

## HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Monday, December 16, 2019 at 4:00 PM in the City Building, 220 North Hastings Avenue.

### AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday , December 13, 2019. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.
6. Approval of Minutes
  - a. Meeting of November 16, 2019
7. Special Order of Business
8. Unfinished Business
  - a. Continued Applications - None
  - b. Tabled Applications
    - i. -Continue- Public hearing on a request to designate approximately 82.61 acres in a portion of the south half of Section 23, T7N, R9W of the 6th P.M. in Adams County, Nebraska, known as Redevelopment Area #15, as a blighted and substandard area, and to determine consistency with the Comprehensive Plan.
    - ii. -Table- Motion to recommend Resolution **2019-XX**, adoption of Blight and Substandard Determination Study and General Redevelopment Plan for Redevelopment Area #15.
    - iii. -Table- Motion to recommend Ordinance **XXXX**, a statement of intent to annex Redevelopment Area #15 in the future, when the area is statutorily eligible and feasible as an addition to the City.
  - c. Postponed Applications - None
  - d. Unfinished Applications - None
9. Public Hearings.

## Planning Commission Agenda

December 16, 2019

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- a. **2019-052.** Public hearing regarding Ordinance No. **XXXX**, a zoning text amendment to Section 34-201 "A Agricultural districts;" and Section 34-404 "Conditional Use Permits."

- b. Recommendation to approve Ordinance No. **XXXX**.

- b. **2019-053.** Public hearing regarding Ordinance No. **XXXX**, a text amendment to Chapter 34 Zoning, adding "WHO Wellhead Protection Overlay" district.

- b. Recommendation to approve Ordinance No. **XXXX**.

- c. **2019-054.** Public hearing regarding Ordinance No. **XXXX**, a text amendment to Chapter 34 Zoning, adding "DSO Dark Sky Overlay" district.

- b. Recommendation to approve Ordinance No. **XXXX**.

- d. **2019-055.** Public hearing regarding a change of zoning from "A Agricultural" to "R1-A Single-family large lot Residential" for Hoagland Second Subdivision within the 2-mile Extraterritorial Jurisdiction of the City of Hastings, Adams County, Nebraska.

- b. Recommendation to approve Ordinance **XXXX**, a change of zoning from A to R1-A for Hoagland Second Subdivision.

- e. **2019-056.** Public hearing for a change in zoning for Lots 142 through 147 except the south 3 feet of Lot 144 of Railroad Addition to the City of Hastings; and Tax Lot 5, a part of the N2 of the SE4 of the NW4 of Section 13, Township 7 North, Range 10 West of the 6th P.M. in the City of Hastings more particularly described as: Commencing at the Southwest corner of Lot 145 in said Railroad Addition, according to the recorded plat thereof, thence South 100 feet, thence East 135 feet to the center line of the vacated alley, thence North along said center line of the vacated alley, a distance of 100 feet, thence West 135 feet to the point of commencement.

- b. Recommendation of Ordinance **XXXX**, a change of zoning from "R-1 Single family Residential" to "R-3 Multiple-family Residential" for Lots 142 through 147, except the south 3 feet of Lot 144; and Tax Lot 5 in the City of Hastings, Adams County, Nebraska.

#### 10. Subdivisions

- a. **2019-057.** Recommendation to approve Hoagland Second Subdivision, located in the Northwest Quarter of Section 4, Township 7 North, Range 10 West of the 6th P.M., within the 2-mile jurisdiction of the City of Hastings, Adams County, Nebraska.

#### 11. Reports

- a. Committee Reports
- b. Chairman Comments
- c. Staff Reports
  - i. Report on peer cities analysis (Jacob Mounce).



## **Planning Commission Agenda**

**December 16, 2019**

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- ii. Policy Overview and Recommendation for Economy Efficient Housing a.k.a. Micro Homes (Jacob Mounce)

Adjourn

CITY OF HASTINGS, NEBRASKA  
MINUTES OF PLANNING COMMISSION  
Monday, November 18, 2019

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the City Building, 220 North Hastings Avenue, on November 18, 2019.

The meeting was called to order at 4:00 p.m. in Regular Session by Chair Gaines with the following members present: Lou Kully, Alternate Willis Hunt, Marshall Gaines, Jodi Graves, Eric Arneson, Ann Hinton, Dave Johnson, Mac Rundle. Absent: Rakesh Srivastava, Gavin Raitt, Alternate Arrington-Williams.

The Chair led the group in recital of the Pledge of Allegiance to the United States of America.

Moved by Hunt, seconded by Johnson, to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

The Public Notice was read into the record. Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, November 15, 2019. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is located at the back of the Council Chambers. Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Council Chambers which is accessible to members of the public.

Moved by Kully, seconded by Rundle, to approve the minutes of the October 21, 2019, meeting. Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

**9. Public Hearings.**

**a. 2019-049. a. Public hearing on a request to designate approximately 82.61 acres in a portion of the south half of Section 23, T7N, R9W of the 6th P.M. in Adams County, Nebraska, known as Redevelopment Area #15, as a blighted and substandard area, and to determine consistency with the Comprehensive Plan.**

**b. Motion to recommend Resolution 2019-XX, adoption of Blight and Substandard Determination Study and General Redevelopment Plan for Redevelopment Area #15.**

**c. Motion to recommend Ordinance XXXX, a statement of intent to annex Redevelopment Area #15 in the future, when the area is statutorily eligible as an addition to the City.**

Don Threewitt explained that through this process, the City and property owners will attempt to address economic or social liabilities which may impact the well-being of the entire community, guide future development in the area, and facilitate certain redevelopment incentives to mitigate barriers to redevelopment. He further explained that since publication of the packet, there are certain maps within that blight and substandard area that show the inclusion of additional properties which are not included in the legal description. Golden Triangle, a property owner, had commissioned a blight and substandard study to determine the possibility of declaring the area blighted and substandard pursuant to existing community development law. The project is outside the city limits, but within the expanded 2-mile ETJ and is a portion of a formerly used defense site, the Naval Ammunition Depot. Although the NAD extends into Clay County, the subject property is wholly contained within Adams County. The property owner, Golden

Triangle, LLC, is in the process of developing an SID and this is a statutory requirement which will be completed prior to consideration of any specific redevelopment plans or plan modifications. It is unlikely the subject property will be eligible for annexation in the foreseeable future, but the corresponding ordinance will be followed once the property is eligible. The SID has not been completed by the applicant, so staff feels more comfortable in continuing this public hearing until such point as the City has evidence that the SID has been formed and complete. At that time staff would again present this item for discussion. Staff is asking that this hearing be continued for 30 days and reheard at the December meeting so that the formation of the SID is complete, and seek out additional public comment and outreach in the area. Two property owners have contacted the City regarding this item. For those two items, staff asks that the Commission continue the public hearing for 30 days and hear this item again at the December meeting.

Alan Harpham, 1226 N. Briggs, Hastings, Nebraska spoke on this issue. He stated he owns a building in the NAD and felt like he was far from the two-mile jurisdiction. He also was concerned about the SID, annexation and assessment for roads.

Randy Chick, 520 W. 1<sup>st</sup> St., #200, Hastings, Nebraska spoke on this issue. He spoke on behalf of the Community Redevelopment Authority. He stated the CRA would be happy to assist property owners in that area with any kind of redevelopment efforts and would appreciate the Commission's support.

City Attorney Clint Schukei suggested the Commission move to continue the hearing to the next meeting so when you hear this item at the next meeting this hearing would be on the agenda. It has been noticed already. Then you can make an appropriate recommendation. So continuing the hearing and tabling the two action items.

Moved by Kully, seconded by Hunt, to continue this hearing to the December meeting. Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

Moved by Hunt, seconded by Kully, to table recommending the Resolution associated with this matter to the December meeting. Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

Moved by Graves, seconded by Kully, to table recommending the Ordinance associated with this matter to the December meeting. Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

**b. 2019-050. Public hearing regarding revised Ordinance No. 4607, a zoning conversion for properties situated in the zoning jurisdiction of the City of Hastings.**

Don Threewitt stated this is a re-hearing from the October Planning Commission meeting. The Ordinance was revised, and was heard by the Adams County Planning Commission on November 4, and the Adams County Board of Supervisors on November 5.

The changes include an addition to subsection (5) which reads "The provisions of this section shall apply to any property within the ETJ where powers and duties are being exercised when such property has not previously been assigned a zoning designation by the City. It applies City zoning districts throughout the entirety of the two-mile ETJ which have not been previously rezoned.

Secondly, there are two zoning overlays that originally were exempted from the zoning conversion and from the City code. The Wellhead Protection Overlay will codify existing policies among city and county jurisdictions. The Dark Sky Overlay encompasses the existing one-mile buffer around the Hastings College Observatory. The proposed conversion chart does apply the closest zoning district available in City jurisdiction to the existing County zoning district. Staff supports a recommendation for approval.

Moved by Hunt, seconded by Johnson, to recommend approval to the City Council Ordinance No. 4607.

Hunt asked if all matters between the City and the County have been work through.

Don Threewitt stated the items has been before the County Planning Commission two times, and the City-County Ad Hoc meeting two times, and the County Board of Supervisors once. The Planning Commission, Ad Hoc Committee and County Board of Supervisors unanimously recommended support once the Overlay Districts were added.

Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

## **10. Subdivisions**

**a. 2019-051. Consider a recommendation to approve First Christian Church Subdivision, a replat of Lot 1, Block 2 of Colonial Estates Second Addition to the City of Hastings, Adams County, Nebraska.**

Don Threewitt stated the applicant wishes to subdivide two lots for development. The plat has been reviewed by Staff. Staff supports a recommendation for approval.

Moved by Kully, seconded by Johnson, to recommend approval to the City Council the First Christian Church Subdivision plat.

Arletta Towns, 3607 Wendell Dr., Hastings, Nebraska stated she was present to represent the First Christian Church as moderator and to answer any questions.

Roll Call: Ayes: Gaines, Kully, Johnson, Graves, Rundle, Arneson, Hinton, Hunt. Nays: None. Absent: Srivastava, Raitt, Alternate Arrington-Williams. The motion carried.

## **11. Reports**

### **a. Committee Reports**

Ann Hinton stated the Ad Hoc Committee had a meeting. The ETJ and the Community Redevelopment Authority blight and substandard area at the NAD was discussed, and whether this area was totally within the City's or if it was also County jurisdiction.

Moved by Graves, seconded by Rundle, to adjourn.

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Chairman

Department: Development Services  
Staff Contact: Donald Threewitt, Randy Chick  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-049  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

- a. Public hearing on a request to designate approximately 82.61 acres in a portion of the south half of Section 23, T7N, R9W of the 6th P.M. in Adams County, Nebraska, known as Redevelopment Area #15, as a blighted and substandard area, and to determine consistency with the Comprehensive Plan.
- b. Motion to recommend Resolution **2019-XX**, adoption of Blight and Substandard Determination Study and General Redevelopment Plan for Redevelopment Area #15.
- c. Motion to recommend Ordinance **XXXX**, a statement of intent to annex Redevelopment Area #15 in the future, when the area is statutorily eligible and feasible as an addition to the City.

### **Names of People/Business affected by this action:**

The property owner, Adams County, the City of Hastings, and all affected taxing authorities.

### **Why Planning Commission action is required:**

From N.R.S 18-2123.01: Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.

- (1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:
  - (a) The real property located outside the corporate limits of the city is a formerly used defense site;
  - (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
  - (c) The formerly used defense site is located within a sanitary and improvement district;
  - (d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and
  - (e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.
- (2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- (3) The inclusion of a formerly used defense site in any redevelopment project under this section

shall not result in:

(a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or

(b) Any change in the service area of any communications company as defined in section 77-2734.04 unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections 86-135 to 86-138.

(4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

**Type of action requested:**

Ordinance

Resolution

**Suggested motion:**

a. Motion to recommend approval of Resolution No. **2019-XX**, a Blight and Substandard Determination Study and General Redevelopment Plan for Redevelopment Area #15.

b. Motion to recommend Ordinance **XXXX**, a statement of intent to annex Redevelopment Area #15 in the future, when the area is statutorily eligible as an addition to the City.

**Deadlines associated with action:**

This case has been heard at the November 18, 2019 Planning Commission meeting, and the hearing was continued to the December 16, 2019 meeting. The corresponding Resolution and Ordinance have been tabled. This case is scheduled to be heard by the City Council on January 13, 2020 pending an affirmative recommendation by the Planning Commission and the Community Redevelopment Authority.

**Department head comments:**

Through this process, the City and property owners will: attempt to address economic and/or social liabilities which impact the well-being of the entire community, guide future development in the area, and facilitate certain redevelopment incentives to mitigate barriers to redevelopment.

The attached Blight and Substandard study details existing conditions and statutory requirements for the area.

The property owner, Golden Triangle, Inc. had commissioned a blight and substandard study to determine the possibility of declaring the area blighted and substandard pursuant to existing

Nebraska Community Development Law, which is found in N.R.S. 18-2104 et. seq.

No specific redevelopment projects are pending at this time.

The subject property is outside of city limits but within the expanded 2-mile ETJ, and is a portion of a formerly used defense site--the Naval Ammunition Depot (NAD). Although the NAD extends into Clay County, the subject property is wholly contained within Adams County. The property owner, Golden Triangle, LLC is in the process of developing a sanitary and improvement district (SID), and this statutory requirement will be completed prior to consideration of any specific redevelopment actions or Plan Modification. While it is unlikely that the subject property will be eligible for annexation in the foreseeable future, the corresponding Ordinance will be followed once the property is eligible. The electric utility, natural gas service, and communication service to the property will not change as a result of this action. This property is within that portion of the extraterritorial jurisdiction where zoning powers and duties are being exercised as authorized pursuant to N.R.S. 16-902.

On October 22, 2019, The Community Redevelopment Authority voted unanimously in favor of proceeding with the proposed Redevelopment Area #15 by forwarding the case to the City Planning Commission for consideration and recommendation.

Planning Commission actions pertaining to this case:

First, the Planning Commission shall find that the Blight and Substandard study and associated general redevelopment plan are consistent with the Comprehensive Plan. Imagine Hastings projects that this area is beyond the designated Future Growth Area and the Future Land Use is Employment/Industrial. Through incorporation within the 2-mile ETJ the property is zoned I-2 - Heavy Industrial which corresponds to the Employment/Industrial designation.

Two separate motions are required with this case.

The first motion is a recommendation to approve the Blight and Substandard study and General Redevelopment plan via Resolution. City Staff and the Community Redevelopment Authority have reviewed the study and believe that it fulfills the statutory requirements for a plan. There is no pending redevelopment activity in the proposed area, so a Plan Modification will come before the Commission at a later date for separate approval once any projects are identified and pursued.

The second motion is an Ordinance stating the City's intent to annex Redevelopment Area #15 once it is eligible and feasible. In order to be eligible for annexation, the area shall be contiguous, and urban or suburban in character (N.R.S. 16-117). Additionally, a plan for extending city services to such land within a reasonable time shall be adopted by Resolution. There is a statutory provision to annex non-contiguous land in a redevelopment project area, but that only applies to second class cities and villages.

**Recommendation:**



**PROJECT APPLICATION**

City of Hastings – Development Services  
220 N. Hastings Avenue, Hastings, NE 68901  
Phone: (402) 461-2302; Fax: (402) 461-2304  
www.cityofhastings.org

**Please check the appropriate box below to indicate the type of application you are requesting. Contact Development Services for minimum requirements. Incomplete applications will not be processed. All applications must be completed by applicant prior to submission with all of the requested support materials by the last Monday of each month or they will be held until the next deadline to be processed.**

- |                                                             |                                                                     |                                                                       |                                              |
|-------------------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Preliminary Plat                   | <input type="checkbox"/> Final Plat                                 | <input type="checkbox"/> Short Plat                                   | <input type="checkbox"/> Administrative Plat |
| <input type="checkbox"/> Code Amendment                     | <input type="checkbox"/> Zoning Change                              | <input type="checkbox"/> Vacation (Plat / ROW / Easements)            |                                              |
| <input type="checkbox"/> Conditional Use Permit / Amendment | <input type="checkbox"/> Planned District / Amendment               | <input checked="" type="checkbox"/> Blight Study & Redevelopment Plan |                                              |
| <input type="checkbox"/> Comprehensive Plan / Amendment     | <input type="checkbox"/> Annexation Petition / Addition to the City |                                                                       |                                              |

**PROJECT INFORMATION**

Project Name: Blight Study and Redevelopment Plan for Redevelopment Area #15 (NAD)

Project Address: A Tract of Land Located in the South 1/2 of Section 23, Township 7 North, Range 9 West of the 6th P.M., Adams County, Nebraska Within City Limit ☐ Yes ☒ No

Existing Zoning: I-2 Heavy Industrial Proposed Zoning / Use: I-2 Heavy Industrial

Existing Comprehensive Plan Designation: Industrial Gross Area: approximately 94 acres

Legal Description: See attached legal description Number of Lots: 3 parcels

**APPLICANT INFORMATION**

Applicant: Randal Chick, Director, Community Redevelopment Authority Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402-461-8415 Fax: \_\_\_\_\_

City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.com

Property Owner: Not applicable Company: \_\_\_\_\_

Address: \_\_\_\_\_ Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Email: \_\_\_\_\_

Key Contact: Randal Chick Company: Community Redevelopment Authority

Address: 301 S. Burlington Tel: 402-461-8415 Fax: \_\_\_\_\_

City: Hastings State: NE Zip: 68901 Email: bidcra@gmail.com

I hereby acknowledge that all information provided with this application is true to the best of my knowledge.

|                          |       |                     |            |
|--------------------------|-------|---------------------|------------|
| _____                    | _____ | <u>Randal Chick</u> | 10/25/2019 |
| Property Owner Signature | Date  | Applicant Signature | Date       |

**DEPARTMENTAL USE ONLY**

Fees: \_\_\_\_\_ Receipt No. \_\_\_\_\_

Accepted by Staff: \_\_\_\_\_ Case No. \_\_\_\_\_

Signature

## **PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY**

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of Adams County. Golden Triangle, Inc. commissioned the study to analyze the possibility of declaring the area as blighted and substandard.

The City of Hastings, when considering conditions of Blight and Substandard, look at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

*"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements."*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for the formulation of a workable program; disaster assistance; effect. The statute reads,

*"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."*

*"Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth."*

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

**"Blighted area"** means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one

hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

**"Extremely blighted area** means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

**"Substandard area** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"

**"Workforce housing** means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and
- (e) Upper-story housing."

Furthermore, Chapter 18, Section 2123.01 of the Revised Nebraska State Statutes:

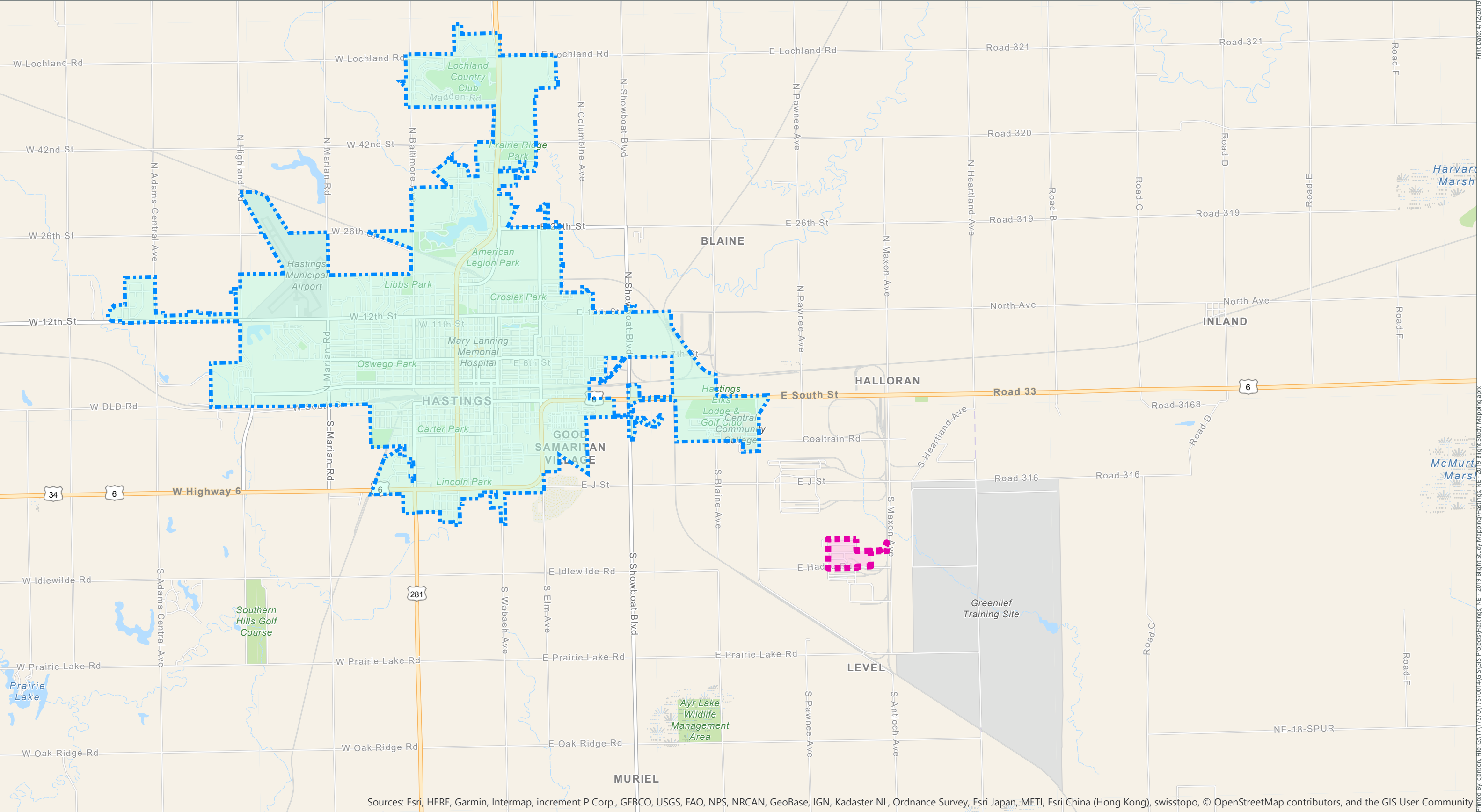
**Redevelopment project with property outside corporate limits; formerly used defense site; agreement with county authorized.**

- (1) Notwithstanding any other provisions of the Community Development Law to the contrary, a city may undertake a redevelopment project that includes real property located outside the corporate limits of such city if the following requirements have been met:









Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community



Data Sources: Adams County, City of Hastings and MPC



- Hastings City Limits
- 2019 Blight Study Area

# HASTINGS, NE - 2019 BLIGHT STUDY

REGIONAL CONTEXT MAP

CITY OF HASTINGS

ADAMS COUNTY, NEBRASKA

Print Date: 4/12/2019  
Printed By: ganson, File: G:\1717570\1757001\GIS\GIS Projects\Hastings, NE - 2019 Blight Study Mapping\Hastings, NE - 2019 Blight Study Mapping.aprx

- (a) The real property located outside the corporate limits of the city is a formerly used defense site;
  - (b) The formerly used defense site is located within the same county as the city approving such redevelopment project;
  - (c) The formerly used defense site is located within a sanitary and improvement district;
  - (d) The governing body of the city approving such redevelopment project passes an ordinance stating such city's intent to annex the formerly used defense site in the future; and
  - (e) The redevelopment project has been consented to by any city exercising extraterritorial jurisdiction over the formerly used defense site.
- (2) For purposes of this section, formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- (3) The inclusion of a formerly used defense site in any redevelopment project under this section shall not result in:
- (a) Any change in the service area of any electric utility or natural gas utility unless such change has been agreed to by the electric utility or natural gas utility serving the formerly used defense site at the time of approval of such redevelopment project; or
  - (b) Any change in the service area of any communications company as defined in section [77-2734.04](#) unless (i) such change has been agreed to by the communications company serving the formerly used defense site at the time of approval of such redevelopment project or (ii) such change occurs pursuant to sections [86-135](#) to [86-138](#).
- (4) A city approving a redevelopment project under this section and the county in which the formerly used defense site is located may enter into an agreement pursuant to the Interlocal Cooperation Act in which the county agrees to reimburse such city for any services the city provides to the formerly used defense site after approval of the redevelopment project.

This Blight and Substandard Study is intended to give the Community Redevelopment Authority, Hastings Planning Commission and Hastings City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present, which qualify the area as blighted and substandard.

Through the redevelopment process, the City of Hastings and the Hastings CRA can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Hastings is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City of Hastings can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

## **BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY**

This study targets a specific area within an established part of the Hastings area. The area is indicated in Figure 1 of this report. The existing uses in this area include commercial and industrial uses and open space. The study area is part of the old Hastings Naval Ammunition Depot (NAD).

Through the redevelopment process the developer and City of Hastings can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of Hastings is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area within the Hastings area.

### **Study Area**

A TRACT OF LAND LOCATED IN THE SOUTH 1/2 OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 9 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 23, THENCE N89°45'38"W (ASSUMED BEARING ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23 A DISTANCE OF 1193.00, THENCE N00°40'54"E A DISTANCE OF 320.76 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF GOLDEN TRIANGLE SUBDIVISION, THENCE N00°07'36"E ON THE WEST LINE OF SAID LOT 1 A DISTANCE OF 663.21 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE N84°06'51"E ON THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 24.99 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID GOLDEN TRIANGLE SUBDIVISION, THENCE N00°15'26"E ON THE WEST LINE OF SAID LOT 2 AND ALSO BEING THE WEST LINE OF LOTS 9,10 AND 17 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 570.04 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, THENCE S89°38'18"E ON THE NORTH LINE OF SAID LOT 17 AND ALSO BEING THE NORTH LINE OF LOTS 16,15 AND 14 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 1681.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 14, THENCE S00°38'29"W ON THE EAST LINE OF SAID LOT 14 AND ALSO BEING THE EAST LINE OF LOTS 13,6 AND 5 OF SAID GOLDEN TRIANGLE SUBDIVISION A DISTANCE OF 519.80 FEET TO THE NORTHWEST CORNER OF GOLDEN TRIANGLE 2ND SUBDIVISION, THENCE ON THE NORTHERLY LINE OF SAID SUBDIVISION THE FOLLOWING, S89°44'34"E A DISTANCE OF 1310.03 FEET TO THE BEGINNING OF CURVE THAT IS CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 560.60 FEET, A CHORD BEARING OF N49°26'01"E, A CHORD DISTANCE OF 732.76 FEET AND AN ARC LENGTH OF 798.59 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION THENCE S00°09'02"W ON THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 531.60 FEET TO THE SOUTH LINE OF SAID SUBDIVISION, THENCE N89°34'26"W ON SAID SOUTH LINE A DISTANCE OF 974.39 FEET, THENCE S00°14'36"W A DISTANCE OF 903.69 FEET TO THE NORTH LINE OF A PUBLIC ACCESS EASEMENT BEING 80.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 23, THENCE N89°45'06"W ON SAID NORTH LINE A DISTANCE OF 889.18 FEET, THENCE S00°07'15"W A DISTANCE OF 80.00 FEET TO THE SOUTH LINE OF SAID SOUTHEAST 1/4, THENCE N89°44'10"W ON SAID SOUTH LINE A DISTANCE OF 513.00 FEET TO THE POINT OF BEGINNING, CONTAINING 82.61 ACRES AND IS SUBJECT TO ANY EXISTING EASEMENT, INTERIOR SUBDIVISIONS OR RIGHT OF WAY BY RECORD.

### **STUDY AREA HISTORY**

The Study Area .... "The Naval Ammunition Depot Hastings (NAD Hastings) near Hastings, Nebraska was the largest United States World War II naval munitions plant operating from 1942 to 1946 and produced over 40% of the U.S. Navy's munitions.

### **World War II and accidents**

The former Naval Ammunition Depot (NAD) is one of Nebraska's former four major ammunition plants: the Cornhusker Ordnance Plant, the Nebraska Ordnance Plant and the Martin Bomber Plant. Its construction began in July 1942 on 49,000 acres (200 km²) and was completed in early 1943 with over 2000 buildings, bunkers, and various other types of structures. The cost of construction was over \$71 million.

The navy built in this location due the proximity to the area's three railroads, the abundance of underground water, cheap natural gas and electricity, the stable work force and the distance from either coast (being beyond the range of Japanese or German bombers). At one point during World War II the facility was producing over 40% of the U.S. Navy's munitions. It manufactured 40mm shells, 16-inch projectiles, rockets, bombs, depth charges, mines and torpedoes. Production peaked in June–July 1945, when the depot employed 125 officers, 1,800 enlisted men, and 6,692 civilians.

The impact on the city of Hastings was a 40% population increase from just over 15,000 in 1940 to 22,252 at its peak during the war. By 1944, workers base wages at the depot were 74-cents an hour with time-and-a-half for overtime beyond 54 to 64 hour workweeks and thus considerably higher than the 40- to 50-cents per hour in town and maybe a dollar-a-day for a hired man on the farm.<sup>[1]</sup> Farmers experienced a severe labor shortage, schools were overcrowded with 50-60 children, new homes were scarce.

