form: _____
Danielle L. Myers-Noelle, City Attorney



May 5, 2022

Mr. Steven Rames, P.E.
City of Norfolk Public Works Director
309 North 5th Street
Norfolk, Nebraska, 68701
SENT VIA EMAIL

Subject: Walters' East Knolls 14th Addition Annexation

Dear Mr. Rames,

I am writing on behalf of my client, Randy Walters to request that land in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, Township 24 North, Range 1 West of the 6th P.M. be annexed by the City of Norfolk. Mr. Walters intends the plat the subject property into Walters' East Knolls 14th Addition.

Enclosed is a legal description of the subject property, an abstractor's certificate, and a consent statement signed by Mr. Walters authorizing me to do the work.

If you have any questions, or require additional information, please give feel free to call.

Sincerely,

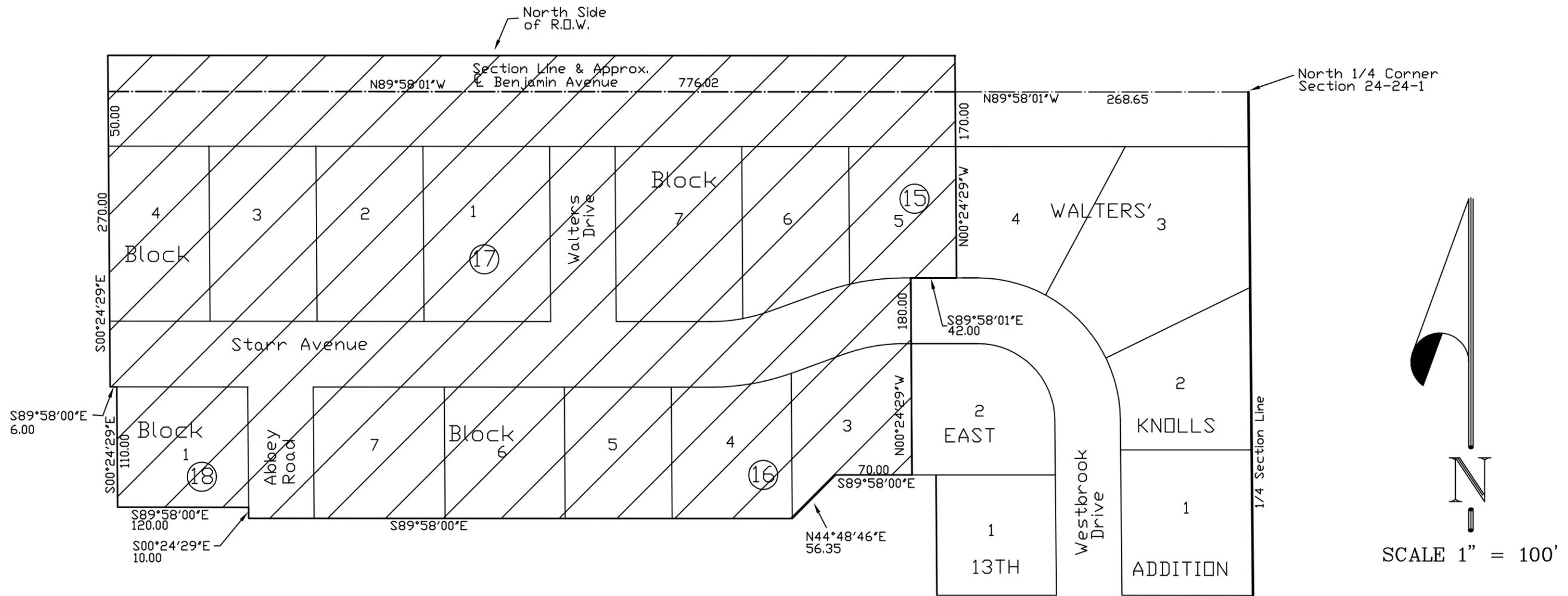
Richard C, Johnson, P.E.