Four accidental explosions took place during the war, of which two were officially reported. All occurred in 1944, and together resulted in the deaths of 22 people. The first accident left a crater 550 feet long, 220 feet wide, and 50 feet deep. The most severe accidental blast killed nine people and injured fifty-three on September 15, 1944. It was caused by human error while a train was being loaded. The loading depot and the train were totally destroyed. Part of the roof at a high school in Harvard, about 15 miles (24 km) east of Hastings, collapsed as a result of the explosion; injuring 10 children.

## After World War II

In April 1945, the work week was reduced from 60 to 54 hours, in August 1945 to 40 hours and the number of employees was reduced to 3,000. By 1949, personnel numbered 1,189. the depot was reactivated in August 1950 for the Korean War. Employment peaked in January 1954 with 2,946 civilians.

## Air Force presence

During the Vietnam War, a portion of the NAD was turned over to the U.S. Air Force. This became a radar bomb scoring detachment that helped train pilots in electronic bombing techniques that were used in southeast Asia.

## Closure and transfer

Closure of the site was ordered in December 1958 to be concluded no later than June 1966. As of 2015, the land was occupied by Central Community College, which uses some of the former buildings, Hastings East Industrial Park (HEIP), a golf course, the Greenleaf Training Facility for national guardsmen and reservists, and the United States Department of Agriculture Meat Animal Research Center, which was granted part of the site in 1964.

**Source:** *Wikipedia*

During the 2013-2014 Legislative sessions, the Nebraska Legislature passed LB 66 and LB 1012 which provided for a means to use Tax Increment Financing on projects located in a former defense site. LB 66 gave Cities of the First Class (5,000 to 100,000 population) the authority to approve Redevelopment Plans and use Ad Valorem Taxes (TIF) generated by the project(s) approved in the plan to pay for eligible expenses under certain proscribed conditions on formerly used defense sites outside of the corporate limits of and within the same **County as the City**. LB 1012 states that "A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision." (which is 35%).

LB 66 and LB 1012 did not remove the need for a Blight and Substandard designation.

This specific study includes a portion of the old NAD.





## EXISTING LAND USES

The term “Land Use” refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts that either benefit or detract from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

### Existing Land Use Analysis within Study Area

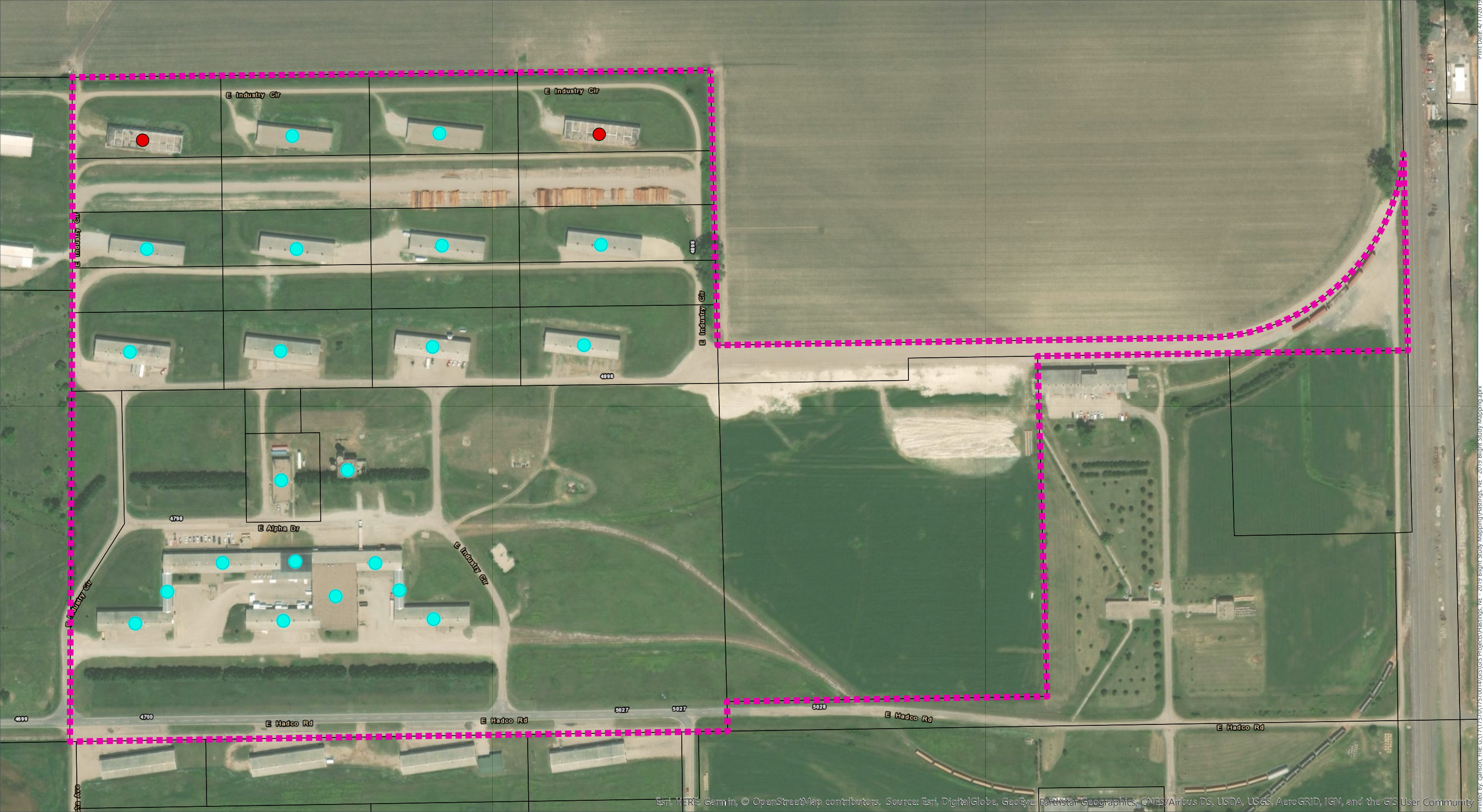
As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Adams County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs. The Study Area's existing land uses are industrial in nature.











Data Sources: Adams County, City of Hastings  
and MPC



- Excellent Condition - 0 Structures
- Good Condition - 0 Structures
- Average Condition - 0 Structures
- Fair Condition - 21 Structures
- Poor Condition - 2 Structures
- 2019 Blight Study Area
- Parcels

# HASTINGS, NE - 2019 BLIGHT STUDY

STRUCTURE CONDITION MAP

CITY OF HASTINGS  
ADAMS COUNTY, NEBRASKA

Esri, HERE, Garmin, © OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Printed By: garson, File: G:\17175\017500\HASTINGS Projects\Hastings, NE - 2019 Blight Study Mapping\Hastings, NE - 2019 Blight Study Mapping.aprx

Print Date: 4/17/2019



## **FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY**

This section of the Eligibility Report examines the conditions found in the study area. The Findings Section reviews the conditions based upon the statutory definitions.

### **FORMER DEFENSE SITE**

Based on Chapter 18, Sections 18-2103 and 2123.01 of the Revised Nebraska State Statutes, this study area is eligible to be deemed to be Blighted and Substandard. The area meets all of the necessary eligibility criteria identified in the §§18-2103 and 18-2123.01:

1. The real property located outside the corporate limits of the city is a formerly used defense site;
2. The formerly used defense site is located within the same county as the city approving such redevelopment project;
3. Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.

Based on the site meeting the criteria found in §§18-2103 and 18-2123.01, this area is eligible for declaring it Blighted and Substandard.

However, the study will show the study area meets the criterion for Blighted and Substandard either as a former defense site or if it were a part of the corporate limits of Hastings.

### **OTHER CONTRIBUTING FACTORS**

There were many other conditions examined and evaluated in the field and online. There are several conditions that will be reviewed in detail, on the following pages, which add to the overall condition of Blight and Substandard on the proposed site.

### **Deterioration of Site or Other Improvements**

#### ***Substantial Number of Deteriorating Structures***

MPC conducted an on-site evaluation of the structures; the rating system was either Excellent, Good, Average, Fair, or Poor. The data was a result of a field survey conducted by Marvin Planning Consultants. There is a total of 22 structures located in the study area.

Based upon the data, the following is the breakdown for structures in the study area:

- 0 ( 0.0%) structures rated as excellent
- 0 ( 0.0%) structures rated as good
- 0 ( 0.0%) structures rated as average
- 20 (90.9%) structure rated as fair
- 2 ( 9.1%) structures rated as poor

The assumption, regarding conditions of structures, is any structure given an average condition or less constitutes less than desirable conditions due to age and conditions. It is common for older structures to require more maintenance and upkeep to maintain a good or higher condition. Even an average structure shows some sign of deteriorating which in turn can become a dilapidated structure in the future if it left alone.

Due to the stated conditions found in the field, the condition of the structure is a contributing factor.





### Paving Conditions

The paving conditions, in the Study Area, were identified and rated on five categories; excellent, good, average, fair and poor.

Within the study area, there are approximately 17,152 lineal feet of streets. Typically, any dirt or gravel roadways are considered to be in a fair to poor condition since asphaltic concrete or concrete are common paving materials. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- 0 ( 0.0%) lineal feet of excellent paving
- 0 ( 0.0%) lineal feet of good paving
- 0 ( 0.0%) lineal feet of average paving
- 4,451 (26.0%) lineal feet of fair paving
- 11,527 (67.2%) lineal feet of poor paving
- 1,174 ( 6.8%) lineal feet of worn out paving

Due to the condition of the paving within the study area, the streets are a contributing factor.



Paving Condition Examples

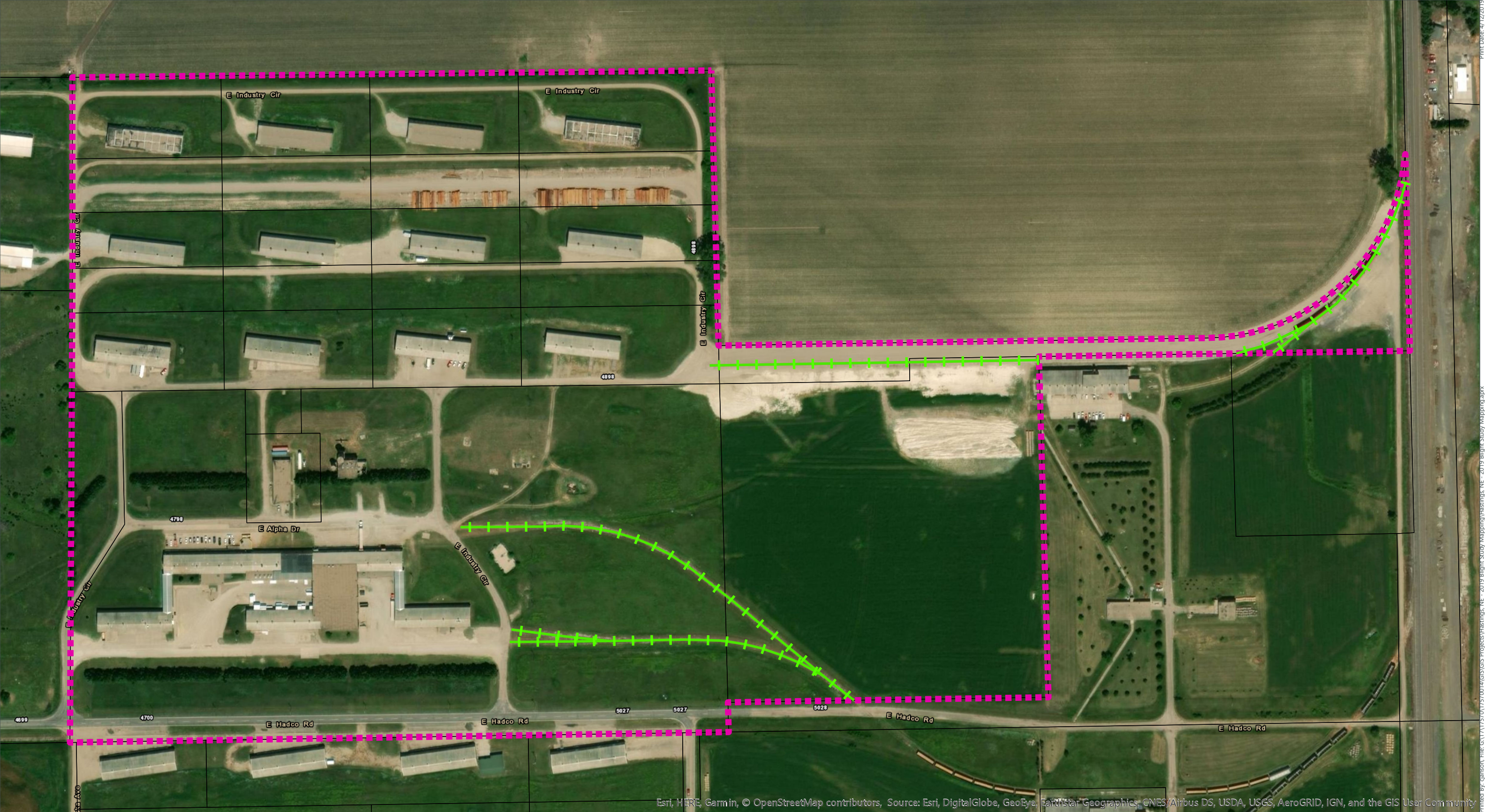


Rail Condition Examples









Data Sources: Adams County,  
City of Hastings and MPC



- + Poor Condition Rail Lines - 4,036 Linear Feet
- 2019 Blight Study Area
- Parcels

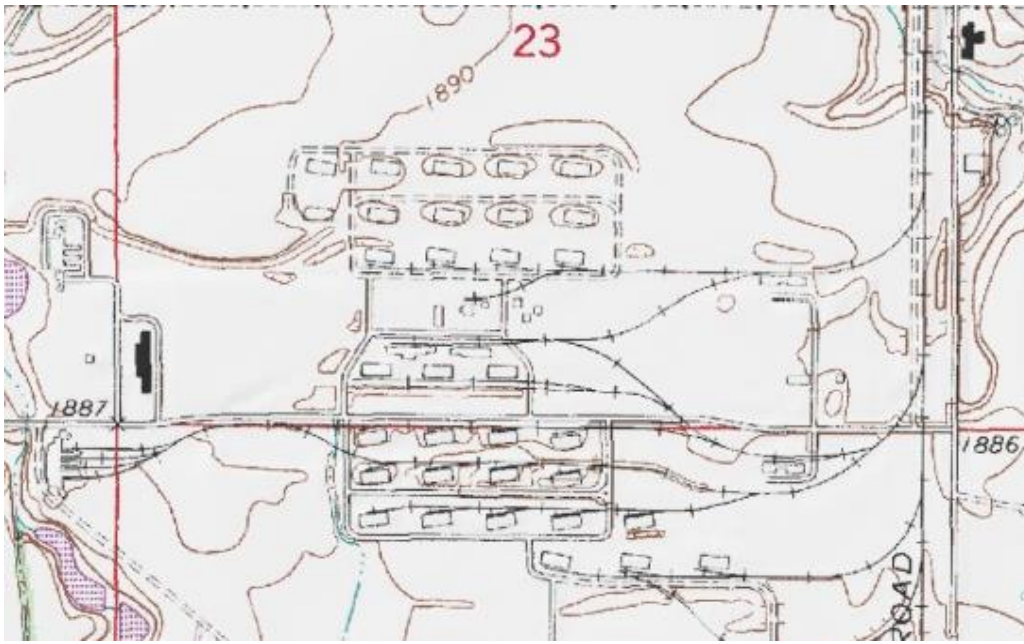
# HASTINGS, NE - 2019 BLIGHT STUDY

RAIL LINE CONDITIONS MAP  
CITY OF HASTINGS  
ADAMS COUNTY, NEBRASKA

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Print Date: 8/12/2019



**Figure 7**  
**Drainage**



Source: Marvin Planning Consultants, MyTopo.com, 2019

#### **Drainage Conditions**

The Hastings and Adams County area is relatively flat with occasional changes in elevation. Most topographic changes found in the study area and the former NAD site were man-made to aid in some drainage. Topography and soils can have a major impact on how a given portion of the area drains. The area designated in this Study Area is nearly flat or has an extremely small slope.

Figure 6 shows an existing topographic map from MyTopo.com showing the study area. The maps confirm the flatness of the area. The contours are relatively flat along each set of the topographic areas. The contours range from a low of 1886 feet (off-site) to 1890 feet. The 1890 contour encompasses nearly all of the study area.



**Example of the Existing Topography within the Study Area**

In addition to the flatness of the study area, the entire study area is designed to drain using "rural section" ditches along all of the county roads and interior roads in the area. Also, a lot of these ditches have not recently been cleaned which will slow drainage and encourage ponding of water.

All of the conditions discussed above will create the potential for standing water within this study area. Standing water from poor drainage can be a catalyst for health issues like West Nile and other mosquito-borne diseases due to the potential mosquito breeding during the summer months.

Drainage is a contributing factor to the area being declared Blighted and Substandard.

### **Stormwater management**

As previously discussed, the study area is surrounded by rural section roads which include drainage ditches. The ditches along with the lack of slope in the area create a negative impact on stormwater management for the area. This flatness is typically true throughout the entire Adams County area.

The stormwater management system is a contributing factor to the deterioration of site or other improvement within the area.

### **Rail**

The study area also contains rail. The rail is likely leftover from the time period when the US Navy last used the facilities for ammunition-based operations. Based upon an on-site review and the review from Google Earth images the remaining rail is in poor condition.

Rail lines within this area will likely need to be upgraded if anything desiring rail access locates in the study area.

The condition of the rail is a contributing factor the area being declared as Blighted.

### **Dangerous conditions to life or property due to fire or other causes**

The study area, as mentioned, sits within the old Hastings Naval Ammunition Depot. Due to the nature of business conducted on-site, munitions manufacturing, there have been and still are hazardous materials present. The soil contamination identified in a 1990 EPA Report have been remedied according to an EPA representative. However, groundwater contamination still is present in this area including the study area.

Based on a conversation with the Kansas City Regional (KCEPA) office of the EPA the groundwater contamination consists of, "trichloroethene (TCE), 1,1,1-trichloroethane (TCA), tetrachloroethene (PCE), 1,1-dichloroethene (DCE), TNT, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX). The most prevalent are TCE and RDX."

Also, according to the KCEPA, "The groundwater is being treated via a robust extraction and treatment system to drinking water standards, then discharged for beneficial reuse. An institutional control area and a system of land use control measures are in place to prevent property owners from installing wells in areas where they might access contaminated groundwater.

Finally, KCEPA stated "the U.S. Army Corps of Engineers, which is the lead agency at the former NAD, is also evaluating whether vapor intrusion (VI) related to TCE, TCA, PCE or DCE contamination in the groundwater is affecting any structures in the area. It is not thought that VI is an issue at the former NAD, but careful evaluation is warranted."

Therefore, based upon these conditions there are dangerous conditions to life or property due to fire or other causes and it a direct contributing factor to being Blighted.



## **Insanitary / Unsafe conditions**

There are several factors tending to fall under this category. The study area was found to have several factors falling into insanitary and unsafe. The following are some of the more critical elements.

### **Drainage Conditions**

The Hastings and Adams County area is relatively flat with occasional changes in elevation. Most topographic changes found in the study area and the former NAD site were man-made to aid in some drainage. Topography and soils can have a major impact on how a given portion of the area drains. The area designated in this Study Area is nearly flat or has an extremely small slope.

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Finally, KCEPA stated "the U.S. Army Corps of Engineers, which is the lead agency at the former NAD, is also evaluating whether vapor intrusion (VI) related to TCE, TCA, PCE or DCE contamination in the groundwater is affecting any structures in the area. It is not thought that VI is an issue at the former NAD, but careful evaluation is warranted."

Therefore, based upon these conditions water contamination is considered to be an Insanitary and Unsafe Condition and it a direct contributing factor to being Blighted.

### **Diversity of Ownership**

The diversity of Ownership implies there are multiple landowners in an area. When there are multiple landowners, then the process of development and redevelopment can be hindered due to a vast number of people and corporations needing a say in the process. In these situations, it "may" become necessary for the public sector to become involved through the use of incentives to guide the effort.

Within the Study Area, there are three different property owners. In order to coordinate future redevelopment activity, it may take some coordinating effort by the City or cooperating agencies.

Due to the Diversity of Ownership within the Study Area, this is a contributing factor to the area being declared Blighted and Substandard.

## Part B of the Blight Definition

### Age of Commercial Units

Age of commercial units is a contributing factor to the blighted and substandard conditions in an area. The statute allows for a predominance of commercial units 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the commercial units within the Study Area. Note the age of commercial units came from the Adams County Assessor's website data.

Within the study area, there are 22 commercial units in some form or another. The age of structure has been determined by researching the structural age on the Adams County Assessor's website.

All of the structures within the study area were constructed in 1943; except one which is listed as being constructed in 1900.

The following breakdown was determined:

- 22 (100.0%) units were determined to be 40 years of age or older
- 0 ( 0.0%) units were determined to be less than 40 years of age

**Table 2:**  
**Age of Units**

|                          | Number of Units | Construction date | Age of Units | Cummulative Age    |
|--------------------------|-----------------|-------------------|--------------|--------------------|
|                          | 1               | 1900              | 119          | 119                |
|                          | 21              | 1943              | 76           | 1596               |
| <b>Total Cummulative</b> | <b>22</b>       |                   |              | <b>1715</b>        |
| <b>Average Age</b>       |                 |                   |              | <b>77.95454545</b> |

Source: Adams County Assessor

Also, Table 2, above, examined the commercial units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 77.954 years, well above the 40-year requirement.

### ***Stable or decreasing population based on the last two decennial censuses***

The Study Area has had no population over the past two decennial censuses.



## Criteria under Part A of the Blight Definition

These conditions are contributing to the blighted conditions of the study area.

- **Qualifies under the Former Defense Site statute**
  - The real property located outside the corporate limits of the city is a formerly used defense site;
  - The study area within the formerly used defense site is located within the same county as the city approving such redevelopment project;
  - Formerly used defense site means real property that was formerly owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the United States Secretary of Defense. Formerly used defense site does not include missile silos.
- **Substantial number of deteriorating structures**
  - Within the study area 100.0% of the structures were deemed to be in either average, fair or poor condition.
- **Deterioration of site or other improvements**
  - 100.0% of the roads within the study area are in fair, poor, or worn out condition
  - 100.0% of the existing rail within the study area is deemed to be in poor condition
  - 100.0% of the area is rural section (drainage ditches and no curb and gutter)
  - The study area is relatively flat and has poor drainage conditions
  - Due to the flatness of the study area, the area has poor stormwater management
  - Several properties in the study area have deteriorating parking lots, and/or deteriorating driveways.
- **Dangerous conditions to life or property due to fire or other causes**
  - The presence of trichloroethene (TCE), 1,1,1-trichloroethane (TCA), tetrachloroethene (PCE), 1,1-dichloroethene (DCE), TNT, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX). The most prevalent are TCE and RDX.
- **Insanitary / Unsafe conditions**
  - Poor drainage is an issue due to the flatness of the area
  - Due to the flatness of the grade, stormwater management is also an issue
  - Both poor drainage and stormwater management contribute to the possibility of standing water and the possibility of mosquito breeding grounds (which can transmit West Nile Virus)
  - The presence of trichloroethene (TCE), 1,1,1-trichloroethane (TCA), tetrachloroethene (PCE), 1,1-dichloroethene (DCE), TNT, and hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX). The most prevalent are TCE and RDX.
- **Diversity of Ownership**
  - There are three distinct property owners within the study area.

## Criteria under Part B of the Blight Definition

- **The average age of commercial units in the area is at least forty years**
  - 22 (100.0%) buildings or improvements were determined to be 40 years of age or older
  - The average age based upon a cumulative age calculation is 77.95 years.
- **Stable or decreasing population based on the last two decennial censuses**
  - The Study Area has had no population over the past two decennial censuses.

## The other criteria for Blight were not present in the area

- Improper Platting or Obsolete Platting
- Combination of factors which are impairing and/or arresting sound growth
- Defective/Inadequate street layouts,
- Faulty lot layout,
- Defective or unusual condition of title,

- Economic or social liability detrimental to health, safety and welfare,
- Conditions provision of housing accommodations,
- One-half of unimproved property is over 40 years old,
- Inadequate provisions for ventilation, light, air, open spaces or sanitation

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.











## Substandard Conditions

### **Average age of the residential or commercial units in the area is at least forty years**

Average age of residential and commercial units can be a contributing factor to the substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the average age of residential and commercial units within the Study Area. Note the age of structure was determined from the Adams County Assessor's website data. Table 3 indicates the cumulative approach to average age. Based upon Table 3, there are three primary structures which have a cumulative age of 1715 years, or an average of 77.87 years.

Within the study area, there are 22 commercial units in some form or another. The age of structure has been determined by researching the structural age on the Adams County Assessor's website.

All of the structures within the study area were constructed in 1943; except one which is listed as being constructed in 1900.

The following breakdown was determined:

- 22 (100.0%) units were determined to be 40 years of age or older
- 0 ( 0.0%) units were determined to be less than 40 years of age

**Table 3:**  
**Age of Units**

|                          | Number of Units | Construction date | Age of Units | Cummulative Age    |
|--------------------------|-----------------|-------------------|--------------|--------------------|
|                          | 1               | 1900              | 119          | 119                |
|                          | 21              | 1943              | 76           | 1596               |
| <b>Total Cummulative</b> | <b>22</b>       |                   |              | <b>1715</b>        |
| <b>Average Age</b>       |                 |                   |              | <b>77.95454545</b> |

Source: Adams County Assessor

Also, Table 3, above, examined the commercial units within the study area and calculated a cumulative age and divided by the total number of commercial units to get a mean age. The mean age of all of the commercial units in the study area is 77.954 years, well above the 40-year requirement.

## Substandard Summary

Nebraska State Statute requires "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

This Study Area in Hastings meets the definition with the average age of the residential and commercial units being more than 40 years of age. In addition, the area meets the criteria for the existence of conditions which endanger life or property by fire and other causes.

## FINDINGS FOR HASTINGS NAD BLIGHT STUDY AREA #1

Hastings NAD Blight Study Area #1 has several items contributing to the Blight and Substandard Conditions. These conditions include:

### **Blighted Conditions**

#### **Criteria under Part A of the Blight Definition**

- Qualifies under the Former Defense Site statute
- Substantial number of deteriorating structures

- Deterioration of site or other improvements
- Dangerous conditions to life or property due to fire or other causes
- Insanitary / Unsafe conditions
- Diversity of Ownership

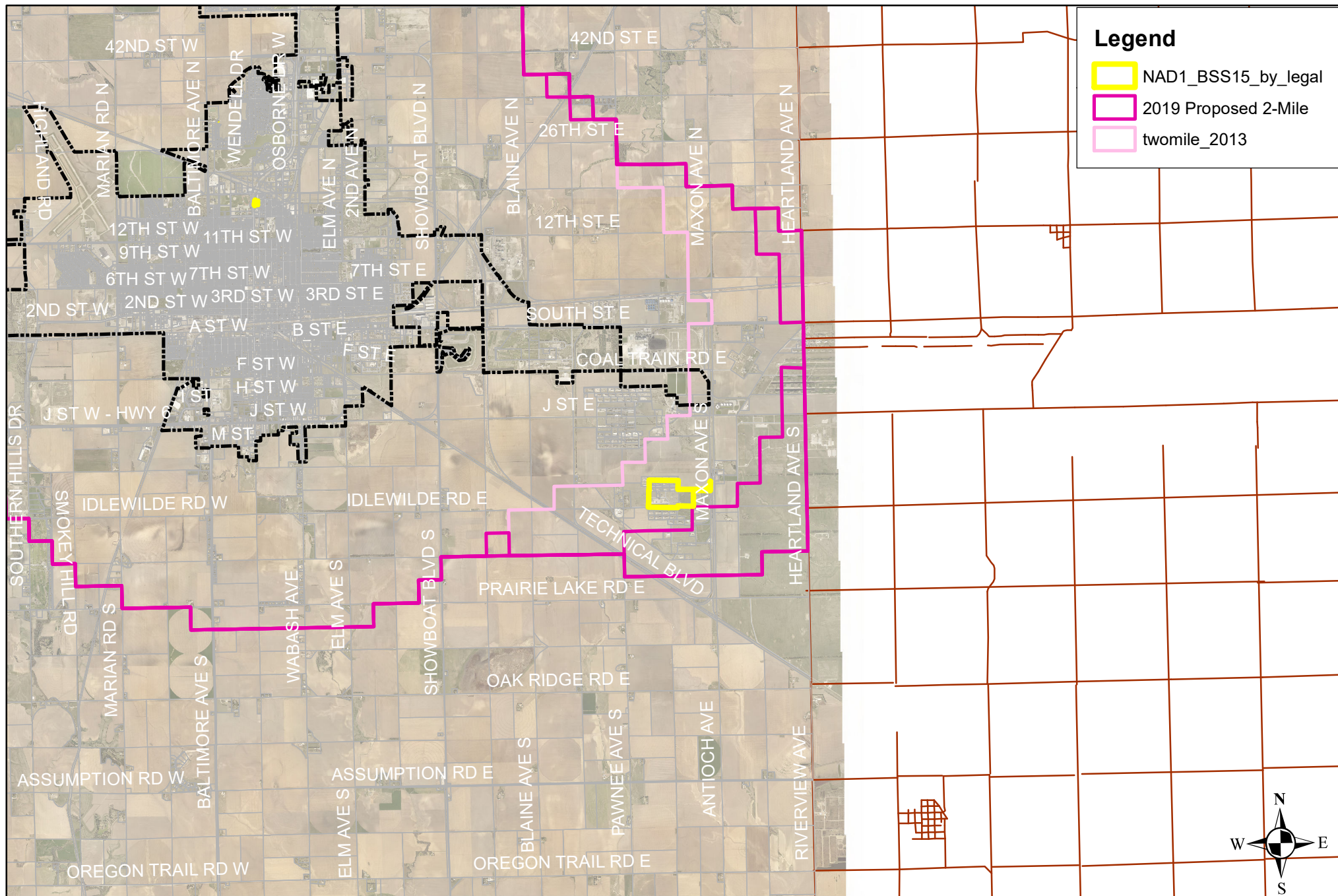
#### **Criteria under Part B of the Blight Definition**

- The average age of the residential or commercial units in the area is at least forty years
- Stable or decreasing population based on the last two decennial censuses

#### **Substandard Conditions**

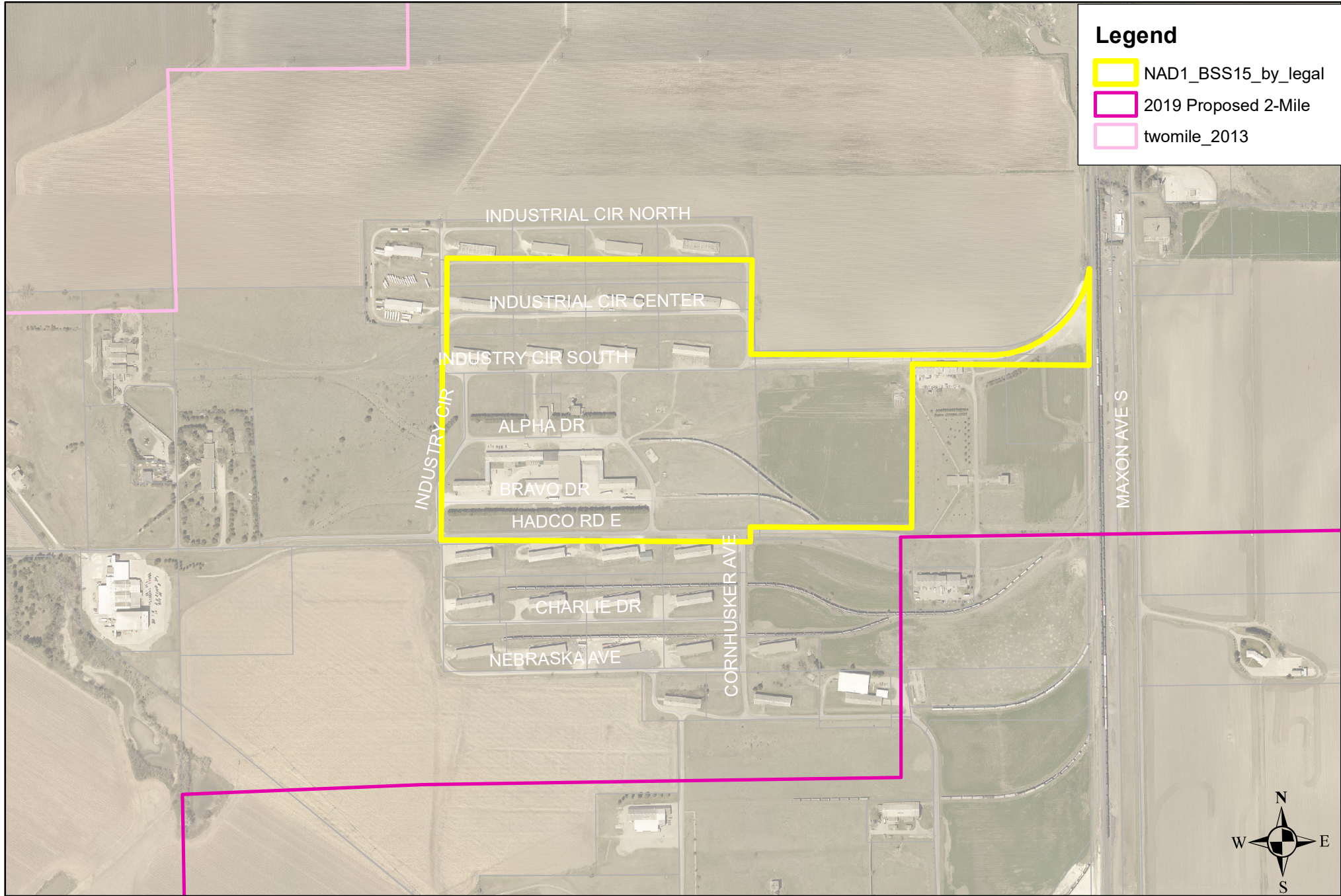
- Average age of the structures in the area is at least forty years.





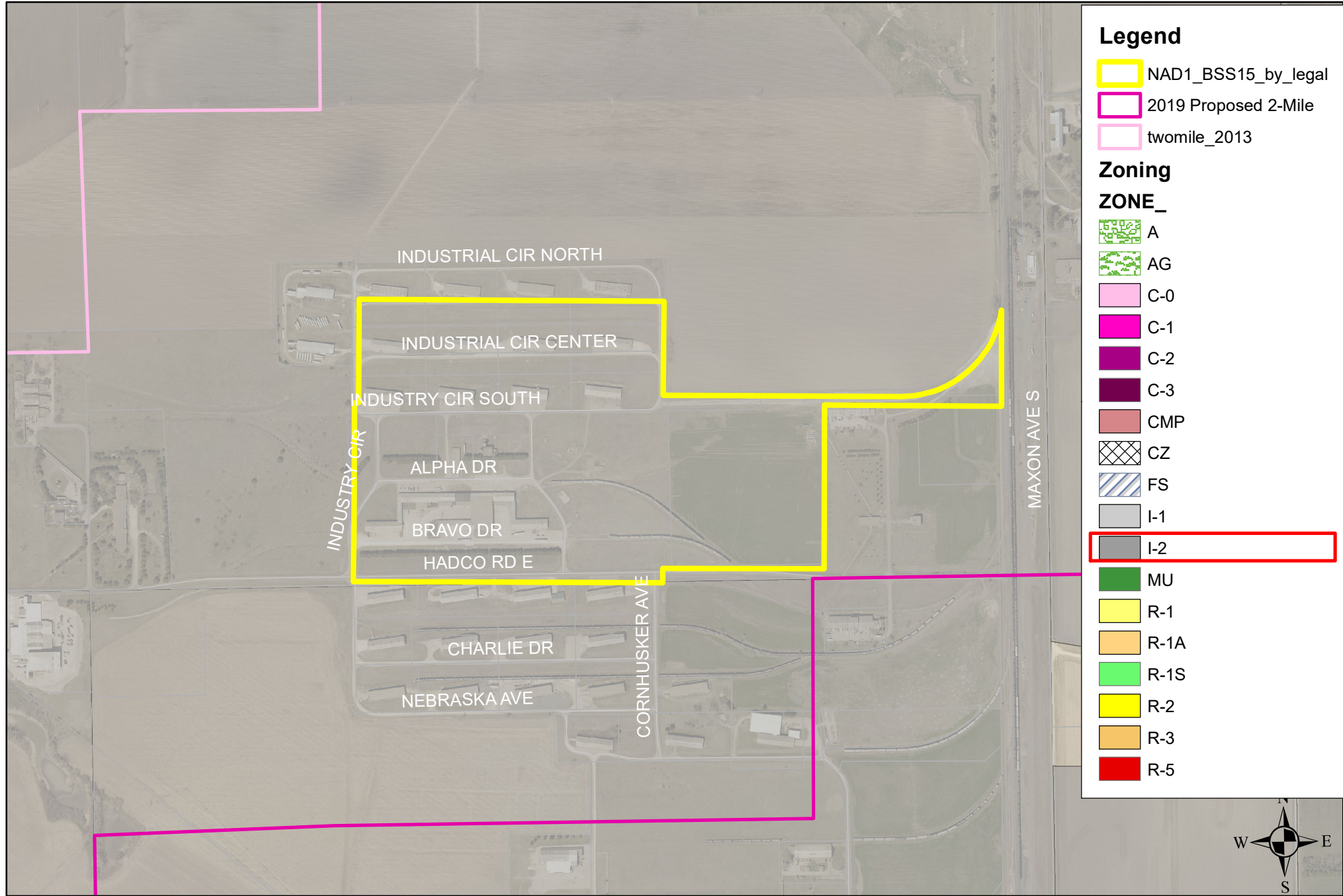
Blight and Substandard Area #15 Vicinity Map



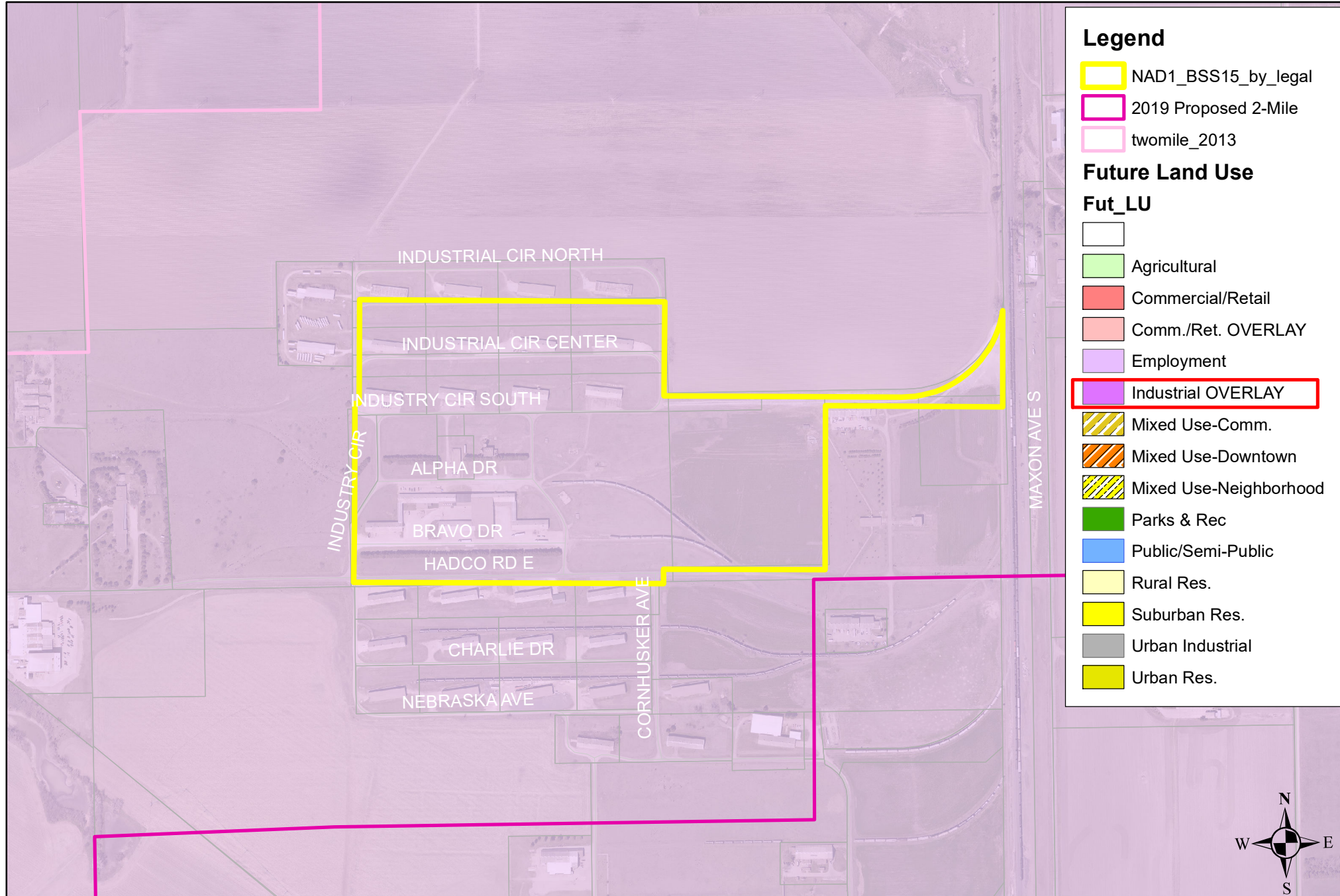


Blight and Substandard Area #15 Aerial Map





Blight and Substandard Area #15 Zoning Map



Blight and Substandard Area #15 FLU Map



Department: Development Services  
Staff Contact: Donald Threewitt  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-052  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing regarding Ordinance No. **4619**, a zoning text amendment to Section 34-201 "A Agricultural districts;" and Section 34-404 "Conditional Use Permits."

b. Recommendation to approve Ordinance No. **4619**.

### **Names of People/Business affected by this action:**

People residing in existing or proposed agricultural zone districts and those existing or future proposed livestock feed operations located within the corporate limits of the city or within that portion of the 2-mile ETJ where the city exercises powers and duties.

### **Why Planning Commission action is required:**

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

### **Type of action requested:**

Ordinance

### **Suggested motion:**

Motion to recommend approval of Ordinance No. 4619, a zoning text amendment to Section 34-201 "A Agricultural Districts" and Section 34-404 "Conditional Use Permits."

### **Deadlines associated with action:**

This case is scheduled to be heard at the January 13, 2020 regular meeting of city council.

### **Department head comments:**

This item is an overdue clarification within Chapter 34, Zoning. Under current code any Livestock Feed Operation (LFO) is allowed by conditional use permit in A Agricultural districts only. However, unlike all other conditional uses, city code does not provide specific conditions that must

be met in order to approve a new Livestock Feed Operation.

The proposed Ordinance provides required setbacks for residences adjacent to LFO's in 34-201 3(d) and provides specific regulations for LFO's in 34-404 (15). These regulations are consistent with existing regulations in Adams County, Hall County, and Buffalo County.

**Recommendation:**



## **ORDINANCE NO. 4619**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 34-201 "A AGRICULTURAL DISTRICTS;" TO AMEND SECTION 34-404 "SPECIFIC STANDARDS FOR CONDITIONAL USES;" TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

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

**SECTION 1.** That Hastings City Code Section 34-201 of the Official City Code be amended to read as follows:

34-201. A Agricultural districts.

Intent. This district is intended to be a transitional use district primarily encompassing those urban and suburban agriculture lands located outside the corporate limits of the City, within the City's two (2) mile extraterritorial zoning jurisdictional limits. It is recognized that the district is developed with agriculture related uses. However, as urban land use development emerges within the area, the land use classifications within the area may be changed to accommodate a wider variety of land use activities.

- (1) Allowed uses. See Table 200-1 in Section 34-200.
- (2) Minimum lot requirements.
  - (a) Lot area – 5 acres (un-platted parcels may include one-half of abutting road).
  - (b) Lot width – 100 lineal feet.
- (3) Minimum yard requirements.
  - (a) Front yard – 50 feet.
  - (b) Side yard – There shall be a side yard on each side of a building not less than fifteen (15) percent of the width of the lot: except, that such side yard shall be not less than fifteen (15) feet and need not be more than twenty-five (25) feet.

(c) Rear yard – 50 feet, except that for a corner lot, the rear yard setback shall be the same as for the side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

(d) The setback from a Livestock Feed Operation (LFO) as authorized by a conditional use permit, to any non-farm dwelling, other residence or other LFO is outlined in Table 404-1 in Section 34-404 (15).

(4) Minimum dwelling size.

(a) Six-hundred and fifty (650) square feet of living floor area.

(5) Maximum Lot Coverage.

(a) Maximum lot coverage by all buildings shall not exceed thirty (30%) percent.

(6) Maximum height of structures.

(a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.

(b) The maximum height of an accessory structure shall not exceed 20 feet.

**SECTION 2.** That Hastings City Code Section 34-404 of the Official City Code be amended to read as follows:

34-404. Specific standards for conditional uses.

(1) Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.

(a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.

(b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.

(c) Minimum lot size:



1-10 beds ½ Acre (21,780 sq. ft.) 11-20 beds 1 Acre (43,560 sq. ft.)  
For each add'l ½ Acre (or greater if 10 beds required by the City Council)

(d) Minimum yard requirements – The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.

(e) Maximum lot coverage by all buildings - 20%.

(f) Maximum height of structures - Same as required for permitted uses in the zoning district where the site is located.

(g) Off-street parking - Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(A).

(h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.

(i) Walls and screening - Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.

(2) Churches and other places of religious worship.

(a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.

(b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.

(c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be fourteen thousand (14,000) square feet, minimum lot width shall be one hundred (100) feet.

(d) Minimum yard requirements - The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.

(e) Maximum lot coverage - Same as is required for permitted uses in the zoning district where the site is to be located.

(f) Maximum height of structures - Same as is required for permitted uses in the zoning district where the site is located.

(g) Off-street parking - At least one (1) parking space shall be provided for each three (3) occupants based upon maximum seating capacity of the nave, or for each three (3) occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the International Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

(h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.

(i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.

(j) Signs. Signage for churches shall be as permitted for a civic or commercial use in the district in which they are located. Any increase beyond that which is allowed within the district in which the church is located shall require specific approval through a conditional use permit application or amendment.

(3) Natural resource extraction.

(a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:

(i) Graphic (and legal) description of the petition area.

(ii) Existing topographic contours (not less than ten (10) foot contour intervals).

(iii) Finished topographic contours when extraction is completed (not less than ten (10) foot contour intervals).



- (iv) Existing and proposed buildings and structures on the site.
- (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
- (vi) Indication of the existing landscape features.
- (vii) Location and nature of other operations, if any, which are proposed to take place on the site.

(b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information.

- (i) Method of drainage.
- (ii) Method of fencing or barricading the petition area to prevent casual access.
- (iii) Estimated amount of material to be removed from the site.
- (iv) Estimated length of time necessary to complete the operation.
- (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
- (vi) Plan or program of regrading and shaping the land for future use.
- (vii) Proposed hours of operation.
- (viii) Other pertinent information that may pertain to the particular site.

(c) General requirements.

- (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
- (ii) A strip of land at the existing topographic level, and not less than fifteen (15) feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.

(iii) All banks shall be left with a slope ratio of no greater than 4:1 (25% slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.

(iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.

(v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.

(4) Junk yards.

(a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.

(b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.

(c) General requirements:

(i) The proposed site shall not be located within five hundred (500) feet of any school, hospital, public building, residential subdivision, or place of public assembly.

(ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within three hundred (300) feet of the site.

(iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two (2) acres. The minimum lot width shall be one hundred and fifty (150) feet.

(iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight (8) feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.

(v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.

(vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.

(vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.

(5) Storage of vehicles in impound yard.

(a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.

(b) The minimum size of an impound yard shall be one (1) acre.

(c) There shall not be stored in an impound yard at any time more than one (1) vehicle for each (10 x 35) 350 square feet of available storage space in the impound yard.

(d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than size (6) feet in height.

(e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.

(f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.

(g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.

(h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.

(i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a



residence, except when such residence is located on a property zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.

(j) Vehicles stored in an impound yard must be removed from the yard within nine (9) months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all-time do the following:

(i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.

(ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.

(k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this Section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.

(6) Off-street parking spaces and structures.

(a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.

(b) The minimum lot size for any off-street parking structure in any district where they are permitted as a conditional Use shall be ten thousand (10,000) square feet, minimum lot width shall be eighty (80) feet.

(c) Minimum yard requirements--The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.

(d) Maximum lot coverage--None.

(e) Maximum height of structures--Same as is required for a permitted use in the zoning district where the site is located.

(f) Landscaping--All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five (5) feet in height or screened with privacy fencing at least five (5) feet in height.

(g) Paving, drainage and parking stall size:

(i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.

(ii) Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size and shall be marked.

(iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.

(7) Townhouses, row houses, and office buildings built to a common wall(s).

(a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.

(b) Minimum lot requirements.

Lot area--2,000 sq. ft.

Lot width--20 ft.

(c) Minimum yard requirements: Front yard--20 ft.

Side yard--at the common wall(s)—none. Other--10 ft. rear yard--10 ft.

(d) Maximum lot coverage--Same as is required for permitted uses in the zoning district where the site is located.

(e) Maximum height of structure--Same as is required for permitted uses in the zoning district where the site is located.

(f) Off-street parking:

(i) Town houses, row houses--At least two (2) parking spaces shall be provided for each dwelling unit.

(ii) Office buildings--Per use, the minimum to be as provided in Section 40-308. All parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.

(g) Ground cover--All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.

(h) Building standards and agreements:

(i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.

(ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.

(8) Standards for mobile home parks.

(a) The minimum size of a proposed mobile home park shall be two (2) acres, except as otherwise required for the pertinent use district.

(b) Proposed sites of five (5) acres or less shall have adequate access to dedicated streets having a minimum right-of-way of sixty (60) feet. All other sites shall have direct access to a collector street.

(c) Density for proposed mobile home parks shall not exceed eight (8) units per gross acre.

(d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one (1) or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may



require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.

(e) All mobile home parks shall meet the standards set forth in Article V of this Chapter.

(9) Standards for self-service storage facilities.

(a) Site plan:

(i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.

(ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.

(b) Minimum site areas: None.

(c) Building setbacks shall be the same as in the C-3 District.

(d) The site shall abut and have direct access to a city street.

(e) Other requirements:

(i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.

(ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.

(iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this Chapter for paving requirements.

(iv) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.

(v) Buildings shall be separated a minimum of thirty (30) feet from one another within self-service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.

(vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet.

(vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.

(viii) All storage shall be kept within an enclosed building.

(ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.

(f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self-service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self-service storage facility. Violation of this Section shall be subject to the provisions of Section 34- 804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.

(g) Repair, reconditioning and fabrication prohibited:

(i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self-service storage facility.

(ii) This provision shall be posted and be included in the tenant lease agreement.

(h) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.

(Ord. No. 3218-6/91, 4233-11/2009 and 4294-5/2011)

(10) Standards for Detached Dwelling, Accessory.

(a) Accessory Detached Dwellings shall be limited in use to housing immediate family members who live in the principal detached dwelling located on the lot. Immediate family members shall mean either the parent(s) or child(ren) of the owner of the principal dwelling.

(b) Accessory Detached Dwellings shall be located only on lots having an area of 5 acres or greater.

(c) Accessory Detached Dwellings shall not be in a mobile home. Manufactured homes utilized for Accessory Detached Dwellings shall meet the minimum requirements set forth in Hastings City Code 34-312.

(d) Accessory Detached Dwellings shall have a minimum habitable area of 850 sq. ft.

(e) Accessory Detached Dwellings shall have utility services shared with the principal detached dwelling located on the lot.

(f) Accessory Detached Dwellings shall not be larger than the principal dwelling on the lot.

(g) When an Accessory Detached Dwellings is no longer utilized by an immediate family member as defined in this section, the conditional use permit shall become null and void. The conditional use permit holder shall notify the Development Services Department in writing that the Accessory Detached Dwellings is no longer being used within 30 days of cessation of use.

(11) Standards for construction and demolition waste landfill sites.

(a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Nebraska Revised Statute Section 13-1701 et seq.



- (b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.
- (c) The minimum site area for a construction and demolition waste landfill shall be twenty (20) acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.
- (d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.
- (e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.
- (f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.
- (g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.
- (h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.
- (i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.
- (j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within eighteen (18) inches of the desired grade, it shall be covered and maintained with at least eighteen (18) inches of compacted dirt and seeded in such a manner so as to prevent erosion.
- (k) Within ninety (90) days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.

(l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Nebraska Revised Statute Section 13-1701 et seq.

(12) Standards for recreational vehicle parks.

(a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.

(b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.

(c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.

(d) The council may require suitable screening around all or any part of the site boundary.

(e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.

(f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than twenty square feet per recreational vehicle space.

(g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.

(h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:

(i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.

(ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.

(iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.

(i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in commercial business districts (C-3) and light industrial districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).

(13) Standards for kennels.

(a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.

(b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.

(c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.

(d) A narrative statement shall be provided with the application describing:

(i) The maximum total number of animals to be kept on the premises at any time.

(ii) The expected male/female mix of animals at any time.

(iii) The type of kennel enclosure including the size of the enclosures.

(iv) The type and height of fencing.

(v) The type and size of year-round shelters.

(vi) The source and location of water supply.

(vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.

(viii) Lighting.

(ix) Landscaping and other visual and noise barriers.

(x) Surface drainage.

(xi) Expected weekly traffic related to the keeping of animals.



- (xii) Hours of operation.
- (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
- (f) The applicant must demonstrate that:
  - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
  - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
  - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.
  - (iv) The kennel will be operated in a safe, sanitary, and humane condition.
- (14) Standards for bed and breakfast establishments.
  - (a) General requirements.
    - (i) Each bed and breakfast shall be established, maintained and operated so as to preserve and compliment the residential character and integrity of the surrounding area when the facility is established in a residential zoning district.
    - (ii) The bed and breakfast shall be occupied and operated by the owner as their principal residence.
    - (iii) The single family dwelling used as a bed and breakfast shall have a minimum of 2,000 sq. ft. in living area.
    - (iv) The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
    - (v) Any meals provided and any amenities connected with the guest rooms, such as a swimming pool or tennis court shall be solely for the use of the owner, the owner's family and the owner's registered guest.
    - (vi) There shall be no separate or additional kitchen facility for the guests.

(vii) A person who does not reside at the home shall not be employed to assist in the conduct of a bed and breakfast except as usual for a single family residence (e.g., maid, housekeeper).

(viii) A bed and breakfast must comply with all other provisions of the zoning district in which it is located and must comply with all other ordinances of the City.

(b) Guest rooms.

(i) Rooms utilized for guest rooms shall be part of the single family dwelling unless specifically approved by the conditional use permit.

(ii) A guest room shall not be located in a basement.

(iii) No more than 3 occupants per guest room shall be allowed.

(iv) Each guest room shall be equipped with a properly installed and functioning smoke detector. Further, a smoke detector shall be properly installed and functioning on or near the ceiling in the room or hallway from which each guest room exits.

(v) A fire escape plan shall be developed and graphically displayed in each guest room.

(c) Parking.

(i) The bed and breakfast will provide 2 off street parking spaces for the residence and one additional space per guest room.

(ii) Off street parking shall be developed in such a manner that the residential character of the property is preserved.

(d) Register. Every person operating a bed and breakfast residence shall keep at all times a book, to be known as the register, in which it shall be required that every person to whom a room is let shall have his, her or their name or names and address registered there in ink, along with the date on which the room was let, the date it was vacated, the correct number or other designation of the room let, and the number of the occupants assigned to the room. No page of the register may be disposed of until two years after the date of the most-recent entry recorded on it. The register shall be available to Development Services on request.

(e) Signs. Signage shall be limited to one non-illuminated wall-mounted sign not to exceed 6 square feet in area.

(f) Application.

(i) The application shall contain:

(1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.

(2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.

(3) A site plan drawn to scale and including the following information: Title of the drawing

North arrow, scale and date

Boundaries of the project site

Location of all existing or proposed site improvements, including buildings, additions, expansions, driveways, parking area, streets, retaining walls, fences and hedges

Location of all existing and proposed access and egress drives

Location, design and size of all proposed signs and outdoor lighting facilities Location of existing and proposed buffer and screen areas, structures and vegetation

(ii) Development Services may require such additional or supportive information as it deems necessary for a complete assessment of the proposed bed and breakfast.

(g) Permit.

(i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.

(ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).

(iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.



(iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.

(v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.

(h) Review considerations. The City's review of the application and site plan shall include but not be limited to the following considerations:

Adequacy and arrangement of vehicle traffic access and circulation Location, arrangement, appearance and sufficiency of off street parking Location, arrangement, size and design of lighting and signs

Relationship and compatibility of proposed use to uses of adjacent parcels together with their scale

Adequacy, type and arrangement of trees shrubs, fences and other landscaping or improvement constituting a visual or noise-deterring buffer between the site and adjacent or adjoining uses

Any other matter which may affect the health, welfare and safety of the community as a whole and the parcels in the immediate vicinity of the site.