LEGAL DESCRIPTION

A tract of land lying wholly in the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Said tract of land is more particularly described as follows:

Referring to the North 1/4 Corner of said Section 24; thence proceeding West along the North line of the NE 1/4 of the NW 1/4 of said Section 24, on an assumed bearing of North 89 degrees 58 minutes 01 seconds West, 268.65 feet to the point of beginning; thence continuing North 89 degrees 58 minutes 01 seconds West, along the North line of the NE 1/4 of the NW 1/4 of said Section 24, 776.02 feet; thence South 00 degrees 24 minutes 29 seconds East, 270.00 feet; thence South 89 degrees 58 minutes 00 seconds East, 6.00 feet; thence South 00 degrees 24 minutes 29 seconds East, 110.00 feet; thence South 89 degrees 58 minutes 00 seconds East, 120.00 feet; thence South 00 degrees 24 minutes 29 seconds East, 10.00 feet; thence South 89 degrees 58 minutes 00 seconds East, 498.00 feet; thence North 44 degrees 48 minutes 46 seconds East, 56.35 feet; thence South 89 degrees 58 minutes 00 seconds East, 70.00 feet to the Southwest Corner of Lot 2, Block 16 of Walters' East Knolls 13th Addition to the City of Norfolk, Madison County, Nebraska; thence North 00 degrees 24 minutes 29 seconds West, along the West line of said Lot 2 and the northerly extension thereof, 180.00 feet to a point on the North right-of-way of Starr Avenue; thence South 89 degrees 58 minutes 01 seconds East, along the North right-of-way of Starr Avenue, 42.00 feet to the Southwest Corner of Lot 4, Block 15 of said Walters' East Knolls 13th Addition; thence North 00 degrees 24 minutes 29 seconds West, along the West line of said Lot 4 and the northerly extension thereof, 170.00 feet to the point of beginning. Said tract of land contains 6.61 acres, more or less.

WALTERS' EAST KNOLLS 14TH ADDITION ANNEXATION AREA



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA, TO ANNEX TO SAID CITY A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 24 NORTH, RANGE 1 WEST OF THE 6TH P. M., MADISON COUNTY, NEBRASKA.

REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED IN PAMPHLET FORM.

WHEREAS, such lands, lots, tracts, streets, and highways are urban or suburban in character and are not, in any event, agricultural lands which are rural in character, and

WHEREAS, it is deemed proper that such real estate be annexed to said City.

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of Norfolk, Nebraska:

Section 1. That the real estate located in part of the Northeast Quarter of the Northwest Quarter of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska described to-wit:

A tract of land lying wholly in the NE 1/4 of the NW 1/4 of Section 24, Township 24 North, Range 1 West of the 6th P.M., Madison County, Nebraska. Said tract of land is more particularly described as follows:

Referring to the North 1/4 Corner of said Section 24; thence proceeding West along the North line of the NE 1/4 of the NW 1/4 of said Section 24, on an assumed bearing of North 89 degrees 58 minutes 01 seconds West, 268.65 feet to the point of beginning; thence continuing North 89 degrees 58 minutes 01 seconds West, along the North line of the NE 1/4 of the NW 1/4 of said Section 24, 776.02 feet; thence South 00 degrees 24 minutes 29 seconds East, 270.00 feet; thence South 89 degrees 58 minutes 00 seconds East, 6.00 feet; thence South 00 degrees 24 minutes 29 seconds East, 110.00

feet; thence South 89 degrees 58 minutes 00 seconds East, 120.00 feet; thence South 00 degrees 24 minutes 29 seconds East, 10.00 feet; thence South 89 degrees 58 minutes 00 seconds East, 498.00 feet; thence North 44 degrees 48 minutes 46 seconds East, 56.35 feet; thence South 89 degrees 58 minutes 00 seconds East, 70.00 feet to the Southwest Corner of Lot 2, Block 16 of Walters' East Knolls 13th Addition to the City of Norfolk, Madison County, Nebraska; thence North 00 degrees 24 minutes 29 seconds West, along the West line of said Lot 2 and the northerly extension thereof, 180.00 feet to a point on the North right-of-way of Starr Avenue; thence South 89 degrees 58 minutes 01 seconds East, along the North right-of-way of Starr Avenue, 42.00 feet to the Southwest Corner of Lot 4, Block 15 of said Walters' East Knolls 13th Addition; thence North 00 degrees 24 minutes 29 seconds West, along the West line of said Lot 4 and the northerly extension thereof, 170.00 feet to the point of beginning. Said tract of land contains 6.61 acres, more or less.