#### (15) Standards for Livestock Feeding Operations

For the purposes of this subsection, the term "animal unit (AU)" shall mean the relationship of various animals with regard to manure production based upon one thousand pounds of animal(s) regardless of type. The following relationship with regard to manure production shall be as follows:

| Type of Animal                         | Animal Unit(s) |
|----------------------------------------|----------------|
| Beef Animal (500 - 1,200 pounds)       | 1.00           |
| Beef or Dairy Calf (150 - 500 pounds)  | 0.50           |
| Young Dairy Stock (500 - 1,000 pounds) | 0.75           |
| Replacement Heifers                    | 1.00           |
| Dairy Cow                              | 1.40           |
| Horse                                  | 2.00           |
| Swine (55 pounds or heavier)           | 0.40           |
| Swine (less than 55 pounds)            | 0.04           |
| Swine (sow and litter)                 | 0.50           |
| Sow or Boar                            | 0.40           |
| Sheep and Goat                         | 0.10           |
| Chicken                                | 0.01           |
| Turkey                                 | 0.02           |
| Ostrich                                | 0.40           |
| Llama or Alpaca                        | 0.50           |

(a) The following setbacks and design standards are the minimum sanitation and odor practices for the City of Hastings. In addition, the Hastings City Council, when considering the health, safety, and general welfare of the public, may impose more restrictive requirements. These requirements should consider such things as:

- odor
- dust,
- lighting,
- waste disposal and
- dead livestock.

(b) A conditional use permit may be approved after public notice has been given and public hearing is conducted as required by law.

(c) Agricultural Operations of 300 Animal Units (A.U., equaling one cow or cow-calf pair) and under are considered a farm as defined in these Regulations and do not require a conditional use permit.

(d) All existing Livestock Feeding Operations (LFO's) that have been granted a conditional use permit may expand within their designated level; except for the 20,000 and above which requires a new conditional use permit for each expansion beyond 20,000 A.U.'s, as outlined in Table 404-1, without applying for another conditional use permit. All new Livestock Feeding Operations and those expanding to the next level shall require a conditional use permit and shall be located no less than at a distance from non-farm residences or other residences not on an owner's property in any affected Zoning District as hereafter described:

(i) Livestock Feeding Operations will be categorized either as Environmentally Controlled Housing Operations or Open Lot Operations. Livestock Feeding Operations having more than one type of feeding operation at one location shall be categorized according to the operation which constitutes the majority of the total operation, measured in A.U.'s. Each operation type shall be classified in one of four levels according to total number of animal units (A.U.) in the operation at any one time. Levels will include:

Class I Facility = 301-1,000 animal units;

Class II Facility = 1,001-5,000 animal units;

Class III Facility = 5,001-20,000 animal units; and Class IV Facility = 20,001 or more animal units.

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

**TABLE 404-1: LFO SPACING AND DISTANCE (Distances given in feet)**

| <u>Size of Proposed LFO in Animal Units.</u> |             | <u>Non-farm or Other Residence<br/>and Other LFOs (feet)</u> |
|----------------------------------------------|-------------|--------------------------------------------------------------|
| <u>Class I</u><br><u>301-1000</u>            | <u>ECH</u>  | <u>1,320</u>                                                 |
|                                              | <u>OPEN</u> | <u>1,320</u>                                                 |
| <u>Class II</u><br><u>1001-5000</u>          | <u>ECH</u>  | <u>5,280</u>                                                 |
|                                              | <u>OPEN</u> | <u>2,640</u>                                                 |
| <u>Class III</u><br><u>5001-20,000</u>       | <u>ECH</u>  | <u>5,280</u>                                                 |
|                                              | <u>OPEN</u> | <u>2,640</u>                                                 |
| <u>Class IV</u><br><u>20,000+</u>            | <u>ECH</u>  | <u>7,920</u>                                                 |
|                                              | <u>OPEN</u> | <u>3,960</u>                                                 |

ECH = Environmentally Controlled Housing OPEN = Open Lot Operations

(ii) Livestock Feeding Operations having more than a 1,000 animal units shall also locate at a distance as specified under the Environmentally Controlled Housing or Open Lots, in Table 1 from a platted residential area, public park, recreational area, church, cemetery, religious area, school, historical site, and Residential District.

(iii) All Livestock Feeding Operations over 20,000 Animal Units shall be required to obtain a new conditional use permit prior to any expansion, unless it meets the standards of the exceptions in the Exceptions Section.

(iv) The producer shall have a Pre-submission meeting with the City of Hastings Development Services Director and City of Hastings Building Inspector to discuss tentative plans and layouts prior to formal submission of the conditional use permit for Livestock Feeding Operations.

1. A proposed site plan and conditions or requirements of this regulation pending approval of application for a proposed operation and waste disposal plan from the Nebraska Department of Environment and Energy (NDEE) or any other applicable State Agency.



2. The applicant shall submit all pertinent materials and designs, as per the conditional use permit Application for Livestock Feeding Operations.

3. The applicant shall file a copy of the proposed Operation and Maintenance Plan and proposed Manure Management Plan. The approved plans shall be submitted after NDEE approval if different from the proposed. Said plans shall be filed with the City of Hastings Development Services Director.

4. Shall also file a copy of all approved NDEE plans and permits with the City of Hastings Development Services Director within 30 days after they are issued by the NDEE.

5. An annual manure management plan shall be submitted to the City of Hastings Development Services Director which shall follow "best possible management practices" as specified by NDEE in order to protect the environment, as well as the health, safety and general welfare of the public and their property values.

6. If stockpiling of animal waste and/or composting of dead carcasses, as per State Statutes, are part of the manure management plan, the waste shall be maintained in an area as outlined in Table 1 of this Section. Said area shall also have located on the proposed site plan indicated in number (A) above.

7. All ground surfaces within outside livestock pens shall be maintained to insure proper drainage of animal waste and storm or surface runoff in such a manner as to minimize manure from being carried into any roadway ditch, drainage area or onto a neighbor's property.

8. In no event shall any manure storage unit or system be constructed where the bottom of the unit or system is either in contact with or below the existing water table where the unit or system is to be constructed. Application of manure in flooded areas of standing water shall be prohibited.

9. All runoff or waste generated by an Livestock Feeding Operation facility shall be contained within the associated farming operation, or, on the premises upon which the confined feeding facility or feedlot is located. The applicant must verify that all runoff control ponds, lagoons, methods of manure disposal and dust control measures are designed to minimize offer and air pollution, and avoid surface or groundwater contamination as regulated by the State of

Nebraska.

10. The setbacks from a Livestock Feed Operation to any non-farm dwelling, other residence or other Livestock Feeding Operation are outlined in Table 404-1.

(e) Exceptions:

(i) Any Class I Livestock Feeding Operation use in existence as of the effective date of this provision, and which is located within the minimum spacing distance in Table 1 to any church, school, public use, other Livestock Feeding Operation or single-family dwelling within the current class or to the next class, may expand in animal units and/or land area under a conditional use permit, provided the proposed expansion complies with all of the following limitations:

1. Such expansion will not decrease the distance from the Livestock Feeding Operation use to any church, school, public use, other Livestock Feeding Operation or single-family dwelling not of the same ownership and not on the same premises with said Livestock Feeding Operation which is less than the minimum prescribed spacing distance.

2. Any physical expansion of the existing Livestock Feeding Operation shall be immediately contiguous with the facilities of the existing Livestock Feeding Operation.

3. Such expansion may occur in phases over time, but in no event shall such expansion(s) result in a Livestock Feeding Operation that is more than 50% larger in animal units than the one-time capacity of the use which existed as of the effective date of this provision. Any expansion beyond this limitation is prohibited unless a conditional use permit for expansion that meets all requirements is heard by the Planning Commission and authorized by the City Council.

4. If such expansion results in such Livestock Feeding Operation being required to obtain a new construction permit from NDEE, introduction of additional animals shall be prohibited until said permit is issued by NDEE or other applicable or successor agency has been issued and such Livestock Feeding Operation shall be operated at all times in a manner consistent with the requirements of said permit and applicable regulations of this provision.

**SECTION 3.** That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provision, is hereby repealed.

**SECTION 4.** This ordinance shall take effect and be in full force from and after its passage, approval and publication in pamphlet form.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

Department: Development Services  
Staff Contact: Donald Threewitt  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-053  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing regarding Ordinance No. 4620, a text amendment to Chapter 34 Zoning, adding Section 34-220 "WHO Wellhead Protection Overlay" district.

b. Recommendation to approve Ordinance No. 4620.

### **Names of People/Business affected by this action:**

The Hastings Utility department, people residing in existing or proposed wellhead protection districts, and those existing or future water wells located within the corporate limits of the city or within that portion of the 2-mile ETJ where the city exercises powers and duties.

### **Why Planning Commission action is required:**

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

### **Type of action requested:**

Ordinance

### **Suggested motion:**

Motion to recommend approval of Ordinance No. 4620, adding Section 34-220 "WHO Wellhead Protection Overlay" district.

### **Deadlines associated with action:**

This case is scheduled to be heard at the January 13, 2020 regular meeting of city council.

### **Department head comments:**

The intent of this district is to overlay any of the primary zoning districts located within the wellhead protection area designated in Section 32-616.01 of Hastings City Code, and any future wellhead protection areas so designated by amendment of that section. This overlay district is



further intended to provide consistency between designated wellhead protection areas within Adams County jurisdiction and those areas within the City of Hastings' jurisdiction.

In 2009, Section 32-616.01 of City Code was adopted to designate the wellhead protection area, but no zoning regulation addressing the designated tracts was created. This was a transitional time at the Development Services office, and it is unclear whether pursuit of a related Ordinance was under consideration but didn't proceed, or if it was abandoned. At the same time, Adams County created the Wellhead Protection Overlay district, which this Ordinance is based upon, for lands under their jurisdiction.

With the recent expansion of the 2-mile Extraterritorial Jurisdictional boundary and associated outreach efforts, the Adams County Planning and Zoning Commission requested the city consider creation of this overlay to provide consistency among jurisdictions.

**Recommendation:**

## **ORDINANCE NO. 4620**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO CREATE SECTION 34-220 “WHO – WELLHEAD PROTECTION OVERLAY DISTRICT;” TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

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

**SECTION 1.** That Hastings City Code Section 34-220 of the Official City Code be created to read as follows:

Section 34-220      WHO Wellhead Protection Overlay District

(1) Intent: The intent of this district is to overlay any of the primary zoning districts herein established in order to assist the City of Hastings, which maintains and operates public water wells in the city and county. In addition, the district assists water production districts in maintaining and operating public or semi-public water wells in the county that serve rural areas and municipalities within Adams County, as well as neighboring counties. In order to provide protection for such wells, the regulation of land uses having the potential for contamination of the groundwater source(s) is necessary near and adjacent to said wells. The intent of this district is also to protect existing and future agricultural uses which are in balance with the natural environment, which are compatible with existing agricultural uses and which will not present unacceptable potential for contamination of the public water supply system wells.

(2) Prerequisite Requirements for Application of this overlay district: Prior to the application of this overlay district to any lands in the City of Hastings and that portion of its extraterritorial jurisdiction where zoning powers and duties are exercised, the City of Hastings shall identify such lands, and City Council shall approve such lands, through an Ordinance amending Section 32-616.01 of the Official City Code. Prior to making such application and approval of any application of this district to any lands within the county by the City Council, the municipality or rural water district making such application shall have first complied with all other requirements of the Wellhead Protection Act (Neb. Rev. Stat. 46-1501 through 46-1509). These requirements include, but are not limited to the following:

(a)      Delineation of the wellhead protection area based upon a 20-year time of travel recharge zone, as defined by the Nebraska Department of Environment and Energy,

(b) Approval of such wellhead protection area by the Nebraska Department of Environment and Energy,

(c) Completion and mapping of an inventory of potential contamination sources within the wellhead protection area(s), including identification of abandoned wells,

(d) Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the wellhead protection area(s),

(e) Formulation, adoption and enforcement of land use control regulations for those portions of the wellhead area within the corporate limits and zoning jurisdiction area of the municipality which are appropriated to minimize the potential for contamination to the water supply of the municipality,

(f) Formulation of and ability to implement an on-going public involvement / education program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,

(g) Development of a program to install and maintain Wellhead Protection Area signs on roadways around the wellhead protection area(s),

(h) The municipality or other public water supply system shall execute an inter-local agreement with the City of Hastings and/or Adams County for the administration and enforcement of the regulations of the lands within this wellhead protection overlay district. In such agreement, the governmental entity agrees to pay any administrative fees to the City which the parties involved agree, agree to provide legal counsel to address any legal question or legal challenge to the wellhead protection overlay district regulations, and agree to hold the city harmless from any liability related to the requirements of this district, except for proper administration and enforcement of the requirements of this district by the city, together with other terms and conditions which are acceptable to the parties involved in such agreement.

(3) Limitation on Application of This overlay district: This district may be applied only to wellhead protection areas officially approved by the Nebraska Department of Environment and Energy. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries. In the event that the City of Hastings extends that portion of its extraterritorial jurisdiction where zoning powers and duties are exercised to any tracts which were previously under the jurisdiction of Adams County, and which are designated in Section 32-616.01, this provision shall apply to such tracts beginning on the effective date of the jurisdictional expansion without further action by either the city or the county.

(4) Prohibited Uses and Structures: All other uses and structures which are not permitted in the underlying district either as a permitted use, accessory use or conditional use is prohibited. These shall include both new and expanding uses. Furthermore, the following uses and/or structures shall be specifically prohibited:

- (a) confined or intensive animal feeding operations,
- (b) all waste handling facilities,
- (c) landfills and refuse recycling centers,
- (d) all commercial or industrial uses that utilize or generate any materials determined by the United States Department of Environmental Protection, as hazardous materials, which store petroleum products or anhydrous ammonia or other fertilizers in excess of 50 gallons, shall be prohibited,
- (e) domestic, irrigation and any other water wells closer than 1,000 feet to the water wells being protected in this Wellhead Protection Overlay District,
- (f) sanitary landfills,
- (g) storage of hazardous waste.

(5) Wellhead Area Protection Requirements: The following restrictions shall apply to all uses within any land areas on which this wellhead protection overlay district is applied:

- (a) Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of Titles 126 and 159, administered by the Nebraska Department of Environment and Energy or other responsible agency or department. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or other land area, in excess of one hundred-forty (140) gallons shall be prohibited, except when a conditional use for a commercial or industrial use is authorized. In any such authorization, a condition of approval shall be compliance with the rules and regulations of such Titles 126 and 129.
- (b) Fuel storage associated with any irrigation well engine shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126, administered by the Nebraska Department of Environment and Energy, in the event of a fuel release.
- (c) Fuel storage, except when associated with a commercial or industrial use authorized as a conditional use and except for any fuel storage associated with any



irrigation well engines shall not be permitted within one thousand (1,000) feet of any well protected under this wellhead protection overlay district.

(d) Storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except for the seasonal storage of quantities of such materials on a farm which are limited to quantities of such materials to be utilized on such farm per growing season and except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118, 121, 126, 128, 159 and 198, administered by the Nebraska Department of Environment and Energy and other agencies.

(e) No septic tank, tile field or other on-site sewage disposal system, associated with any residential, commercial, industrial or other type of land use, shall be located within one thousand (1,000) feet of any public well protected under this wellhead protection overlay district, provided that existing septic tanks, tile fields or other on-site sewage disposal system may continue to be used and may be replaced, and further provided that if a lot of record exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one (1) septic tank and tile field or other on-site sewage disposal system may be established, provided such tank, tile field or other system complies with the requirements of Title 124 of the Nebraska Department of Environment and Energy.

(f) Domestic, irrigation and any other water wells shall not be located closer than one thousand (1,000) feet of any public well protected under this wellhead protection overlay district, provided that if a lot of record exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one (1) residential well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178.

(g) Any application of fertilizers, pesticides, or herbicides to land within the wellhead protection overlay district through an irrigation system (chemigation) shall comply with the requirements of Title 195.

(h) If any land area contained within a wellhead protection overlay zoning district is also part of a special protection area or ground water management area, established under the Groundwater Management Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resources District(s).

(6) Minimum Lot Area Requirements: The minimum lot area for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

(7) Minimum Lot Width and Frontage Requirements: The minimum lot width and frontage for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

(8) Minimum Building Setback Requirements: The minimum setback for all regulated structures and buildings in this overlay district shall be as set forth in the primary district(s) on which this district is overlain, provided that the minimum setback requirements from protected wells shall also be complied with.

(9) Maximum Height: The maximum height of any building or structure in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

**SECTION 2.** That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provision, is hereby repealed.

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

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

Department: Development Services  
Staff Contact: Donald Threewitt  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-054  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing regarding Ordinance No. 4621, a text amendment to Chapter 34 Zoning, adding "DSO Dark Sky Overlay" district.

b. Recommendation to approve Ordinance No. 4621.

### **Names of People/Business affected by this action:**

Citizens living within the proposed overlay district, Hastings College Observatory, the people of Adams County, and the City.

### **Why Planning Commission action is required:**

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

### **Type of action requested:**

Ordinance

### **Suggested motion:**

Motion to recommend approval of Ordinance No. 4621, a text amendment to Chapter 34 Zoning, adding "DSO Dark Sky Overlay" district.

### **Deadlines associated with action:**

This case is scheduled to be heard at the January 13, 2020 regular meeting of city council.

### **Department head comments:**

The intent of this district is to establish standards for outdoor lighting within a buffer area surrounding the Sachtleben Observatory of Hastings College, located at 4725 South Wabash Avenue.

This overlay district aims to mitigate nighttime light pollution and light trespass while providing for safety, security and utility for present and future adjacent residents.

The City of Hastings intends to adopt only the primary dark sky preserve boundary, as the provisions in the secondary dark sky preserve boundary contained in Adams County Zoning regulations appear to be adequately mitigated with existing City of Hastings Code regarding lighting (Section 34-305(5)) and signs (Section 34-309). Any future concerns that would be addressed through the county's secondary dark sky preserve boundary may be addressed in these two city code sections.

With the recent expansion of the 2-mile Extraterritorial Jurisdictional boundary and associated outreach efforts, the Adams County Planning and Zoning Commission requested the city consider creation of this overlay to provide consistency among jurisdictions.

**Recommendation:**



## **ORDINANCE NO. 4621**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO CREATE SECTION 34-221 "DSO - DARK SKY OVERLAY DISTRICT;" TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

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

**SECTION 1.** That Hastings City Code Section 34-221 of the Official City Code be created to read as follows:

Section 34-221      DSO Dark Sky Overlay District

(1) Intent: The intent of this district is to create an overlay district which establishes standards for outdoor lighting within an area, as described in Section 34-221 (8)(i) herein, surrounding the Sachtleben Observatory of Hastings College located at 4725 South Wabash Avenue, Hastings, Nebraska in order to maintain a dark sky in the area around said Observatory. These standards shall provide for nighttime safety, security and utility for present and future residents and property owners in this specified area while reducing light pollution and light trespass. The intent of this district is also to require appropriate lighting levels, full cut-off lighting and to minimize lighting glare, lighting pollution and lighting trespass within this specified area.

(2) Permitted Principal Uses and Structures, Accessory Uses and Structures, Conditional Uses and Prohibited Uses: All principal uses and structures and accessory uses and structures allowable in the primary zoning district(s) upon which this district is overlain shall be allowable in this overlay district. All conditional uses which may be allowable in the primary zoning district(s) upon which this district is overlain may be authorized under this overlay district. Uses which are prohibited in the primary zoning districts upon which this district is overlain shall be prohibited in this overlay district.

(3) Minimum Lot Size, Width, and Frontage: The minimum lot size, lot width and lot frontage within this overlay district shall be those minimum lot sizes, widths, and frontages set forth in the primary zoning district(s) upon which this district is overlain.

(4) Minimum Yard Requirements: The minimum yard requirements in this overlay district shall be those minimum yard requirements set forth in the primary zoning district(s) upon which this district is overlain.

(5) Maximum Height: The maximum height of structures within this zoning district shall be the maximum height set forth in the primary zoning district(s) upon which this district is overlain.

(6) Maximum Lot Coverage: The maximum lot coverage within this zoning district shall be the maximum lot coverage set forth in the primary zoning district(s) upon which this district is overlain.

(7) Off-Street Parking and Loading Areas: Off-street parking and loading areas shall be as governed in the primary zoning district(s) upon which this district is overlain.

(8) Definitions: Notwithstanding the definitions contained in these Regulations, the following definitions shall apply with regard to lighting standards established in this overlay zoning district:

(a) Cutoff: The point at which all light rays emitted by a lamp, light source or luminaire is completely eliminated (cutoff);

(b) Cutoff Angle: The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source;

(c) Full Cutoff-Type Luminaire: A luminaire constructed or shielded to direct all light at a cutoff angle of less than ninety (90) degrees, also referred to as horizon limited luminaire;

(d) Foot Candle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle;

(e) Glare: Direct light emitted from a light source that causes eye discomfort.

(f) Light Pollution: The shining of light produced by a luminaire above the height of the luminaire and into the sky;

(g) Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which such luminaire is located;

(h) Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts;

(i) Dark Sky Preserve: The land area surrounding the Hastings College Sachtleben Observatory, as indicated on the Official Zoning Map of City of Hastings as a primary dark sky preserve, which includes portions of the area described as being bounded by the centerline of Prairie Lake Road on the north, the centerline of Marian Road on the west, the centerline of Oregon Trail Road on the south and a line one-half (1/2) mile east of and parallel to the center line of

Showboat Road on the east, which are in the zoning jurisdiction of the City of Hastings, Adams County, Nebraska where the city is exercising its powers and duties.

(9) Dark Sky Preserve – Light Control Standards and Regulations: Within the primary dark sky preserve upon which this overlay district is applied the following standards and regulations shall apply:

(a) Illumination Level Standards: The recommended illumination levels contained in the Lighting Handbook of the Illuminating Engineering Society of North America, as may be amended from time to time, shall be used as a guide to providing adequate and safe illumination levels for any given type of use.

(b) Prohibited Lighting: Flashing lights of any type, excluding such lights as are exempted from these regulations, as set forth in Section 34-309 (2)(b), are prohibited.

(c) Outdoor Signs: Lighting for outdoor on-premise (business) signs and outdoor off-premise (billboard) signs shall be designed to function as full cutoff luminaires. Lighting for such signs which projects light into the sky shall be prohibited. Additionally, outdoor signs shall comply all with provisions set forth in Section 34-309. In the case of any discrepancy between these provisions, the more restrictive code shall apply.

(d) Non-Agricultural and Non-Residential Uses: All luminaires located on any premises used for commercial, industrial or public or semi-public (institutional) uses shall:

(i) Be designed so that the light source (bulb or lamp) is completely shielded from the direct view of an adult observer standing at grade on the lot line of abutting property or any location on residentially zoned property;

(ii) Have a full-cutoff lighting reflectors installed;

(iii) Be designed and positioned so that the maximum illumination at the property lines of the property on which such lighting is located shall not exceed one-half (1/2) foot-candle; and

(iv) The use of exterior lighting for non-residential uses shall observe the same hours of operation as the use itself, provided that any lighting for security purposes shall meet all other requirements of Items (i) through (iii) immediately above, and further provided that for any non-residential use in which lighting is used to provide operational, maintenance safety and security throughout the periods of darkness or twenty-four hours per day, all such outdoor lighting shall comply with all other requirements of provisions (i) through (iii) of this subsection.

(e) Agricultural and Residential Uses: With the exceptions set forth in subsection (12) of this Section, all luminaires located on any premises used for agricultural

or residential purposes shall:

- (i) Have a full-cutoff lighting reflectors installed;
- (ii) Be designed and positioned so that the maximum illumination at the property lines of the property on which such lighting is located shall not exceed one-half (1/2) foot-candle.

(10) Method of Lighting Measurement: Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three (3) feet above grade. Maximum illumination readings are to be taken directly beneath the luminaire. Readings should normally be taken after a cumulative initial lamp burn-in period of at least two hundred (200) hours.

(11) Exceptions and Exemptions: The following lighting issues shall be exempt from the standards and regulations of this overlay district:

(a) Decorative seasonal lighting with a power rating equal to or less than seventy-five (75) watts for incandescent bulbs or the equivalent of such power ratings for alternative lighting instruments;

(b) Seasonal use of miniature light strings, which may be flashing;

(c) Low voltage and solar powered landscape lighting;

(d) Temporary emergency lighting used by law enforcement officials, fire fighters or other emergency services;

(e) Vehicle and farm equipment luminaires;

(f) Hazard warning luminaires which are required for use by governmental regulatory agencies;

(g) Motion sensor lighting where the lamp is not on for a continuous period exceeding five (5) minutes;

(h) Ball diamonds, play fields, tennis courts, race tracks and other similar uses, provided the typical hours of operation do not extend past midnight and provided that the lighting shall for such uses be shielded to prohibit light from projecting into the sky and to minimize light and glare from spilling over onto adjacent properties.

(12) Non-Conforming Luminaires: Except as herein provided, exterior lighting luminaires in existence as of the effective date of this Section shall be exempt from the standards and regulations of this Section and shall be considered legally non-conforming. Such fixtures may be repaired and maintained, provided however, that if any such non-conforming luminaire is moved or damaged by any means to the extent that its total



replacement is necessary, the luminaire, or replacement shall comply with the standards and regulations of this Section.

**SECTION 2.** That any ordinance passed and approved prior to the passage of this ordinance, and in conflict with its provision, is hereby repealed.

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

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)  
APPROVED AS TO FORM

\_\_\_\_\_  
City Attorney

Department: Development Services  
Staff Contact: Donald Threewitt  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-055  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing regarding a change of zoning from "A Agricultural" to "R1-A Single-family large lot Residential" for Hoagland Second Subdivision within the 2-mile Extraterritorial Jurisdiction of the City of Hastings, Adams County, Nebraska.

b. Recommendation to approve Ordinance 4622, a change of zoning from A to R1-A for Hoagland Second Subdivision.

### **Names of People/Business affected by this action:**

The applicant, the residents of Adams County, and the City.

### **Why Planning Commission action is required:**

Amendments to the zoning map, the text of Chapter 34 Zoning, or any part of the Comprehensive Plan may be made after a public hearing by the Planning Commission. Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council (34-801).

### **Type of action requested:**

Ordinance

### **Suggested motion:**

Motion to recommend approval of Ordinance 4622, a change of zoning from A to R1-A for Hoagland Second Subdivision.

### **Deadlines associated with action:**

This item is scheduled to be heard at the January 13, 2020 regular meeting of City Council.

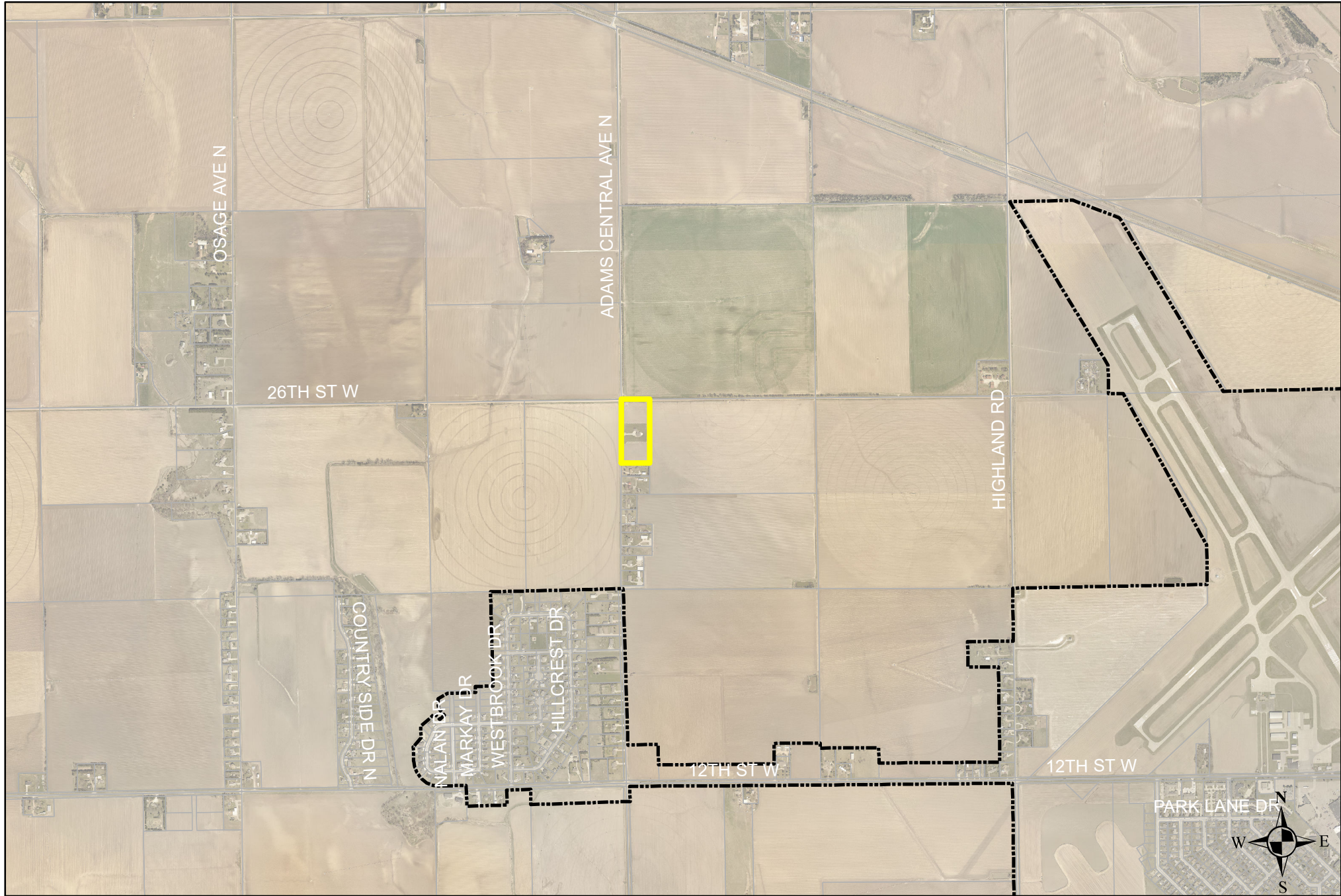
### **Department head comments:**

This case is concurrent with the Hoagland Second Subdivision plat. Subdivision of the property into three 2.5 acre parcels prohibits the continued use of the A Agricultural designation. Based on the intended property use, lot size, and infrastructure availability, two options are R1-A Single-

family large lot residential and R1-S Single-family suburban acreage residential. The applicants prefer R1-A as it would protect the agricultural character of the lots and provide for limited agriculture as a Restricted use.

The surrounding zoning is A Agricultural, and the future land use designation is Agricultural. An R1-A zoning designation would be compatible with the surrounding zoning and the comprehensive plan.

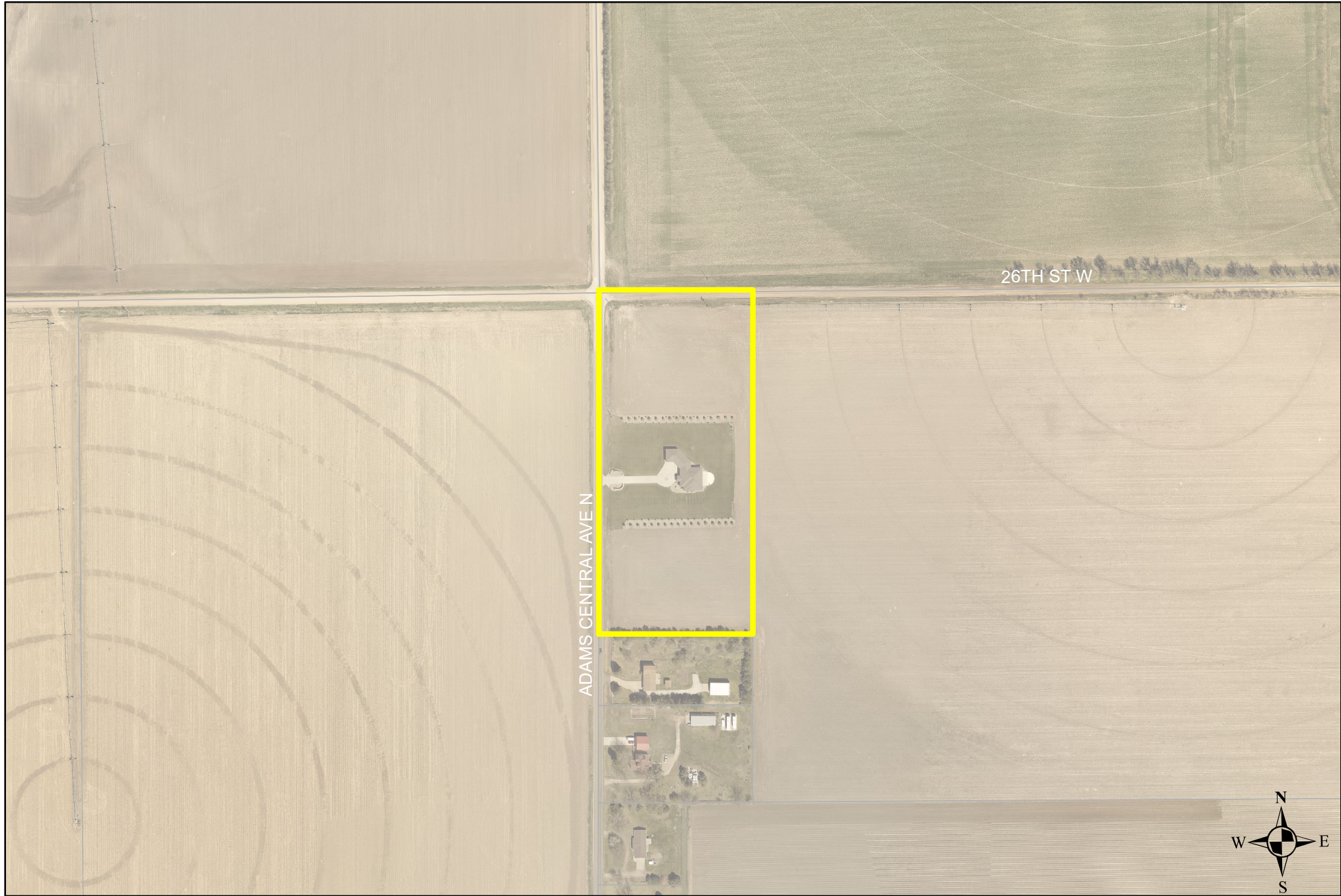
**Recommendation:**



Hoagland Second Subdivision, Vicinity Map







Hoagland Second Subdivision, Aerial Map





Hoagland Second Subdivision, Zoning Map





**Legend**

**Future Land Use**

**Fut\_LU**

- 
-  Agricultural
-  Commercial/Retail
-  Comm./Ret. OVERLAY
-  Employment
-  Industrial OVERLAY
-  Mixed Use-Comm.
-  Mixed Use-Downtown
-  Mixed Use-Neighborhood
-  Parks & Rec
-  Public/Semi-Public
-  Rural Res.
-  Suburban Res.
-  Urban Industrial
-  Urban Res.

Hoagland Second Subdivision, Future Land Use Map



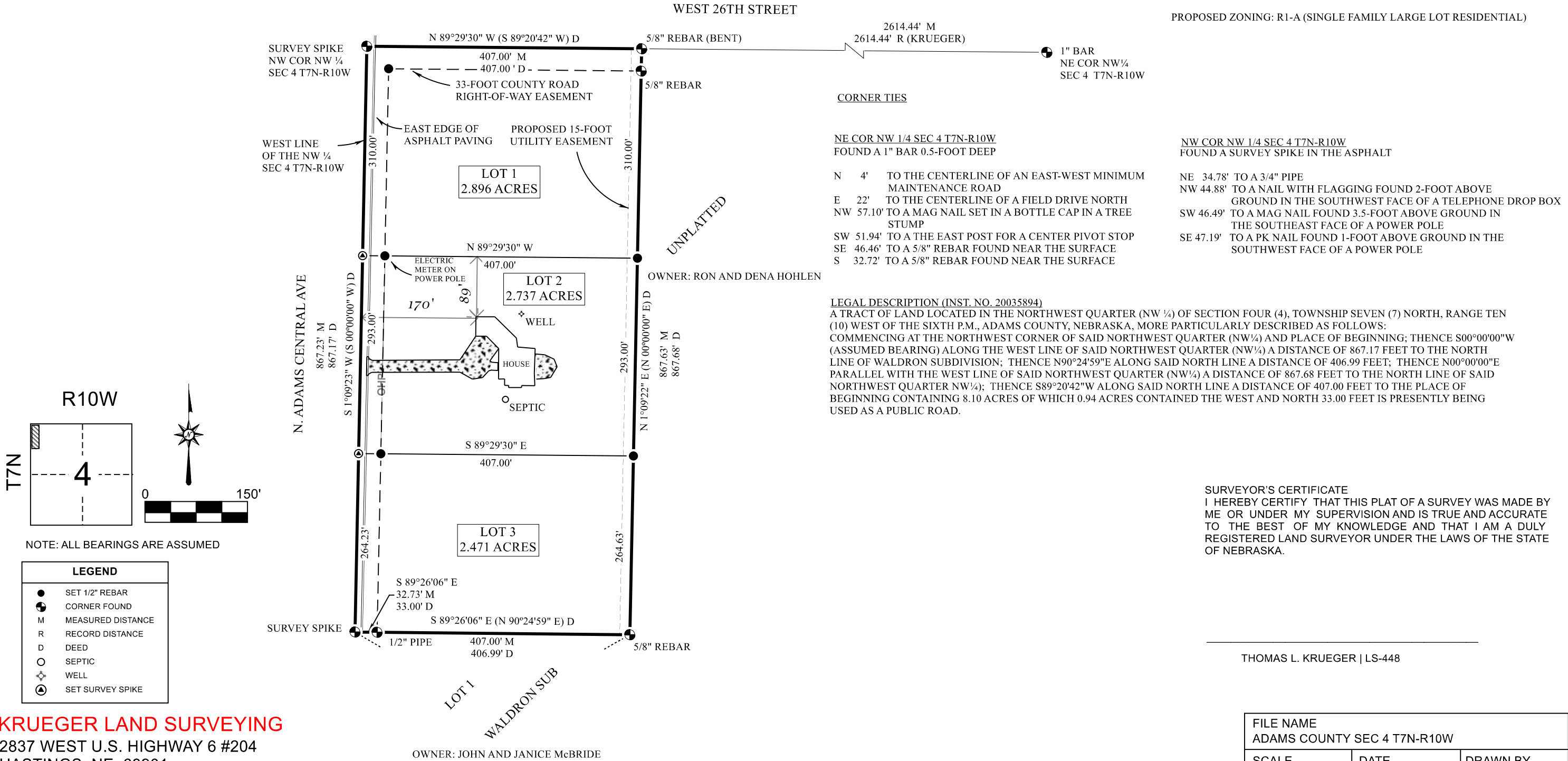
# HOAGLAND SECOND SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF  
SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,  
WITHIN THE TWO-MILE JURISDICTION OF THE CITY OF HASTINGS  
ADAMS COUNTY, NEBRASKA

OWNER: KATHRYN HOAGLAND  
2460 N. ADAMS CENTRAL AVE

ZONING: A (AGRICULTURAL)

PROPOSED ZONING: R1-A (SINGLE FAMILY LARGE LOT RESIDENTIAL)



**KRUEGER LAND SURVEYING**  
2837 WEST U.S. HIGHWAY 6 #204  
HASTINGS, NE 68901  
402-984-2176

| FILE NAME                   |                    |                        |
|-----------------------------|--------------------|------------------------|
| ADAMS COUNTY SEC 4 T7N-R10W |                    |                        |
| SCALE<br>150 Ft/In          | DATE<br>10-30-2019 | DRAWN BY<br>T. KRUEGER |
| JOB<br>KLS-19105            | FIELD WORK<br>TK   | SHEET<br>1 OF 2        |



HOAGLAND SECOND SUBDIVISION  
LOCATED IN THE NORTHWEST QUARTER OF  
SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,  
WITHIN THE TWO-MILE JURISDICTION OF THE CITY OF HASTINGS  
ADAMS COUNTY, NEBRASKA

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENT, THAT KATHRYN HOAGLAND, OWNER OF RECORD OF THE LAND SHOWN ON THE PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED, AND DESIGNATED AS "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS. BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT WITHIN THE TWO-MILE JURISDICTION OF THE CITY OF HASTINGS, ADAMS NEBRASKA.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
KATHRYN HOAGLAND

ACKNOWLEDGEMENT

STATE OF NEBRASKA    )  
                                      )  
COUNTY OF ADAMS    )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019, BY KATHRYN HOAGLAND.

MY COMMISSION EXPIRES THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
NOTARY

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
ADAMS COUNTY TREASURER

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

\_\_\_\_\_  
CITY OF HASTINGS TREASURER

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY \_\_\_\_\_ THIS PLAT OF "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

\_\_\_\_\_  
CITY ENGINEER

HASTINGS PLANNING COMMISSION

THIS PLAT OF "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS ADAMS COUNTY, NEBRASKA WITH THE RECOMMENDATION THAT SAID PLAT BE \_\_\_\_\_AS PROPOSED DATED THIS \_\_\_\_\_DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
DIRECTOR

CITY OF HASTINGS MAYOR AND CITY COUNTY COUNCIL APPROVAL

THIS PLAT OF "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA IS HEREBY \_\_\_\_\_, DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA )  
                                      ) SS  
COUNTY OF ADAMS    )

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA.

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ INSTRUMENT NO: \_\_\_\_\_

\_\_\_\_\_  
REGISTER OF DEEDS

KRUEGER LAND SURVEYING  
2837 WEST U.S. HIGHWAY 6 #204  
HASTINGS, NE 68901  
402-984-2176

|                                          |                    |                        |
|------------------------------------------|--------------------|------------------------|
| FILE NAME<br>ADAMS COUNTY SEC 4 T7N-R10W |                    |                        |
| SCALE<br>100 Ft/In                       | DATE<br>10-30-2019 | DRAWN BY<br>T. KRUEGER |
| JOB<br>KLS-19105                         | FIELD WORK<br>TK   | SHEET<br>2 OF 2        |

**ORDINANCE NO. 4622**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE HOAGLAND SECOND SUBDIVISION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6<sup>TH</sup> P.M., WITHIN THE 2-MILE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, FROM “A, AGRICULTURAL” TO “R1-A, SINGLE-FAMILY LARGE LOT RESIDENTIAL”; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

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

**SECTION 1.** That the property legally described as follows:

Hoagland Second Subdivision, located in the Northwest Quarter of Section 4, Township 7 North, Range 10 West of the 6<sup>th</sup> P.M., within the 2-mile Extraterritorial Jurisdiction of the City of Hastings, Adams County, Nebraska,

currently zoned “A, Agricultural,” be and the same is hereby rezoned to “R1-A, Single-family Large Lot Residential.”

**SECTION 2.** That the City Engineer is hereby directed to cause the official zoning district map of the City of Hastings, Nebraska to be changed in accordance with the foregoing provisions.

**SECTION 3.** That any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

**SECTION 4.** This ordinance shall take effect and be in full force from and after its passage, approval and pamphlet form.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
ATTEST:

\_\_\_\_\_  
Mayor

---

City Clerk

( S E A L )

APPROVED TO FORM:

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City Attorney

Department: Development Services  
Staff Contact: Donald Threewitt  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-056  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Public hearing for a change in zoning for Lots 142 through 147 except the south 3 feet of Lot 144 of Railroad Addition to the City of Hastings; and Tax Lot 5, a part of the N2 of the SE4 of the NW4 of Section 13, Township 7 North, Range 10 West of the 6th P.M. in the City of Hastings more particularly described as: Commencing at the Southwest corner of Lot 145 in said Railroad Addition, according to the recorded plat thereof, thence South 100 feet, thence East 135 feet to the center line of the vacated alley, thence North along said center line of the vacated alley, a distance of 100 feet, thence West 135 feet to the point of commencement.

b. Recommendation of Ordinance 4623, a change of zoning from "R-1 Single family Residential" to "R-3 Multiple-family Residential" for Lots 142 through 147, except the south 3 feet of Lot 144; and Tax Lot 5 in the City of Hastings, Adams County, Nebraska.

### **Names of People/Business affected by this action:**

The applicant, the people of Hastings, and the City.

### **Why Planning Commission action is required:**

Upon the final hearing of an application to amend the zoning map, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council [34-801 (2)(f)].

### **Type of action requested:**

Ordinance

### **Suggested motion:**

Motion to recommend approval of Ordinance 4623, a change of zoning from "R-1 Single family Residential" to "R-3 Multiple-family Residential" for Lots 142 through 147, except the south 3 feet of Lot 144; and Tax Lot 5 in the City of Hastings, Adams County, Nebraska.

### **Deadlines associated with action:**

This case is scheduled to be heard at the January 13, 2020 regular city council meeting.



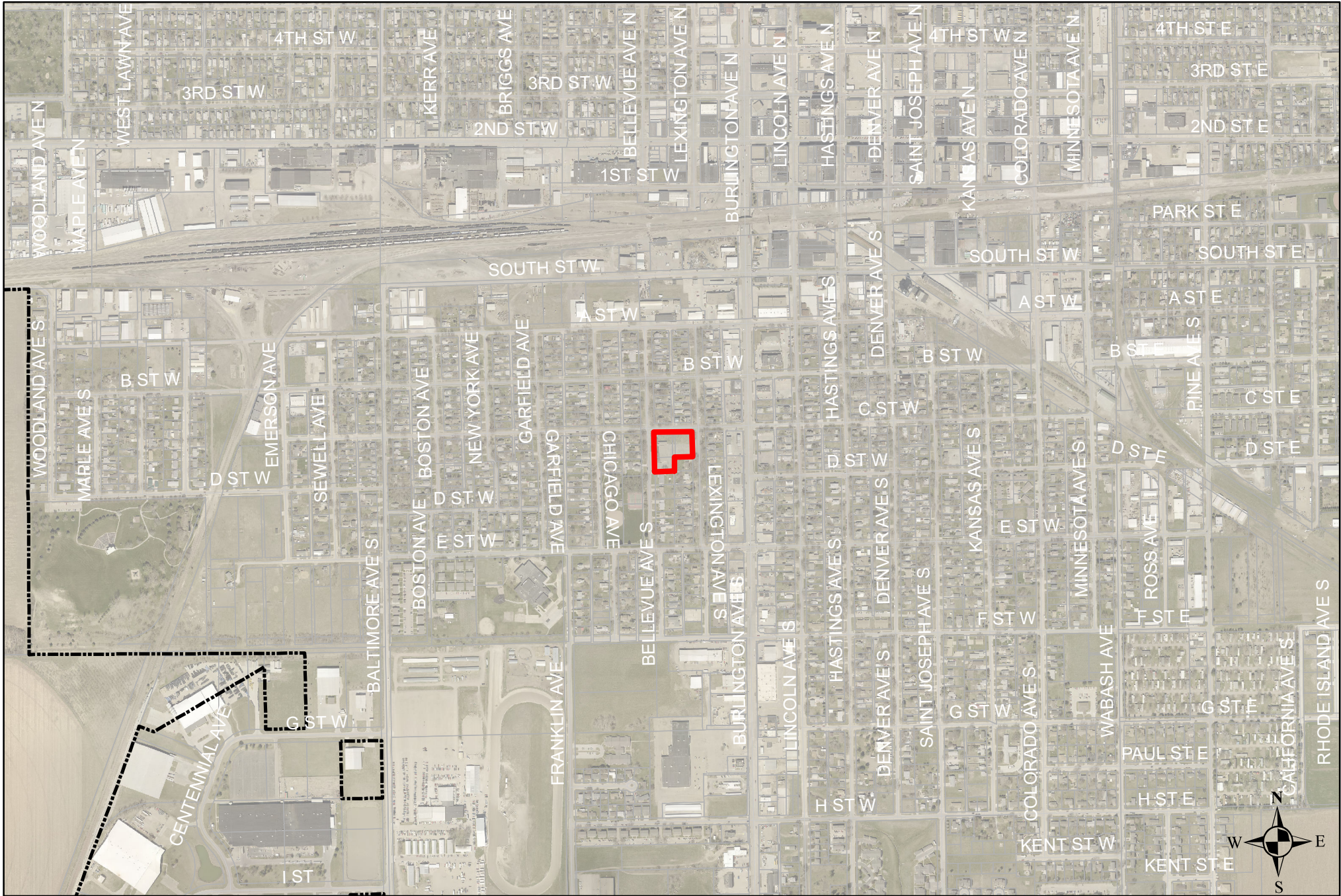
**Department head comments:**

The applicant wishes to re-purpose the existing school property for a Child Care Facility use. Existing land use designation is Urban Residential, and existing adjacent zoning is R-1 Single-family residential.

The property originally housed St. Michael school, and the most recent use was as a senior activity center, which vacated in 2018. Given the institutional history of the property, and its location within an R-1 district, the R-3 zone district provides an array of appropriate uses. This zone change would allow for the proposed Child Care Facility use as well as provide for multi-family housing by-right if the property were to further redevelop in the future. Allowed uses in the R-3 district would be compatible with the neighborhood and the existing subject property and improvements.

**Recommendation:**





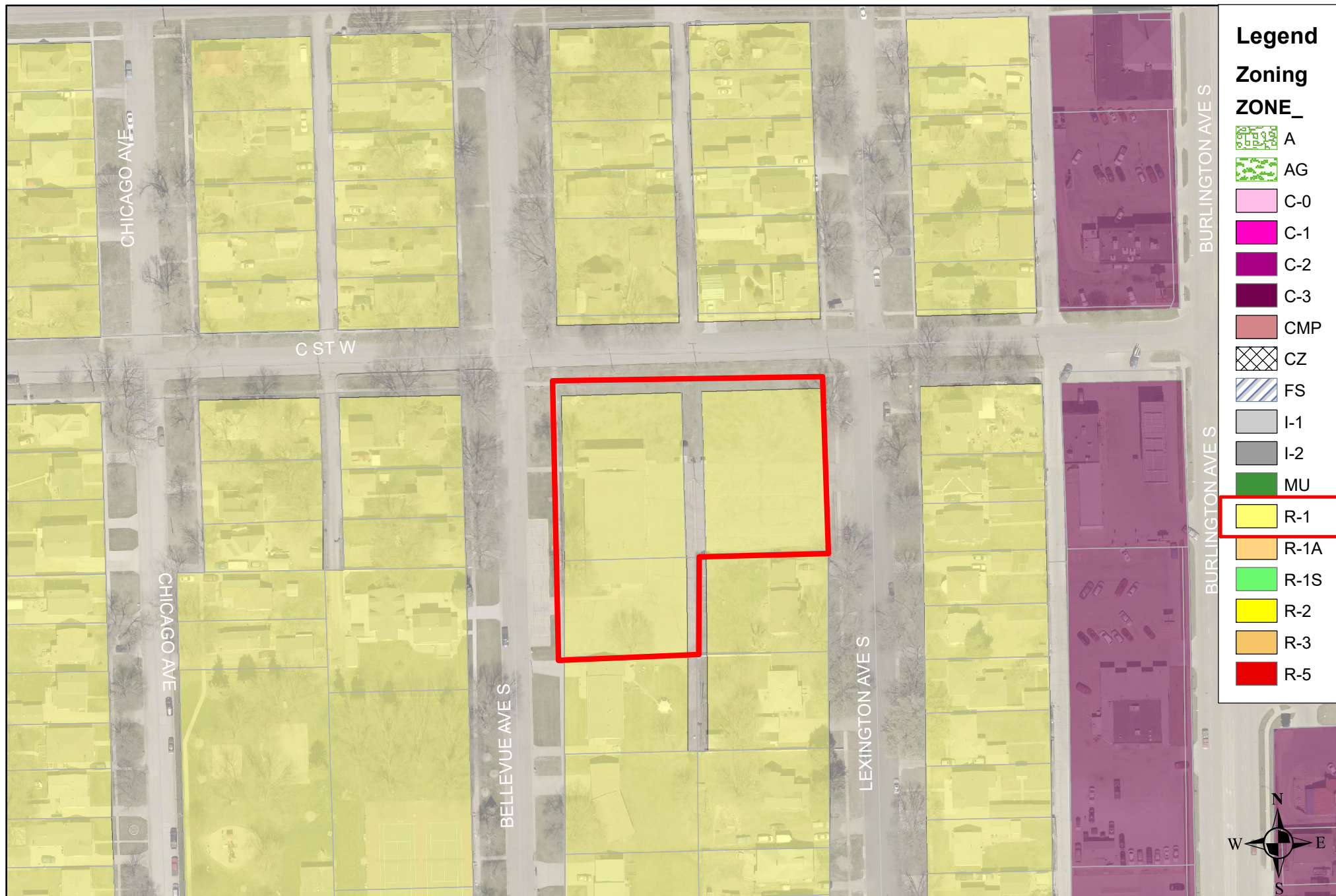
Railroad Addition Zone Change, Vicinity Map





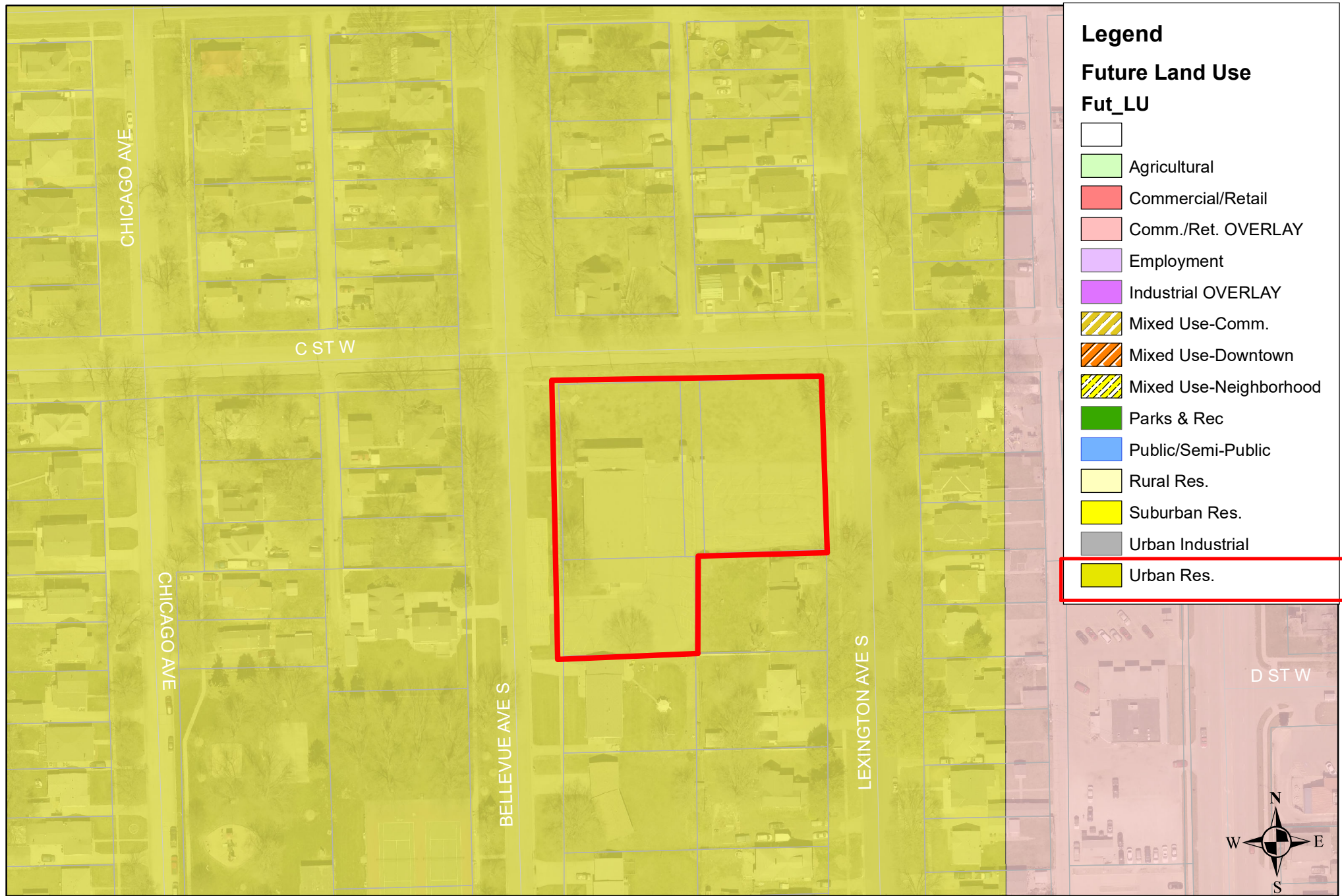
Railroad Addition Zone Change, Aerial Map





Railroad Addition Zone Change, Zoning Map





Railroad Addition Zone Change, Future Land Use Map

## **ORDINANCE NO. 4623**

**AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF HASTINGS, NEBRASKA TO REZONE LOTS 142 THROUGH 147 EXCEPT THE SOUTH 3 FEET OF LOT 144 OF RAILROAD ADDITION TO THE CITY OF HASTINGS; AND TAX LOT 5, A PART OF THE N1/2 OF THE SE1/4 OF THE NW1/4 OF SECTION 13, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M., FROM “R-1, SINGLE FAMILY RESIDENTIAL” TO “R-3, MULTIPLE-FAMILY RESIDENTIAL”; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.**

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

**SECTION 1.** That the property legally described as follows:

Lots 142 through 147 except the south 3 feet of Lot 144 of Railroad Addition to the City of Hastings; and Tax Lot 5, a part of the N1/2 of the SE1/4 of the NW1/4 of Section 13, Township 7 North, Range 10 West of the 6th P.M. in the City of Hastings, Adams County, Nebraska, currently zoned “R-1, Single-Family Residential,” be and the same is hereby rezoned to “R-3, Multiple-family Residential.”