SEE EXHIBIT "A".

be and the same is hereby included within the boundaries and territory of the City of Norfolk, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all rules, regulations, ordinances, taxes, and all other burdens and assets of other persons and territories included within the City of Norfolk, Nebraska, and shall receive substantially the benefits of other inhabitants of such city as soon as practicable.

Section 2. That all ordinances and parts of ordinances in conflict herewith be and they are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form.

PASSED AND APPROVED this _____ day of _____, 2022.

ATTEST:

Brianna Duerst, City Clerk

Josh Moenning, Mayor

(S E A L)

Approved as to form: _____
Danielle L. Myers-Noelle, City Attorney

**Planning and Development
Building Services**

**CITY OF NORFOLK
Monthly Building Permit Report**

**Month
April, 2022**

Permits Issued	2022 April	2022 March	2021 April	This Fiscal YTD	Last Fiscal YTD	Variation % 2021 vs. 2022
BUILDING						
Number	55	43	47	254	244	4.1%
Valuation	\$7,669,345.00	\$7,387,318.00	\$3,707,081.00	\$40,576,650.07	\$24,415,907.17	66.2%
Permit Fee	\$11,150.68	\$13,552.74	\$7,940.47	\$72,335.82	\$70,758.78	2.2%
ELECTRICAL						
Number	28	42	40	231	206	12.1%
Permit Fee	\$4,980.00	\$4,642.00	\$4,047.00	\$34,472.00	\$36,399.00	-5.3%
PLUMBING						
Number	19	8	30	93	136	-31.6%
Permit Fee	\$1,566.96	\$972.12	\$5,265.81	\$9,720.29	\$26,368.77	-63.1%
MECHANICAL						
Number	12	14	24	108	123	-12.2%
Permit Fee	\$4,808.40	\$1,912.04	\$16,616.83	\$22,431.96	\$50,467.92	-55.6%
WATER HEATER						
Number	7	9	10	45	77	-41.6%
Permit Fee	\$224.00	\$296.00	\$315.00	\$1,447.00	\$2,400.00	-39.7%
FIRE ALRM / SPR						
Number	3	5	6	31	22	40.9%
Permit Fee	\$106.50	\$76.50	\$238.00	\$4,111.00	\$2,874.50	43.0%
WELL / SEPTIC						
Number				3	6	-50.0%
Permit Fee				\$75.00	\$150.00	-50.0%
FIRE PREVENTION						
Number					4	
Permit Fee					\$280.00	
TOTAL FEES:	\$22,836.54	\$21,451.40	\$34,423.11	\$144,593.07	\$189,698.97	-23.8%

Nature of Building Permits	Last FYTD	Present FYTD	Number of Permits	Dwelling Units	Permit Fees	Valuation
Void					\$0.00	\$0.00
SFD	27 (27)	29 (29)	3	3	\$2,144.33	\$875,000.00
Duplex		1 (2)	1	2	\$851.45	\$85,000.00
MFD	2 (40)				\$0.00	\$0.00
Commercial			1	0	\$460.00	\$10,000.00
Industrial					\$0.00	\$0.00
Garages			2	0	\$323.88	\$118,000.00
Move & Demo			2	0	\$98.00	\$8,000.00
SFDA	6 (6)	2 (2)			\$0.00	\$0.00
Sign			4	0	\$422.00	\$142,996.00
Other			12	0	\$1,414.00	\$265,033.00
<u>Alterations & Additions</u>						
1 & 2 Family			24	0	\$2,081.71	\$304,616.00
Multi-Family					\$0.00	\$0.00
Commercial			6	0	\$3,355.31	\$5,860,700.00
Industrial					\$0.00	\$0.00
Total			55	5	\$11,150.68	\$7,669,345.00

Building Valuation

2022 Fiscal YTD	\$40,576,650.07
2021 Fiscal YTD	\$24,415,907.17
Contractor Registration	\$325.00

Building Official

NOTE: SFD's and SFDA's are to be added together for a total of single family dwelling units and valuation.