**SECTION 2.** That the City Engineer is hereby directed to cause the official zoning district map of the City of Hastings, Nebraska to be changed in accordance with the foregoing provisions.

**SECTION 3.** That any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

**SECTION 4.** This ordinance shall take effect and be in full force from and after its passage, approval and pamphlet form.

**PASSED AND APPROVED** by the Mayor and City Council of the City of Hastings, Nebraska, this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

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Mayor

---

City Clerk

( S E A L )

APPROVED TO FORM:

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City Attorney

Department: Development Services  
Staff Contact: Donald Threewitt  
Planning Commission Meeting Date: 12/16/2019  
File No: 2019-057  
Prepared By: Donald Threewitt, Development Services Director

## **AGENDA ITEM SUMMARY SHEET**

### **Description of Item:**

Recommendation to approve Hoagland Second Subdivision, located in the Northwest Quarter of Section 4, Township 7 North, Range 10 West of the 6th P.M., within the 2-mile jurisdiction of the City of Hastings, Adams County, Nebraska.

### **Names of People/Business affected by this action:**

The applicant, the people of Adams County, and the City of Hastings

### **Why Planning Commission action is required:**

No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in Section 34-106 of the City Code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument affecting a subdivision until it has received the recommendation of the Hastings Planning and Zoning Commission (38-201).

### **Type of action requested:**

Motion

### **Suggested motion:**

Motion to recommend approval of Hoagland Second Subdivision, located in the Northwest Quarter of Section 4, Township 7 North, Range 10 West of the 6th P.M., within the 2-mile jurisdiction of the City of Hastings, Adams County, Nebraska.

### **Deadlines associated with action:**

This item is scheduled to be heard at the regular meeting of City Council on January 13, 2020.

### **Department head comments:**

The applicant intends to subdivide three lots from the existing single lot rural residential property, presumably for resale and development. The lot is currently zoned A Agricultural, and a zone change to R1-A Single-family large lot residential is presented concurrently.

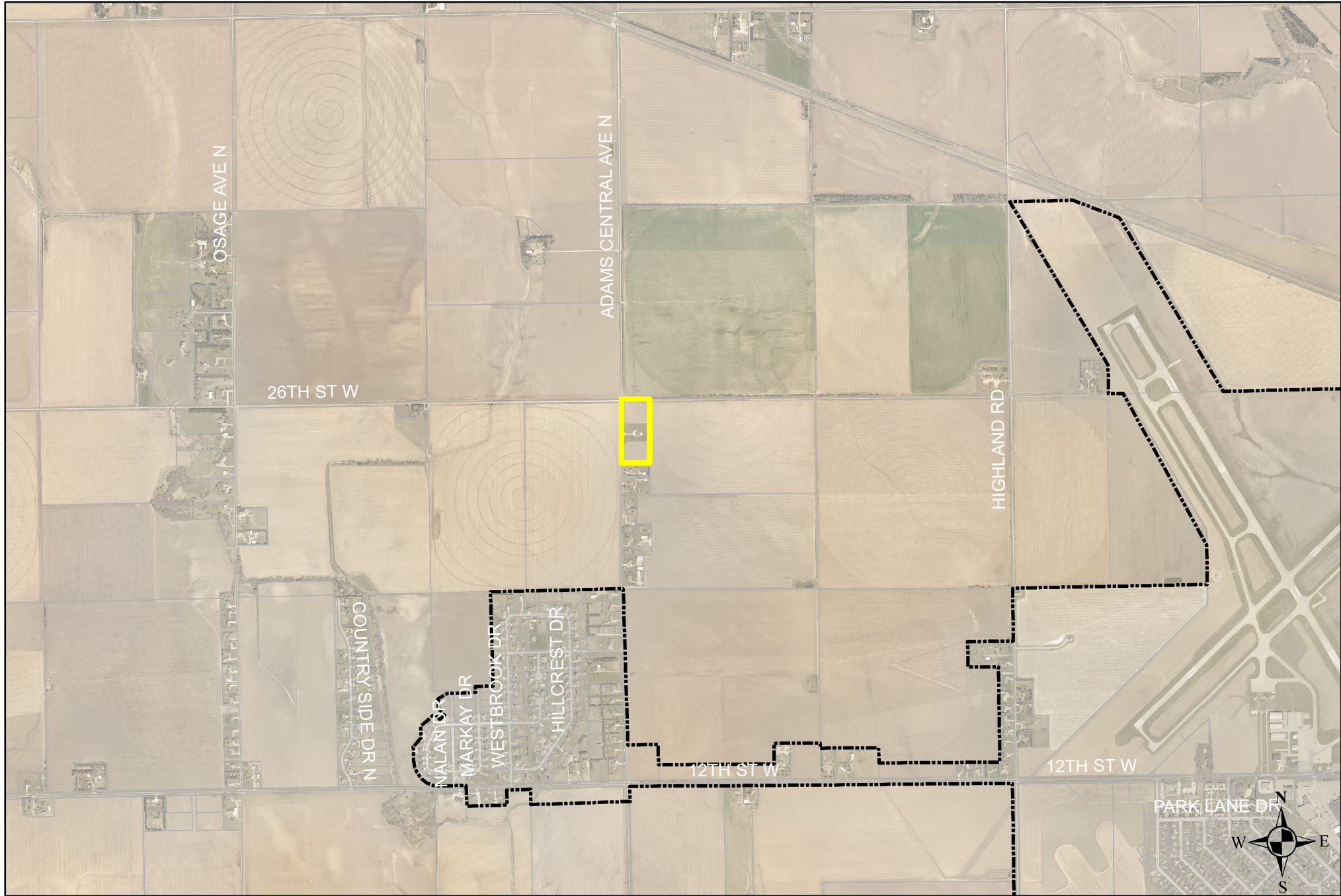
This case was presented to the Adams County Planning and Zoning on December 2, and received



no comments. Since there is a right-of-way dedication, the case is scheduled to go before the Adams County Board of Supervisors on December 17, 2019.

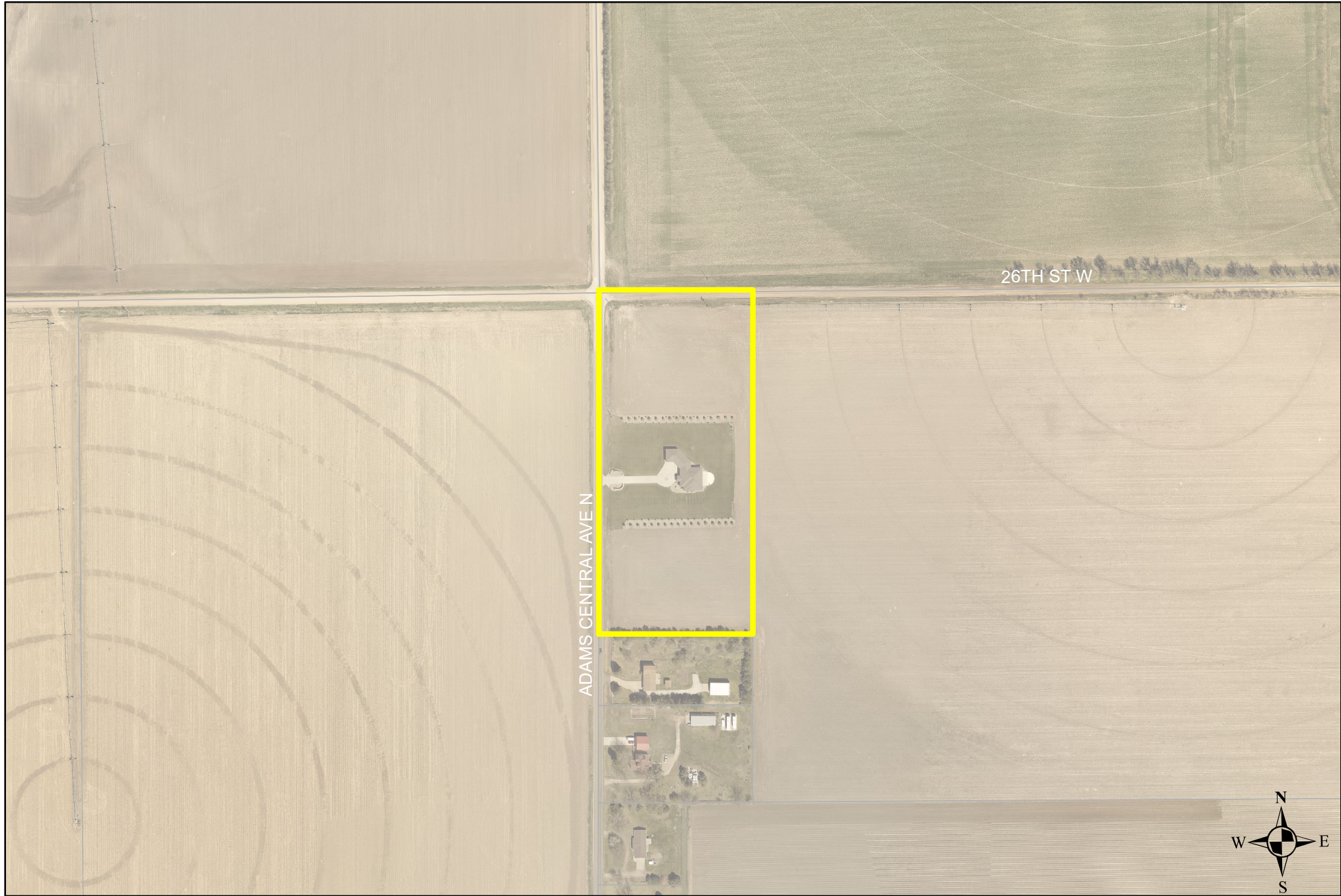
The development review team has reviewed the plat and applicant has made suggested revisions. Staff has worked with the applicant to address any outstanding issues with the plat. Staff believes that the submission meets the criteria outlined in City Code Section 38-202 and 38-203.

**Recommendation:**



Hoagland Second Subdivision, Vicinity Map





Hoagland Second Subdivision, Aerial Map





Hoagland Second Subdivision, Zoning Map





**Legend**

**Future Land Use**

**Fut\_LU**

- 
-  Agricultural
-  Commercial/Retail
-  Comm./Ret. OVERLAY
-  Employment
-  Industrial OVERLAY
-  Mixed Use-Comm.
-  Mixed Use-Downtown
-  Mixed Use-Neighborhood
-  Parks & Rec
-  Public/Semi-Public
-  Rural Res.
-  Suburban Res.
-  Urban Industrial
-  Urban Res.

Hoagland Second Subdivision, Future Land Use Map



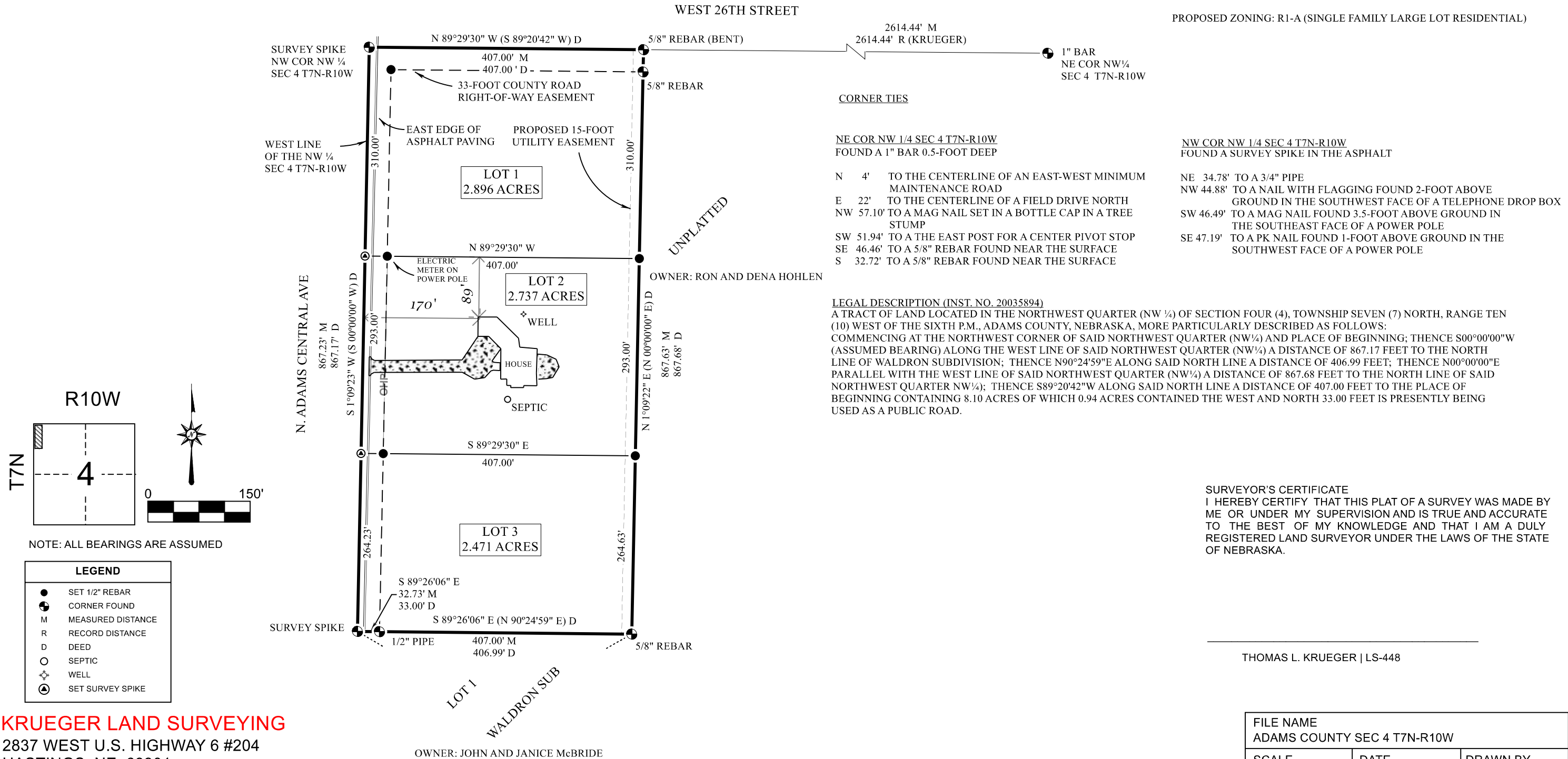
# HOAGLAND SECOND SUBDIVISION

LOCATED IN THE NORTHWEST QUARTER OF  
SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,  
WITHIN THE TWO-MILE JURISDICTION OF THE CITY OF HASTINGS  
ADAMS COUNTY, NEBRASKA

OWNER: KATHRYN HOAGLAND  
2460 N. ADAMS CENTRAL AVE

ZONING: A (AGRICULTURAL)

PROPOSED ZONING: R1-A (SINGLE FAMILY LARGE LOT RESIDENTIAL)



**KRUEGER LAND SURVEYING**  
2837 WEST U.S. HIGHWAY 6 #204  
HASTINGS, NE 68901  
402-984-2176

HOAGLAND SECOND SUBDIVISION
LOCATED IN THE NORTHWEST QUARTER OF
SECTION 4, TOWNSHIP 7 NORTH, RANGE 10 WEST OF THE 6TH P.M.,
WITHIN THE TWO-MILE JURISDICTION OF THE CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENT, THAT KATHRYN HOAGLAND, OWNER OF RECORD OF THE LAND SHOWN ON THE PLAT AND DESCRIBED IN THE LEGAL DESCRIPTION HEREON, HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, PLATTED, AND DESIGNATED AS "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, AND THAT SAID SURVEYING, SUBDIVIDING, PLATTING AND DESIGNATION WAS DONE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES AND WISHES OF THE UNDERSIGNED OWNERS. BE IT FURTHER KNOWN, THAT SAID OWNERS DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT WITHIN THE TWO-MILE JURISDICTION OF THE CITY OF HASTINGS, ADAMS NEBRASKA.

SIGNED THIS DAY OF , 2019.

KATHRYN HOAGLAND

ACKNOWLEDGEMENT

STATE OF NEBRASKA )
COUNTY OF ADAMS )

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE DAY OF , 2019, BY KATHRYN HOAGLAND.

MY COMMISSION EXPIRES THE DAY OF , 20.

(SEAL)

NOTARY

COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT AS OF THIS DAY OF , 2019.

ADAMS COUNTY TREASURER

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS ARE DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS PLAT.

CITY OF HASTINGS TREASURER

CITY ENGINEER'S APPROVAL

I, THE UNDERSIGNED, DO HEREBY THIS PLAT OF "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

CITY ENGINEER

HASTINGS PLANNING COMMISSION

THIS PLAT OF "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY OF THE CITY OF HASTINGS ADAMS COUNTY, NEBRASKA WITH THE RECOMMENDATION THAT SAID PLAT BE AS PROPOSED DATED THIS DAY OF , 2019.

CHAIRMAN

DIRECTOR

CITY OF HASTINGS MAYOR AND CITY COUNTY COUNCIL APPROVAL

THIS PLAT OF "HOAGLAND SECOND SUBDIVISION", WITHIN THE TWO MILE LIMITS OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA IS HEREBY , DATED THIS DAY OF , 2019.

MAYOR

CITY CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA )
) SS
COUNTY OF ADAMS )

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA.

DATE: TIME: INSTRUMENT NO:

REGISTER OF DEEDS

KRUEGER LAND SURVEYING
2837 WEST U.S. HIGHWAY 6 #204
HASTINGS, NE 68901
402-984-2176

Table with 3 columns: SCALE, DATE, DRAWN BY, JOB, FIELD WORK, SHEET. Row 1: 100 Ft/In, 10-30-2019, T. KRUEGER. Row 2: KLS-19105, TK, 2 OF 2.



## REPORT ON A TITLE SEARCH

To: Zachary and Lindsay Frey  
Hastings, NE 68901

PRAIRIE TITLE, INC., hereby certifies that the undersigned registered abstracter has examined the records in the offices of the Register of Deeds, County Treasurer, District Court and County Court of Adams County, Nebraska, and the office of the City Treasurer of Hastings, Nebraska, with reference to the following described property, and from such examination finds as follows:

LIMITS OF SEARCH: This search covers the period from the recordation of the last deed of record on August 15, 2003, to November 13, 2019, at 9:00 a.m. No inquiry, search, or examination has been made of the Federal Courts for pending cases or bankruptcy proceedings. This search specifically excludes easements and restrictions of record, if any.

DATE OF SEARCH: November 13, 2019, at 9:00 a.m.

### DESCRIPTION OF LAND:

At tract of land located in the Northwest Quarter (NW ¼) of Section Four (4), Township Seven (7) North, Range Ten (10) West of the 6<sup>th</sup> P.M., Adams County, Nebraska, more particularly described as follows: Commencing at the Northwest Corner of said Northwest Quarter (NW ¼) and PLACE OF BEGINNING, thence S00°00'00"W (assumed bearing) along the West line of said Northwest Quarter (NW ¼) a distance of 867.17 feet to the North line of Waldron Subdivision; thence N90°24'59"E along said North line a distance of 406.99 feet; thence N00°00'00"E parallel with the West line of said Northwest Quarter (NW ¼) a distance of 867.68 feet to the North line of said Northwest Quarter (NW ¼); thence S89°20'42"W along said North line a distance of 407.00 feet to the PLACE OF BEGINNING, containing 8.10 acres of which 0.94 acres contained in the West and North 33.00 feet is presently used as a public road.

### GRANTEE IN LAST DEED FILED OF RECORD:

Kathryn Hoagland, by virtue of joint tenancy warranty deed recorded August 15, 2003, as Instrument No. 20035894 and by death certificate for Ronald E. Hoagland, deceased, recorded January 19, 2018, as Instrument No. 20180196 in the office of the Register of Deeds of Adams County, Nebraska.

SUBJECT TO THE FOLLOWING ENCUMBRANCES AND CONDITIONS:

REAL ESTATE TAXES:

General real estate taxes for 2018 in the amount of \$4,998.52 and prior years are shown as paid. General real estate taxes for 2019 and subsequent years, not yet due and payable. (Tax I.D. No. 010017298)

UNRELEASED MORTGAGES/DEEDS OF TRUST:

None.

EASEMENTS/COVENANTS OR OTHER CONDITIONS RUNNING WITH THE LAND:

Terms and conditions of the City of Hastings, Nebraska, Fire Flow Exception, Application and Agreement pursuant to Hastings City Code Section 13-101(5) recorded April 20, 2007, as Instrument No. 20071763 in the office of the Register of Deeds of Adams County, Nebraska.

DATED this 13<sup>th</sup> day of November 2019.

PRAIRIE TITLE, INC.

BY:

  
\_\_\_\_\_  
Jerry L. Munsell  
Registered Abstractor  
Certificate of Authority No.528

---

THIS IS A REPORT OF APPARENT CURRENT RECORD OWNERSHIP AND LIENS ONLY. IT IS NOT INTENDED TO PROVIDE ASSURANCE OF THE VALIDITY OR SUFFICIENCY OF ANY INSTRUMENT OR PROCEEDING IN THE RECORDS OF TITLE, AND NO LIABILITY IS ASSUMED HEREUNDER FOR ANY MATTERS TO WHICH THIS REPORT DOES NOT SPECIFICALLY CERTIFY. THIS REPORT IS INTENDED FOR USE ONLY BY THE PARTY OR PARTIES TO WHOM IT IS ADDRESSED, AND NO OTHER PARTY OR PARTIES ARE ENTITLED TO RELY ON THIS REPORT OR ANY INFORMATION CONTAINED HEREIN.

**PRAIRIE TITLE, INC.**  
420 WEST 5TH STREET, SUITE 103  
P.O. BOX 309  
HASTINGS, NEBRASKA 68902  
TELEPHONE: (402) 463-6673  
FAX: (402) 463-6743

November 13, 2019

Re: Title Report for Kathryn Hoagland  
A tract of land located in the NW ¼ of Section 4, Township 7  
North, Range 10 West of the 6<sup>th</sup> P.M., Adams County, Nebraska.

For professional services rendered in  
connection with preparation of the above-  
described title report \$100.00



# CITY OF HASTINGS PEER REVIEW



## Georgia

Jacob D. Mounce

HASTINGS COLLEGE 710 South Turner Avenue

## **Introduction**

The purpose of this comparative study is to provide insight into a peer city for use in future research regarding public policy and sociodemographic analysis for the City of Hastings, Nebraska. For this comparison, initial research identified 17 eligible peer cities in the United States and this report details Thomasville, Georgia. The city of Thomasville was established in the year of 1825 as the seat of Thomas county, which was established one-year prior; the city is believed to be named after a Major General Jett Thomas of the State Militia during the War of 1812. According to the American Community Survey (2018), the population of Thomasville is being estimated to be called home to approximately 18,537 citizens. The city itself is roughly 15 square miles with a little over 1200 residents per square mile.

The factors that have been taken into consideration for the selection of Thomasville, GA are as follows:

- Population Density
- Geographical location
- Proximity to cities with 50k+ populations
- Comparable industry types
- Academic Institutions

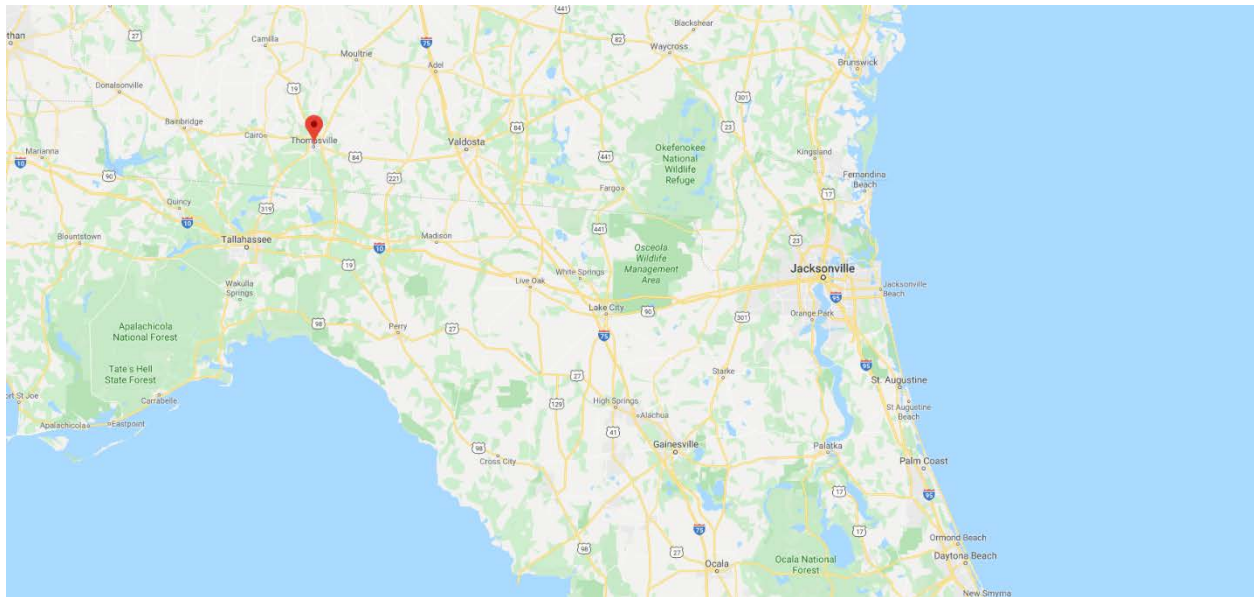
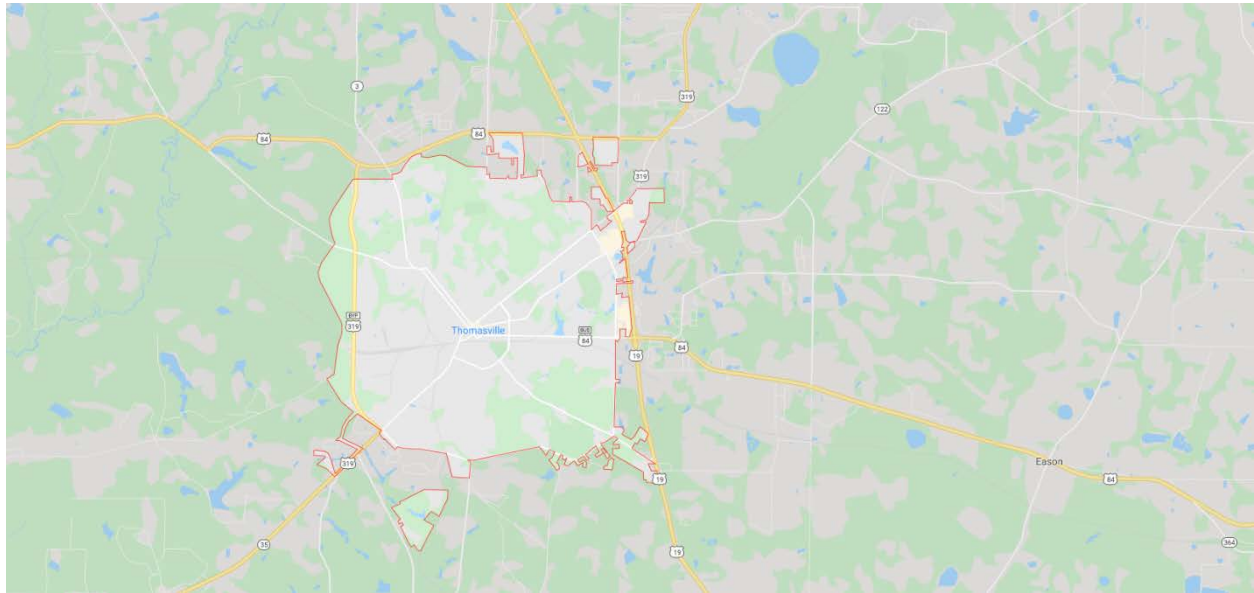
With the information that has been collected will be used to answer questions with regard to:

- City Size (mentioned above)
- Demographics
- Industrial Mix
- Downtown Districts
- Land Development
- Transit Infrastructure
- Sociocultural Influences
- Policies and Politics

Based on the Strategic Plan (2014-2018) that Thomasville has made available puts a focus on economic development and rebranding of the city's image as well as visual representation to make them a more favorable location to do business. Also, the City of Thomasville has deemed it most necessary to increase

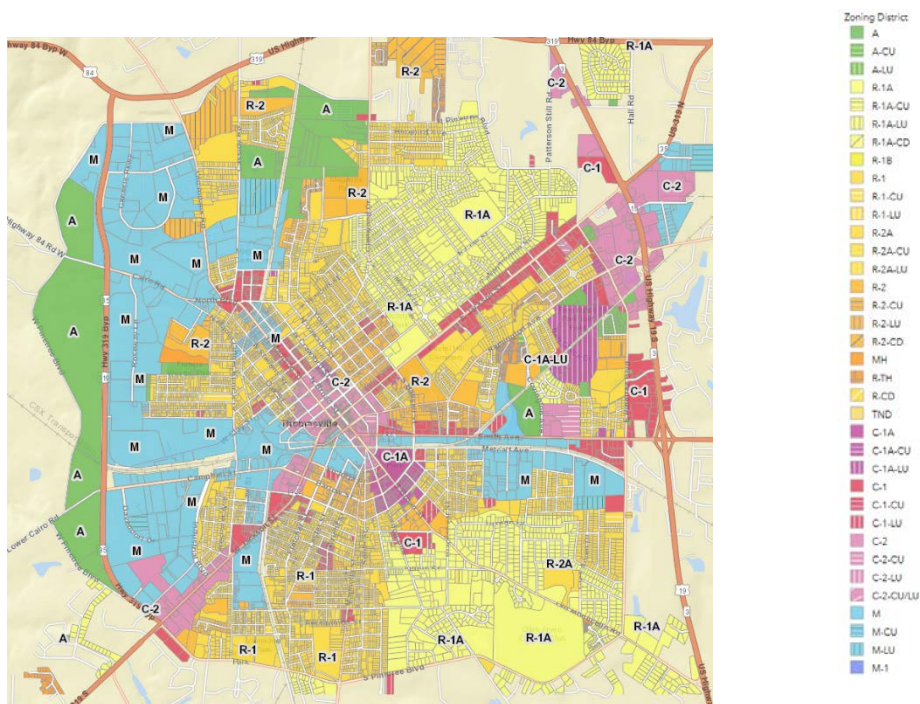
their capacity to provide public goods and services and to incorporate initiatives to preserve and attract would-be residents and businesses.

## City



As mentioned earlier, Thomasville is approximately 15 square miles with about 1200 residents per square mile. The city is uniquely situated to the South-Western region of the state where the primary industry is Agricultural and/or food processing. Thomasville is contained by two zip codes (31757, 31792) and uses the area code 229 for sending or receiving mail or for the purpose of telecommunications.

Situated due north of Thomasville is the city of Albany, with a population density of nearly 73K, residents service the region as the gateway to the agricultural southwestern part of Georgia. The metropolitan area of Atlanta lies further beyond Albany to the north and the State Capital, Savannah to the East. To the south of Thomasville is the Florida state capital with a population density of roughly 191K residents and Jacksonville, to the South East, with a population of just over 880K residents. It is also important to take note that there are significant differences in the proximities to the location of the reviewed versus the location of the reviewing city situated in the state of Nebraska; namely, the location of Thomasville is in an older part of the United States which could present several challenges for comparison in the future.

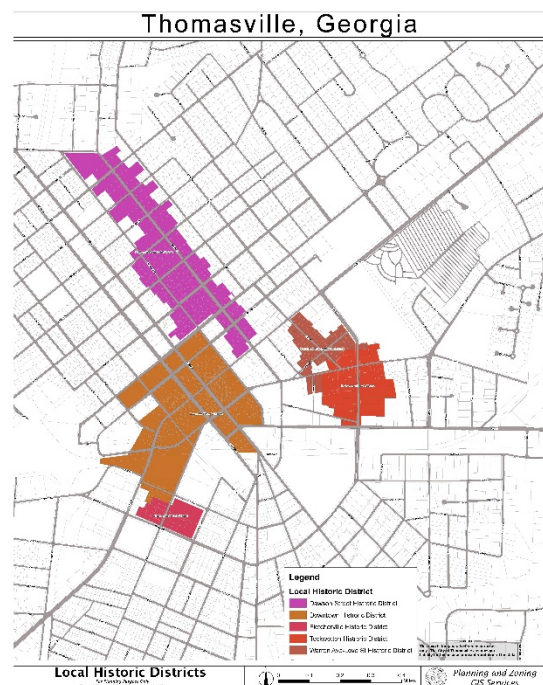
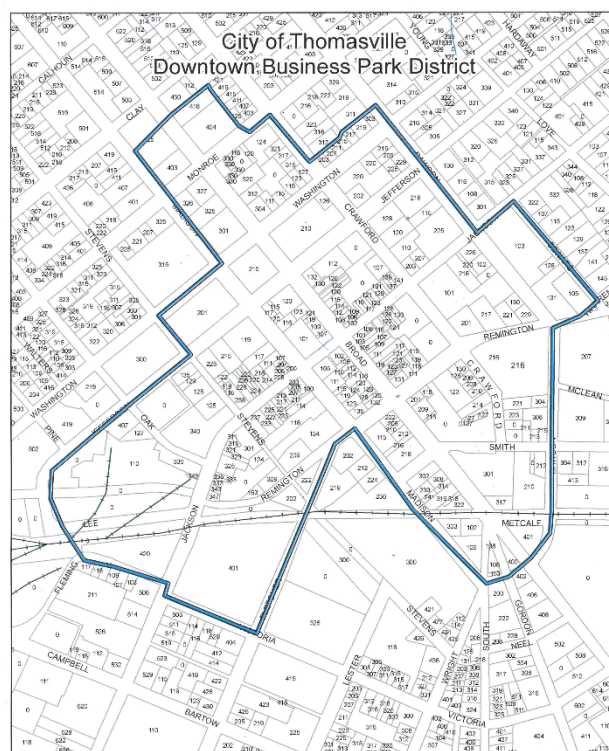




Thomasville contains a fair mix of zoning ingrained throughout its neighborhood.

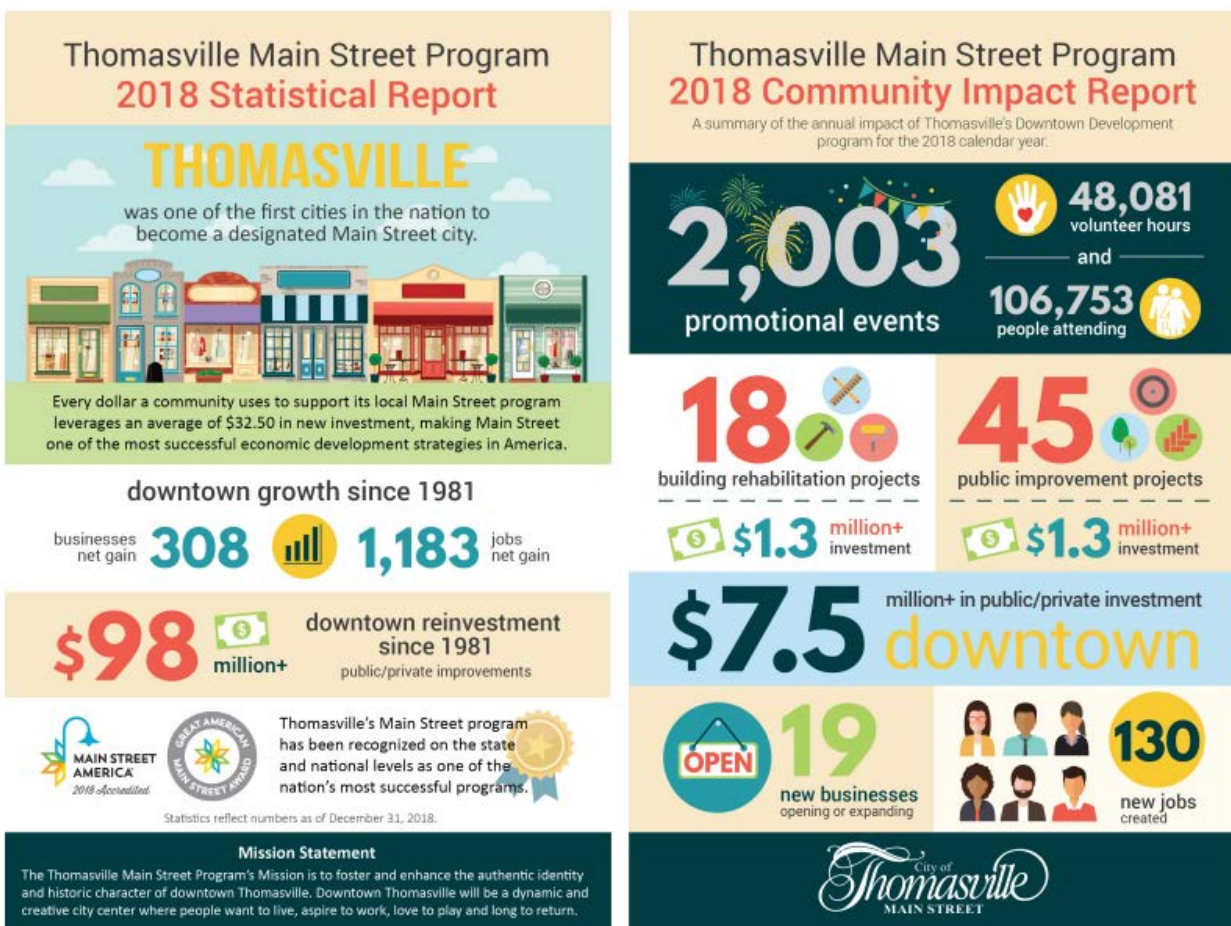
The City consists of Agriculture or greenspaces (A, A-CU, A-LU), residential ranging from standard density (R-1A, R-1A-CU, R-1A-LU, R-1B, R-1, R-1-CU, R-1-LU) to multifamily or professional offices (R-2, R-2-CU, R-2-LU, R-2-CD, MH, R-TH, R-CD, TND), limited Business (C-1A, C-1A-CU, C-1A-LU), general commercial (C-1, C-1-CU, C-1-LU), commercial/central business (C-2, C-2-CU, C-2-LU, C-2-CU/LU), and manufacturing/light industrial (M, M-CU, M-LU, M1).

## **Downtown**



The downtown area of Thomasville comprises of a mix of the various commercial designations and some manufacturing. Public spaces have been redeveloped to allow for the development of businesses and public events, usually for music. The Downtown business mix includes retail and entertainment uses,

predominately clothing and accessories, restaurants, and bars. Thomasville's other downtown uses include commercial office and government/civic institutions, which is typical for county seats. Naturally, the downtown sector is where a fair majority of government structures reside but also plays as the seat of the county as mentioned earlier. The city is served by the Thomasville-Thomas County Payroll Development Authority which has put into play what the local officials call the: *Imagine Thomasville* initiative, which is intended to encourage the development and expansion of industry. As of 2018, Thomasville's projections of economic growth and development have been on a steady upward trajectory since 1981 with a net business gain of 308 and net employment gain of over 1,100 as a part of their Main Street Program; since then there has been a near \$100-million-dollar investment for improvement from both the public and private sectors into the downtown area.



Currently, there are construction plans to restore some of the older brick layouts for the streets with newer bricks and introducing additional green space into the streetscape.



## **Industry and Business**

Like Hastings, Nebraska, Thomasville has a comparable industrial mix that has remained consistent over the years. For example, the largest employer in both Hastings and Thomasville are the local Medical and Social Assistance industries and the city also branches out into some light industry/manufacturing including some food processing, retail, and some accommodations. Public Services and Other Public services also employ a large number of employees in both cities and local educational facilities employ a substantial workforce at the local community college and four-year university.

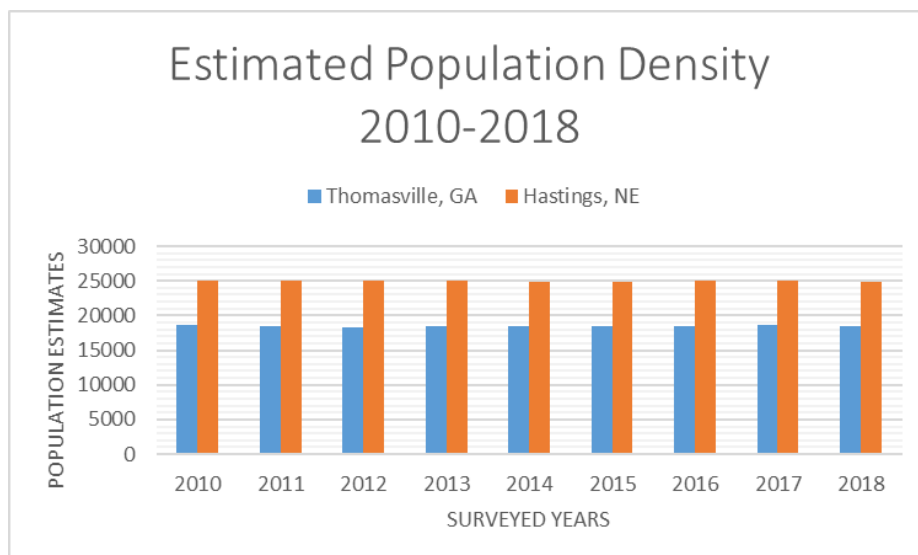


## THOMASVILLE THOMAS COUNTY LARGEST EMPLOYERS

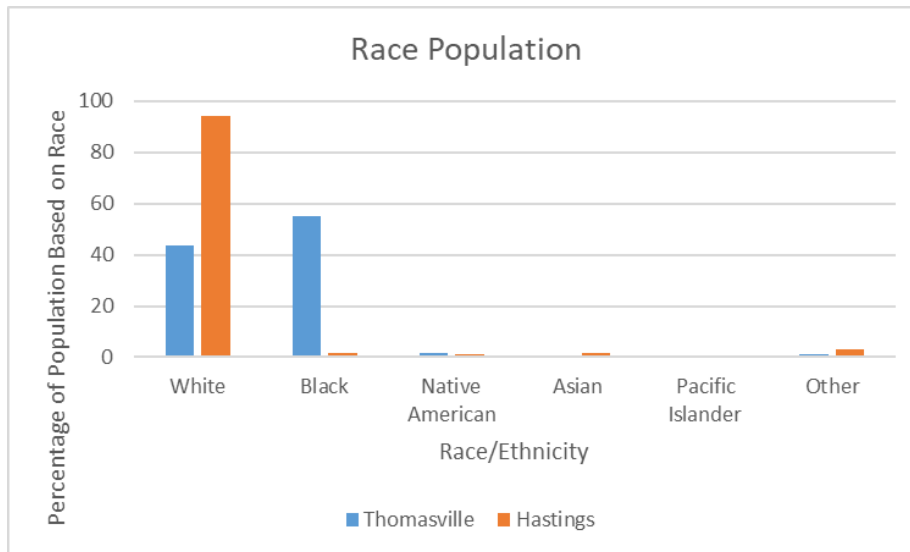
|       |                                   |
|-------|-----------------------------------|
| 2,500 | Archbold Medical Center           |
| 814   | Thomas County School System       |
| 450   | Thomasville City School System    |
| 435   | City of Thomasville               |
| 353   | *Hurst Boiler and Welding Company |
| 323   | *Flowers Food Corporate Office    |
| 321   | Oil Dry Corporation of Georgia    |
| 304   | Thomas County Government          |
| 267   | *Cleaver Brooks                   |
| 250   | Woodhaven Industries              |

\*Corporate Headquarters

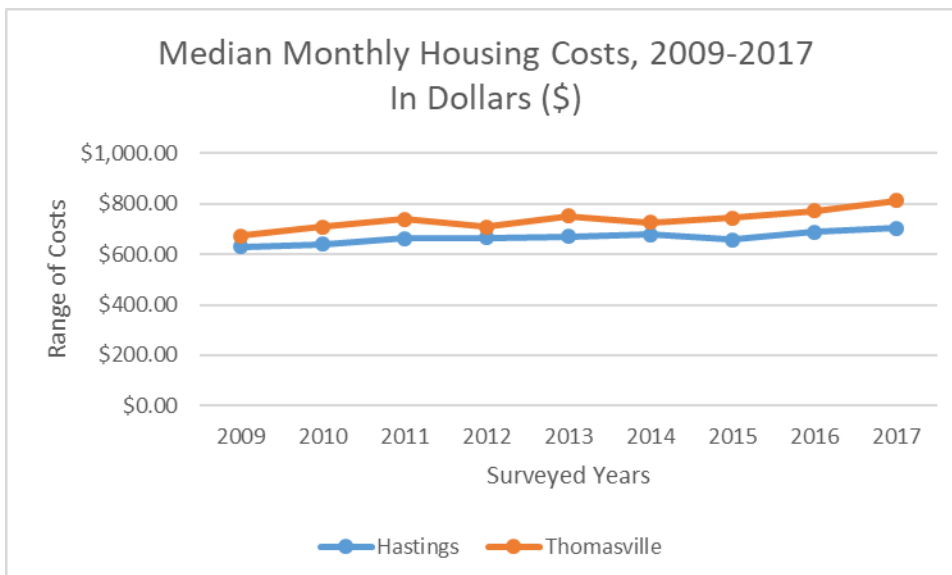
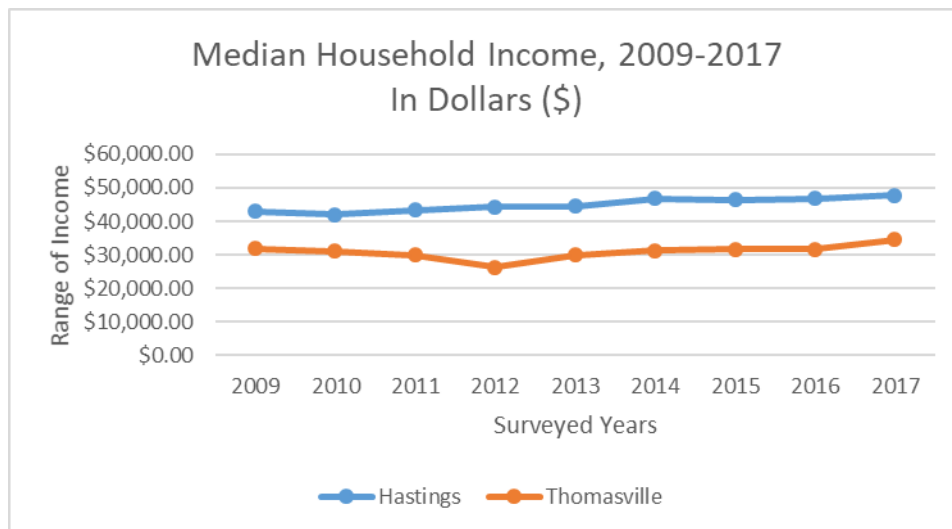
### Total Population and Race



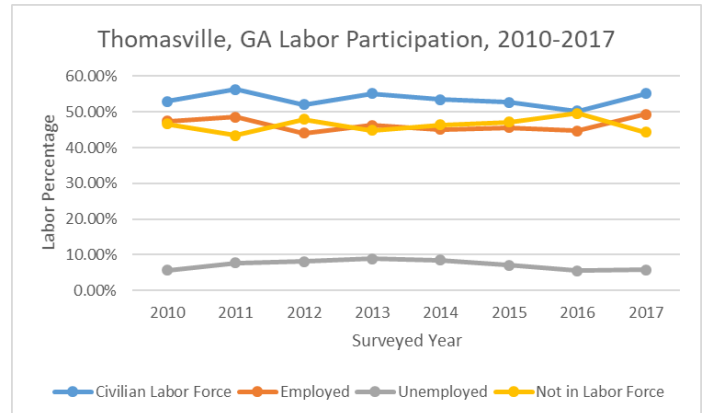
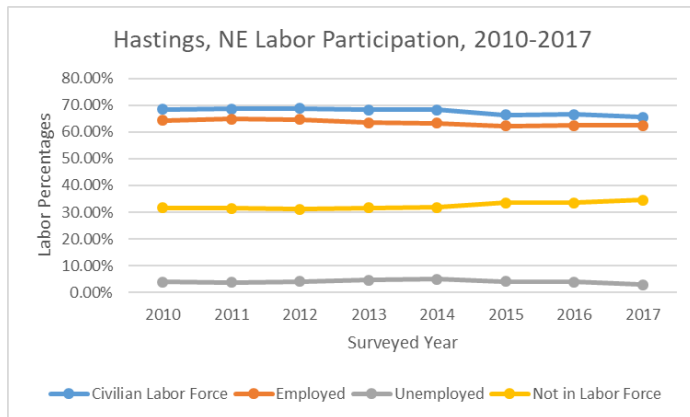




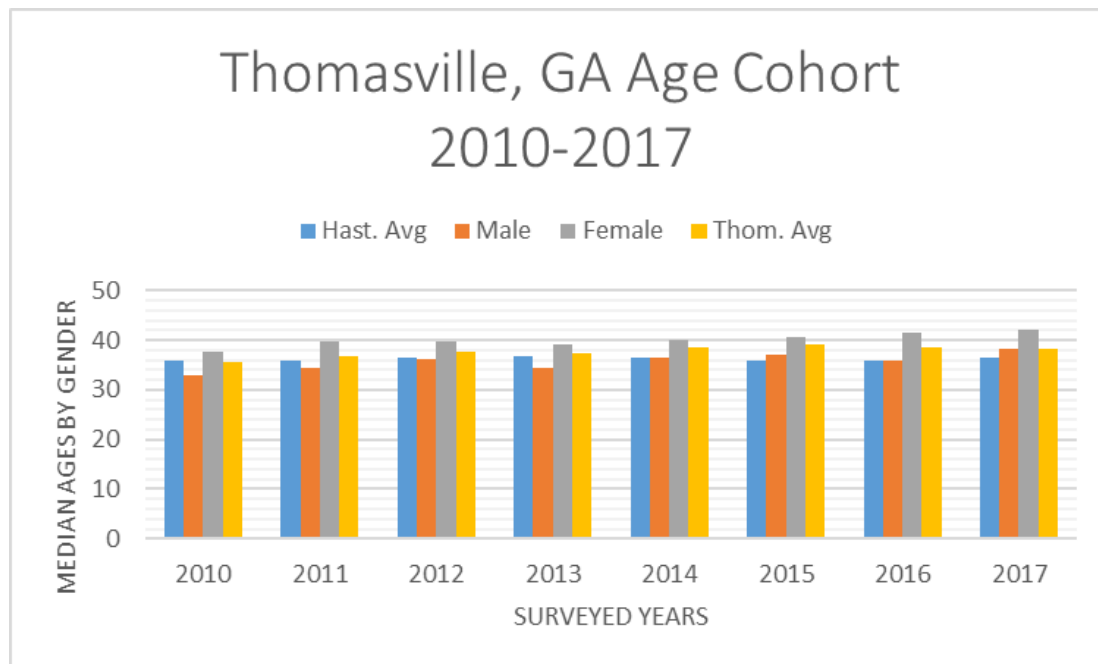
### Households by Income and Monthly Housing Costs



## Labor Participation and Unemployment



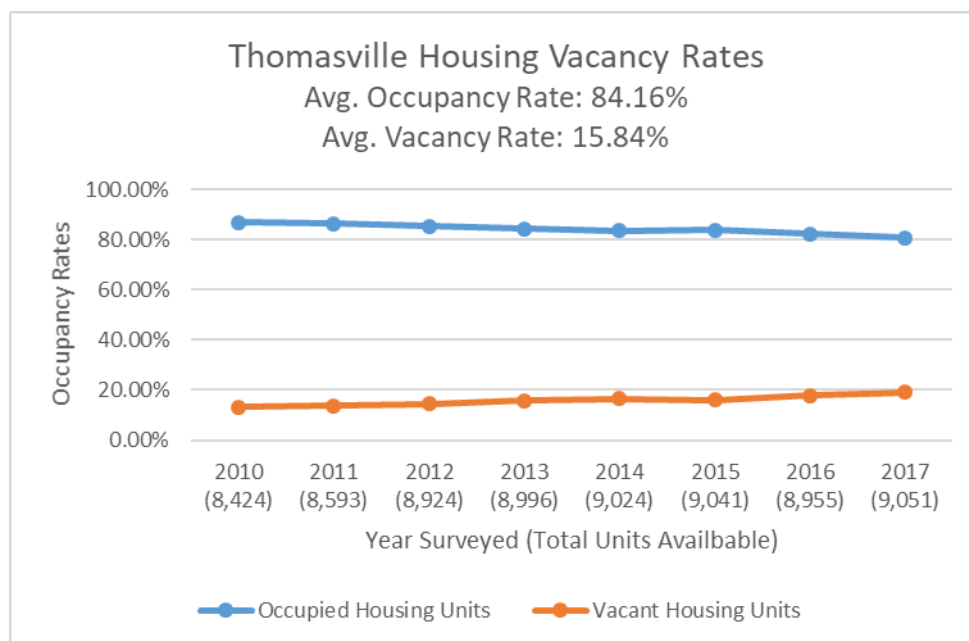
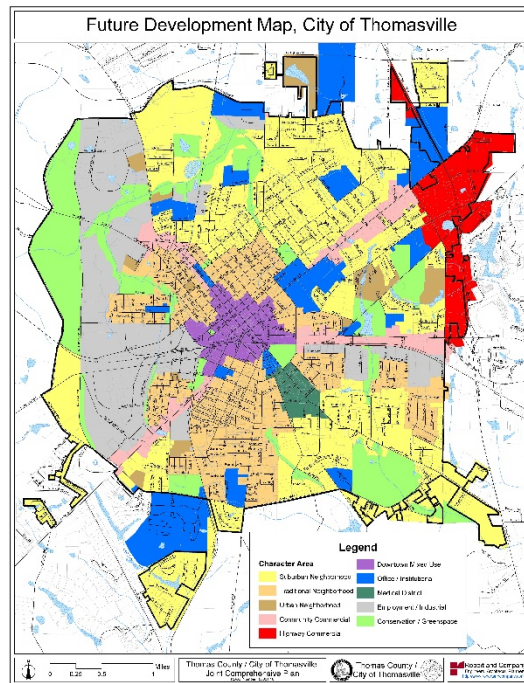
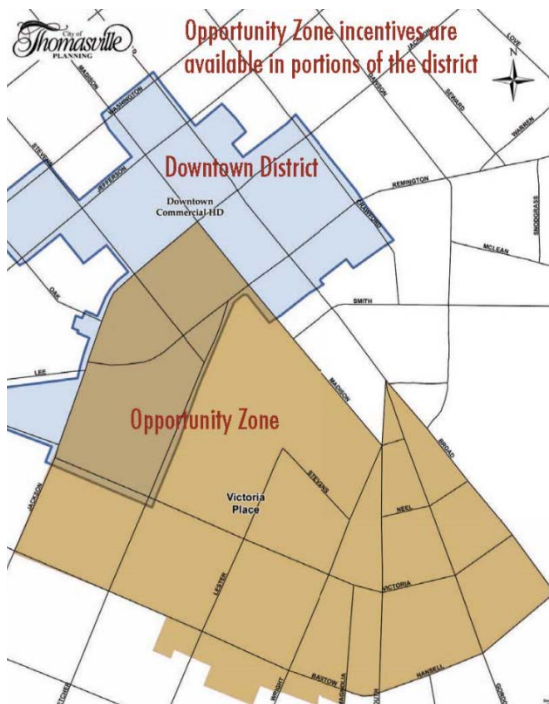
## Age Cohort Mix



## Land Development and Absorption

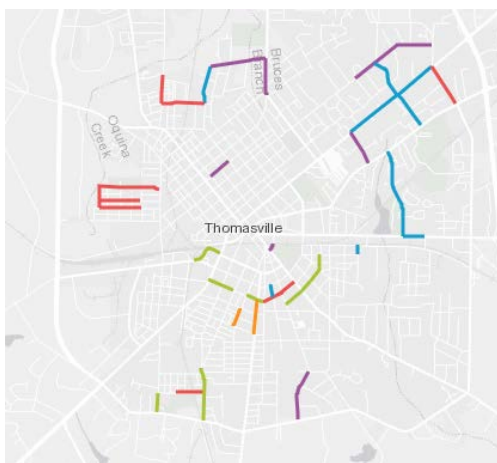
Currently, the City of Thomasville offers several grant opportunities to try to attract new businesses. These opportunities include a Façade Grant which is only used for the improvement of the property front, also there are several low-interest loans, block grants and/or tax incentives that may be provided through the state's (GA) Department of Community Affairs. There is also the availability of a Revolving Loan Program which is operated and distributed through the Georgia Cities Foundation; this loan/grant will be

awarded on the basis of leadership and responsibility and assuming that the investment in this business will encourage the development of neighboring business. Another benefit that has been made available would be a free consultation through the University of Georgia's Small Business Development Center.



It needs to take into account that there is a lack of information in regards to the occupancy/vacancy rate in terms of business developments. However, it has been shown that residential vacancy rates have been slowly creeping in an upward direction which could be related to the average monthly housing costs and average median income mentioned earlier. After analyzing the Future Developments Map, located on the previous page, the southwesternmost area of the green space the is planned for additional housing and contributes to the increased vacancies when completed.

### Parking/Transit



In the city of Thomasville, Street Paving and Traffic Safety are maintained by the City Engineering Department. Parking infrastructure is relatively similar to that of Hastings, however, with photographic evidence from an aerial view of parking stalls at an angle on the street suggest the use of two-way streets in Thomasville. According to a Parking Study (2015), Thomasville has



nearly 3,000 available parking stalls with the intention of making additions. There is a plan to increase the amount of available parking space and to improve upon, if not add, new crosswalks to their West Jackson Street. Currently, there are additional plans to expand upon their existing sidewalks and plans to either pave or repave/reconstruct streets and roads in and out of town. The above graphic also does indicate the traffic and parking densities around noontime on Fridays. Unfortunately, due to the lack of information, there is no specific data that would show how much tax revenue is collected or dispersed to fund these repairs. Also, Thomasville would appear to have several ride-share vehicles, such as Uber and Lyft, available for use. The city of Thomasville is serviced by a county bus transit called Thomas County Area Transit which charges a nominal fee to use and has fixed routes and scheduling.

### **Sociocultural Influences**

A large influence in terms of culture would be the accessibility or ability to film on location in the state of Georgia. According to the Georgia Department of Economic Development, Thomasville is a camera-ready community; this does not necessarily mean that films will not always be made at this location, it also means that there is proper infrastructure in place to accommodate a film's production in the 21<sup>st</sup> century. To accommodate, like many states, have installed fiber optic cable to increase connectivity speeds to public offices, businesses, and residents. Currently, there are two films in production in Thomasville: "Quiet in My Town" and "Tiger Rising", which is expected to have a \$1 million impact on the community. One of the films will contribute an additional \$300,000 towards lodgings and other accommodations for one month of shooting.

Thomasville also contains a small four-year liberal arts school: Thomas University, which is a part of the same intercollegiate athletics association: National Association of Intercollegiate Athletics (NAIA) as Hastings College. Thomas University has a much smaller list of undergraduate programs and their minors' programs are comparable; however, Thomas University does offer ten different graduate-level degrees

whereas Hastings College only offers one. These degree programs consist of primary education and medical assistance which is a reflection upon the city's largest employers in Thomasville and Thomas County; there is also an MBA available for Business Administration. Certificate programs include Nursing Administration/Education and Post Baccalaureate in Education. In addition, there are eight-degree programs available online, two of them being MBS/MS. Tuition costs at Thomas University would be \$630.00 per credit hour or \$7,970.00 per semester Full-time at 12 to 18 hours for an undergraduate degree. Graduate degree rates vary.

### **Policies & Politics**

Recently, Thomasville has launched their "Master Comprehensive Plan" or "Thomasville Blueprint 2028" (see Appendix B) which is a plan designed, like most, to increase/improve walkability, digital connectivity, and other utilities of the communities and to make for a more attractive city to encourage the growth of business all the while preserving any historical elements of the local identity. There are plans to increase housing options to include affordable housing and to attract new homeowners with homebuyer assistance. Apart from this initiative is to attract young & educated people to live, work, and hopefully retire. There is a list of other plans currently in place, as follows:

- Thomas County/Thomasville Comp. Plan 2005-2025
- 2014-2018, 2016 Strategic Plans
- Downtown Strategy Plan Recommendations
- Gateways Urban Redevelopment Area Plan
- West Jackson Street Corridor Plan
- West Jackson Streetscape Plan
- MacIntyre Park Vision Plan

HOW TO USE THIS PLAN

The city's comprehensive plan provides the basis for public policy in Thomasville regarding physical and economic development. *Thomasville Blueprint 2028* establishes priorities for public-sector action while at the same time providing direction for complementary private-sector decisions.

This comprehensive plan provides a flexible framework that can be updated, revised, and improved upon over time to stay relevant to the issues the city must confront, as well as the ambitions the city chooses to pursue. The comprehensive plan's goals and policies serve as a tool to evaluate new development proposals, direct capital improvements, and to guide public policy in a manner that ensures Thomasville continues to be the community that its residents want it to be.

*Thomasville Blueprint 2028* contains illustrative plans, diagrams, maps, and pictures to make concepts clear and accessible to city officials, residents, developers, community groups, and other stakeholders.

The plan is divided into three books, each with a different focus but which together can help to lead the City to a vibrant future.

Book 1: Building Place

Book 1: **Building Place** focuses on topics that relate to Thomasville's physical built environment. In addition to the **Introduction and Community Goals**, Book 1 includes Chapter on:

- **Land Use.**
- **Community Design & Historic Preservation,** and
- **Mobility,** as well as
- **Tactical Thomasville,** a compendium of smaller interventions to bring Thomasville together.

Book 2: Building Community

Book 2: **Building Community** focuses on topics that may be physical but are typically more policy in nature but help to strengthen the community and the social bonds that bring a community together. Book 2 includes chapters on:

- **Housing.**
- **Natural & Cultural Resources,**
- **Community Facilities,**
- **Economic Development,** and
- **Health.**

Book 3: Making it Happen

Book 3: **Making it Happen** includes the framework and direction for the City over the next five years as well as a look at how the ideas in this comprehensive plan were compiled and a look back on what the City has accomplished since its last comprehensive plan. Book 3 includes chapters on:

- **Community Work Program,** a list of what the City intends to accomplish or make progress on over the next five years.
- **Capital Improvements,** includes a discussion of the advantages of using a capital improvements and an example of what one may look like.
- **Process,** a recap of the process and discussions utilized to engage the community to compile the ideas and goals presented throughout this comprehensive plan.
- **Report of Accomplishments,** a status update of the Community Work Program developed as part of the previous comprehensive plan; and
- **Glossary,** a definition of terms used in the document that may be unfamiliar to some users.



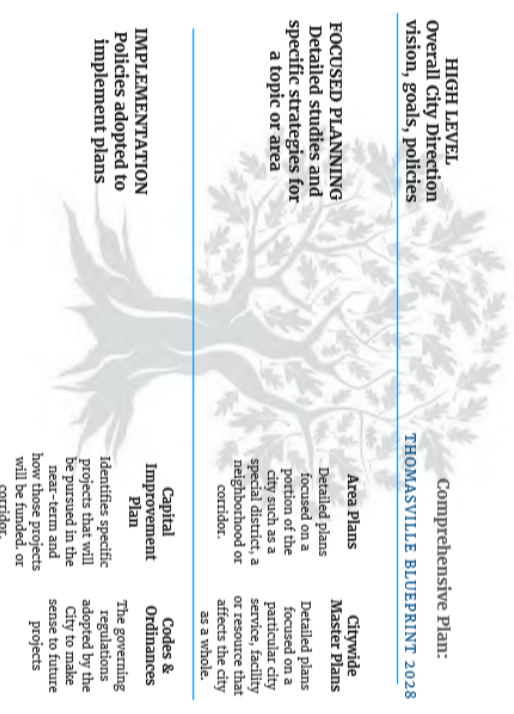
Chapters in Books 1 and 2 are divided into four sections:

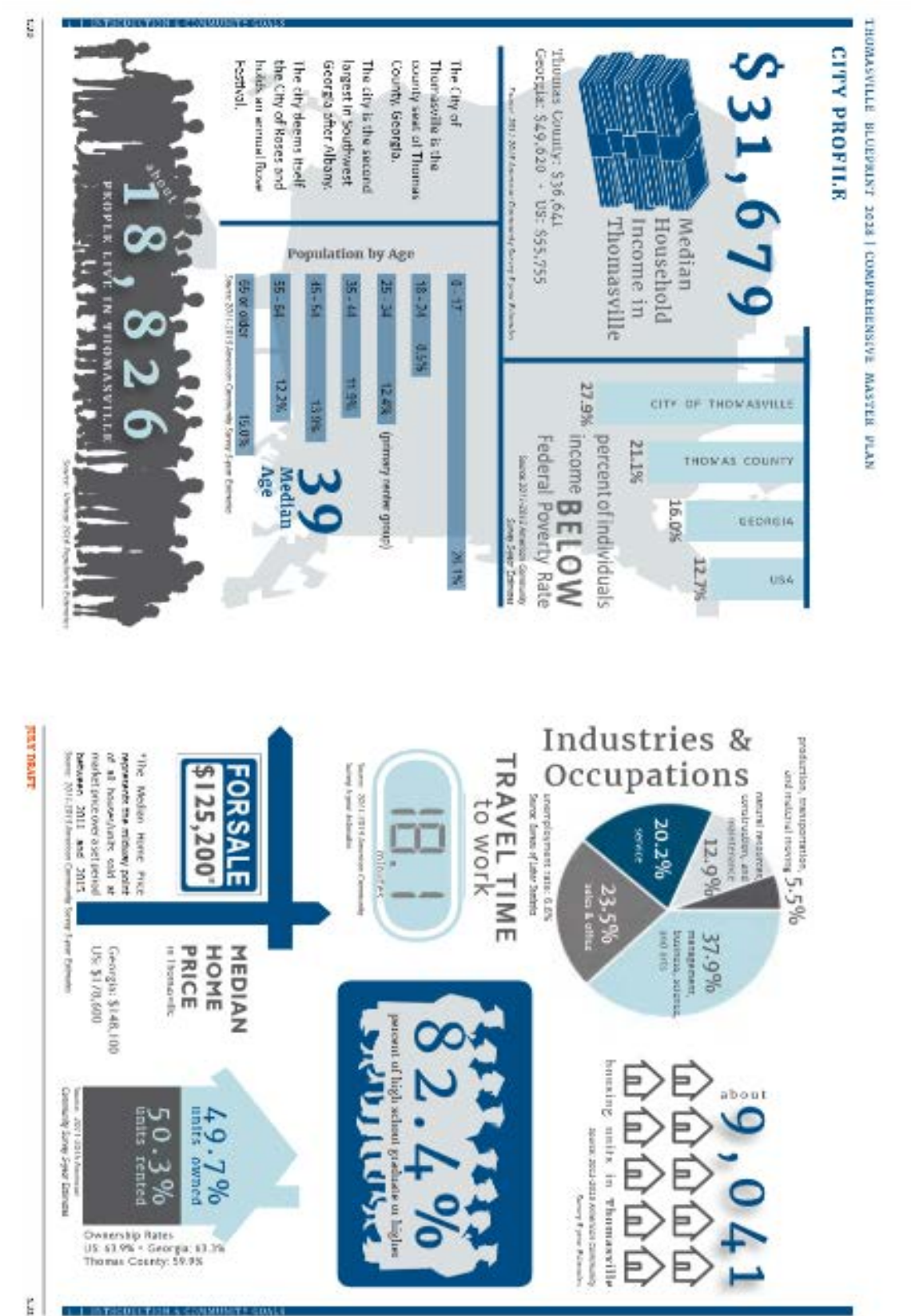
1. **Existing Conditions.** A discussion of existing conditions as it relates to the plan element.
2. **Community Concerns.** The community concerns represent consensus expressed by community members as part of the public involvement process of meetings, workshops, charrettes, online engagement, focus groups, and interviews that were conducted during the planning process. These community concerns make up the **Needs and Opportunities** for the comprehensive plan and set the direction for the Comprehensive Plan and the direction the community wants to go.
3. **Strategies for Addressing Community Concerns.** Policy discussions and recommendations with illustrative plans and renderings articulate strategies to be implemented through city actions and partnerships among local governmental agencies, private sector businesses, community organizations, and neighborhood residents.

4. **Goals and Policies.** Each goal summarizes the desired end-state for a particular subject based on the community's vision. Policies identify implementation actions and the principles that form the basis for city regulations and procedures and for desired actions by the greater community.

Relationship to Other Plans

The City of Thomasville should make periodic updates to its comprehensive plan and develop specific plans for the city that deal with a range of issues from transportation to parks and recreation. *Thomasville Blueprint 2028* has been developed in close coordination with existing plans and does not supersede those plans. *Thomasville Blueprint 2028* attempts to integrate social, economic, transportation, aesthetic, preservation, and sustainability goals from a variety of plans and integrates into one framework. More information about existing plans is reviewed in later pages.







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December 6, 2019

**TO: Hastings Planning Commission**

**FROM: Jacob Mounce, Development Services Department Intern**

**CC: Don Threewitt, Development Services Director**

**RE: Policy Overview and Recommendation for Tiny Homes**

The goal of this draft is for the purpose of determining whether or not that micro-homes or tiny- homes could potentially serve the community as a component to mixed-use/mixed density neighborhoods which could be used to meet the needs of a changing society, especially when there is a larger need for affordability and more walkable neighborhoods. Before any city can make a decision as whether or not to allow for the development of neighborhoods that are apart of mixed density parts of town or if they wish to dedicate parts of town specifically to the construction of these dwellings, would first need to create a definition that could be included into the local ordinances and/or zoning codes for proper applications. The township of Briley Michigan put forth a definition that may guide other cities with the development of like terms in the near future, defined as:

Economy Efficient Dwelling: "A dwelling that is more than 240 square feet and less than 500 square feet with a minimum side elevation of no less than 12 feet and no more than 20 feet, minimum length 20 feet and a maximum length of 30 feet built to all Michigan building and sanitary codes and qualifies for a certificate of occupancy"

Briley Township Zoning Ordinance

For the remainder of this draft, the terms commonly known as “tiny-houses” or “micro-houses” will be referred to as “Economy Efficient Dwellings” (EECs). The definition mentioned above should provide a decent template for future developments that would initially be separated from common terms such as Accessory Dwelling Units or ADU’s. With the acquisition of a new definition can give residents and developers an opportunity to create more sustainable living opportunities within the local community. In a study, it has been concluded that: “it is vital that eco-homes are embedded into places as they already exist, and are designed to ‘fit in’ with existing architecture and existing norms” (Pickerill 2017).

Next, there is the concern for zoning rules and regulations could possibly hinder any potential for these projects. These homes may become associated with the “Missing Middle” and are too small to be considered single-family units. There is the possibility that Hastings may in-fact have to begin to consider the possibility of moving from traditional zoning to form-based coding (FBCs) which has sometimes included within mixed-use. To clarify, there are several definitions for mixed-use zones. “Missing Middle” neighborhoods could fall under mixed-use residential or even mixed-use commercial. Mixed-use residential is zoning that allows for the development of housing projects that are not dedicated to single-family use but could also allow for the construction of churches and convenient stores. Mixed-use commercial is reserved for a combination of business use and residential, which could be found in a fair number of downtown areas of towns with much lower population densities than larger metropolitan areas. Form-based codes are: “zoning regulations that emphasize physical form, instead of land use, as the organizing principle that regulates development to ensure predictable built-form outcomes. Form-Based Codes are typically adopted to remove regulatory barriers inherent in conventional zoning regulations and allow, by right, compact mixed-use developments that integrate mixed-income housing



and support alternative modes of transportation” (Garde, Ajay and Kim 2017). Across the nation, planners have been looking into pursuing Form-Based Codes with the hope to counteract the effects of sprawl. It is difficult to give a definition to sprawl or urban sprawl but could be summarily explained as: “the gluttonous use of land, uninterrupted monotonous development, leapfrog discontinuous development and inefficient use of land” (Peiser 2001). In another study, it has been concluded that: “Other strength of the codes (Form-Based Codes) include flexibility; codes can be written in many different styles and still maintain the core function which is to regulate the form and details of the street. However, the codes may not be transferable to different cultures because streets can have entirely different functions in other cultures based on appropriate public behaviors” (Hansen 2014).

With the aforementioned information, there also leaves the potential creation of mixed-income neighborhoods (MINs). Several studies have shown that results vary from location to location since they do serve as a part of Form-Based Code-like zoning models and Economy Efficient Dwellings could fit into these models assuming appropriate ordinances are put into place. For example, Rockledge, Florida (see Appendix A) passed an ordinance concerning Economy Efficient Neighborhoods in that they can only be “permitted within redevelopment mixed-use district (RMU) or planned unit developments (PUD) in pocket neighborhood settings” (elainelw 2015). This does not necessarily imply that final decisions are left with this jurisdiction but could also be left the developer as what they wish to incorporate. It has been found that in cities like New York and Los Angeles: “Mixed-Income Neighborhoods are significantly less likely to be among communities most affected by foreclosures compared to lower-income and middle-low-income neighborhoods...Thus it stands to reason that living in a Mixed-Income Neighborhood provides a beneficial and protective layer in the context of the foreclosure crisis compared to living in lower-income and low-middle-income neighborhoods” (Vesselinov, Lennon and Le Goix 2018). “Although the promotion of mixed-income housing initiatives varies slightly in content, intent, and design it inevitably comes back to stylized vision of helping the poor in addition to significant reliance on market-oriented strategies to

promote their relocation into neighborhoods where they can live in proximity to moderate and middle-income households” (Fraser, Chaskin and Bazuin 2013). A policy recommendation to the United States Department of Housing and Urban Development (HUD) whether or not governments should subsidize moderate-income housing costs and the answer is yes. Suggesting: “any new policy or program or change to an existing policy or program to help moderate-income households with their housing costs must absolutely not do so at the expenses of assistance to low-, very low-, and extremely low-income households, whose housing needs are poorly met with existing policies” (Paulsen 2017). With the idea of subsidization taking hold, it could also serve as a foundation for other potential assistance such as transitional housing for one example.

The list of recommendations for the City of Hastings is not myriad however may require one or several as circumstances can eventually change. The first alternative recommendation to the City of Hastings, NE, the above information would serve as a stimulant to put this sort of thinking on a low simmer until such recommendations become more and more relevant. Necessity may dictate relevance in terms of potential residents seeking out locations with more affordable accommodations.

As the development of the city progresses, for a second alternative, it may become prudent to consider adopting these styles of housing and neighborhood designs with code specific criteria that align with Hastings's developmental needs. Namely, creating codes that would make Economy Efficient Dwellings fall under restricted or conditional use permit applications.

Lastly, Economy Efficient Dwellings as a part of, but not in all cases, as Planned Unit Developments. Namely, individuals who would own the units but would have to share several accommodations with their neighbors; such as a restroom or showers. Although, this model of use has become relatively popular in several of the largest cities in the United States due to the fact that incorporating this style of neighborhood has been used as a means of transitional housing to address homelessness or even attempt to alleviate such circumstances by offering an alternative form of living

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ORDINANCE NO. 1680 - 2015

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 7 OF THE ROCKLEDGE LAND DEVELOPMENT REGULATIONS TO ADD A SECTION 70.90 PROVIDING FOR TINY HOUSES IN POCKET NEIGHBORHOODS AS A USE WITHIN THE REDEVELOPMENT MIXED USE (RMU) AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICTS; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS,** the Rockledge Planning Commission has reviewed the necessity for an ordinance creating a Land Development Regulation allowing and controlling Tiny House construction and uses within the City of Rockledge; and

**WHEREAS,** the Rockledge Planning Commission has recommended that a Tiny Houses in Pocket Neighborhoods category be added to the City's Land Development Regulations; and

**WHEREAS,** the Rockledge City Council has determined that an addition to the Rockledge Land Development Regulations be created to provide a category allowing and regulating Tiny House uses in Pocket Neighborhoods within the City;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The Rockledge Land Development Regulations are amended by adding a new Section 70.90 as contained in Exhibit "A" attached hereto.

**SECTION 2.** The provisions of this Ordinance are severable,



and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 3.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED** at a regular meeting of the City Council of the City of Rockledge, Florida, this 23rd day of September 2015.

/s/ Thomas J. Price  
Chairman, City Council of the City of Rockledge, Florida

ATTEST:

/s/ Betsi Beatty Moist  
City Clerk

1st Reading: 09/09/15

2nd Reading: 09/23/15

**SECTION 70.90. TINY HOUSES IN POCKET NEIGHBORHOODS**

- A. A tiny house shall be defined as a principal residential dwelling that has a square footage of between 170 and 1,100. Tiny Houses are only permitted within the Redevelopment Mixed Use district (RMU) or a Planned Unit Development (PUD) in a Pocket Neighborhood setting.
1. Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.
  2. Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
  3. Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
  4. Structure width. The minimum width of a tiny house must be at least 8.5 feet, with a maximum of 20 feet.
- B. A tiny house on wheels (TROW), *for the purposes of these Guidelines*, is a structure which is intended as a full time residence or year-round rental property and meets these conditions:
1. Built on a trailer that is registered with the builder's local DMV.
  2. Towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection, cannot move (and was not designed to be moved) under its own power.

3. Is no larger than allowed by applicable state law. (The typical THOW is no more than 8'6" wide, 30' long, and 13'6" high. Larger tiny houses may require a special commercial driver license and/or special permits when being towed.)
  - a. Verify with the DMV that the THOW is within limits of the law.
  - b. Roof height is from bottom of tires to the top of the highest exterior point on the house, including any protrusions. The roof height may be taller when stationary, as long as it is collapsible for towing of the THOW. Chimney piping may need to be removed for travel and then reinstalled to meet clearance requirements for use.
  - c. Built to the standards of a Florida ASCE structural engineer's approved plans
4. Has at least 170 square feet of first floor interior living space.
5. Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).
6. The following documentation will be required to be submitted for building permit for a THOW in a pocket neighborhood:
  - a. Detailed structural plans illustrating the location of studs, joists, rafters, and engineered connectors (hurricane clips, tension ties, etc.). Plans should clearly address how the structure is secured to the trailer, and how the floors, walls, and roof are framed and sheathed. Plans should also include an illustration of a floor, wall and roof section, showing the building members, insulation, vapor barrier, moisture barrier, sheathing, siding and roofing.
  - b. Detailed diagram of the electrical plan.
  - c. Photographs of the framing, roof, insulation, rough plumbing, and rough electrical.

- d. A statement describing your construction methods along with the names and addresses of any subcontractors you may have hired.
- C. A tiny house will be permitted within a planned pocket neighborhood. A pocket neighborhood is defined as meeting the following requirements:
  - 1. A minimum of 4 tiny houses and maximum of 12 tiny houses per pocket neighborhood. Twenty-five percent (25%) of these house sites may be for THOWs.
  - 2. Centralized common area. The common open space area shall include usable public spaces such as lawn, gardens, patios, plazas or scenic viewing area. Common tables, chairs and benches are encouraged, with all houses having access to it.
    - a. Four hundred square feet of common open space is required per unit.
    - b. Fifty percent of units must have their main entry on the common open space.
    - c. All units must be within five feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.
    - d. The principal common open space must be located centrally to the project. Additional common open space can only account for twenty-five percent of the total requirement with trails and pathways connecting the total development.

Passive trails are allowed and may count towards the common open space requirement.

- e. Community buildings or clubhouses can be counted towards the common open space calculation.
  - f. Tiny Houses must surround the common open space on a minimum of two sides of the green.
  - g. Common open space shall be located outside of stormwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten percent.



3. All houses must have both front and rear porches.
  - a. Porches shall be oriented towards common open space or street and designed to provide a sense of privacy between units. Porch shall be a minimum of (80) eighty square feet and a minimum of (8') eight feet deep on the common open space side of the building. The square footage of the porch may be reduced to (60) sixty square feet (six by ten feet deep) on units less than six hundred total gross square feet.
  - b. Secondary entrances facing the parking and sidewalk are required to have a minimum five-by-five-foot porch.
4. Pocket neighborhood communities must be part of a condo or homeowners association to maintain the common areas
5. Lot Requirements.
  - a. Area. The minimum lot area per dwelling unit shall be of (1,200) Twelve Hundred square feet. Maximum lot area per dwelling unit shall be (3,000) Three thousand square feet. Maximum lot coverage 40% for structure, porches and drives 30%
  - b. Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
  - c. Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet
6. Setbacks.
  - a. Front setback: shall be twenty feet to be used for front porch and parking.
  - b. Rear or next to common area the set back shall be five feet for the construction of a rear porch.
  - c. Side Setbacks: The sum of side setbacks shall be not less than ten feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal

to the distance from the property line to the centerline of the open space.

- a. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.
7. Maintenance of open space and utilities. Before approval is granted, the applicant shall submit covenants, deeds and homeowners association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners association may be recorded simultaneously with the filing of the final plat.
8. Tiny houses on wheels (TROW) in pocket neighborhoods must comply with the following:
  - a. THOWs must be placed in a designated area in the approved site plan of the pocket neighborhood.
  - b. All THOWs must be placed adjacent to common open space area.
  - c. Must meet the tie down and skirting requirements of the Mobile Home requirements of the Land Development Regulations. The Building Official may require additional standards to ensure the porches hide any hitches.

End Exhibit "A"

## APPENDIX B

# TINY HOUSES

This provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

### User note:

**About this appendix:** Appendix Q relaxes various requirements in the body of the code as they apply to houses that are 400 square feet in area or less. Attention is specifically paid to features such as compact stairs, including stair handrails and headroom, ladders, reduced ceiling heights in lofts and guard and emergency escape and rescue opening requirements at lofts.

### SECTION AQ101 GENERAL

**AQ101.1 Scope.** This appendix shall be applicable to *tiny houses* used as single dwelling units. *Tiny houses* shall comply with this code except as otherwise stated in this appendix.

### SECTION AQ102 DEFINITIONS

**AQ102.1 General.** The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

**EGRESS ROOF ACCESS WINDOW.** A *skylight* or roof window designed and installed to satisfy the emergency escape and rescue opening requirements of Section R310.2.

**LANDING PLATFORM.** A landing provided as the top step of a *loft* stairway accessing a *loft*.

**LOFT.** A floor level located more than 30 inches (762 mm) above the main floor open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches (2032 mm) and used as a living or sleeping space.

**TINY HOUSE.** A dwelling that is 400 square feet (37 m<sup>2</sup>) or less in floor area excluding *lofts*.

### SECTION AQ103 CEILING HEIGHT

**AQ103.1 Minimum ceiling height.** *Habitable space* and hallways in *tiny houses* shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions including, but not limited to, beams, girders, ducts and lighting, shall not extend below these minimum ceiling heights.

**Exception:** Ceiling heights in *lofts* are permitted to be less than 6 feet 8 inches (2032 mm).

### SECTION AQ104 LOFTS

**AQ104.1 Minimum loft area and dimensions.** *Lofts* used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3.

**AQ104.1.1 Minimum area.** *Lofts* shall have a floor area of not less than 35 square feet (3.25 m<sup>2</sup>).

**AQ104.1.2 Minimum dimensions.** *Lofts* shall be not less than 5 feet (1524 mm) in any horizontal dimension.

**AQ104.1.3 Height effect on loft area.** Portions of a *loft* with a sloped ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

**Exception:** Under gable roofs with a minimum slope of 6 units vertical in 12 units horizontal (50-percent slope), portions of a *loft* with a sloped ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the *loft*.

**AQ104.2 Loft access.** The access to and primary egress from *lofts* shall be of any type described in Sections AQ104.2.1 through AQ104.2.4.

**AQ104.2.1 Stairways.** Stairways accessing *lofts* shall comply with this code or with Sections AQ104.2.1.1 through AQ104.2.1.5.

**AQ104.2.1.1 Width.** Stairways accessing a *loft* shall

not be less than 17 inches (432 mm) in clear width at or above the hand rail. The width below the handrail shall be not less than 20 inches (508 mm).

**AQ104.2.1.2 Headroom.** The headroom in stairways accessing a *loft* shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

**AQ104.2.1.3 Treads and risers.** Risers for stairs accessing a *loft* shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus four-thirds of the riser height.

2. The riser height shall be 15 inches (381 mm) minus three-fourths of the tread depth.

**AQ104.2.1.4 Landing platforms.** The top tread and riser of stairways accessing *lofts* shall be constructed as a *landing platform* where the *loft* ceiling height is less

## APPENDIX Q

than 6 feet 2 inches (1880 mm) where the stairway meets the *loft*. The *landing platform* shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the *loft*, and 16 to 18 inches (406 to 457 mm) in height measured from the *landing platform* to the *loft* floor.

**AQ104.2.1.5 Handrails.** Handrails shall comply with Section R311.7.8.

**AQ104.2.1.6 Stairway guards.** Guards at open sides of stairways shall comply with Section R312.1.

**AQ104.2.2 Ladders.** Ladders accessing *lofts* shall comply with Sections AQ104.2.1 and AQ104.2.2.

**AQ104.2.2.1 Size and capacity.** Ladders accessing *lofts* shall have a rung width of not less than 12 inches (305 mm), and 10-inch (254 mm) to 14-inch (356 mm) spacing between rungs. Ladders shall be capable of supporting a 200-pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8 inch (9.5 mm).

**AQ104.2.2.2 Incline.** Ladders shall be installed at 70 to 80 degrees from horizontal.

**AQ104.2.3 Alternating tread devices.** Alternating tread devices accessing *lofts* shall comply with Sections R311.7.11.1 and R311.7.11.2. The clear width at and below the handrails shall be not less than 20 inches (508 mm).

**AQ104.2.4 Ships ladders.** Ships ladders accessing *lofts* shall comply with Sections R311.7.12.1 and R311.7.12.2. The clear width at and below handrails shall be not less than 20 inches (508 mm).

**AQ104.2.5 Loft Guards.** *Loft* guards shall be located along the open side of *lofts*. *Loft* guards shall be not less than 36 inches (914 mm) in height or one-half of the clear height to the ceiling, whichever is less.

### SECTION AQ105 EMERGENCY ESCAPE AND RESCUE OPENINGS

**AQ105.1 General.** *Tiny houses* shall meet the requirements of Section R310 for emergency escape and rescue openings.

**Exception:** *Egress roof access windows* in *lofts* used as sleeping rooms shall be



deemed to meet the requirements of Section R310 where installed such that the bottom of the opening is not more than 44 inches (1118 mm) above the *loft* floor, provided the egress roof access window complies with the minimum opening area requirements of Section R310.2.1.