

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, January 21, 2020 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, January 20, 2020. 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 18, 2019
7. Special Order of Business
8. Unfinished Business
 - a. Continued Applications - None
 - b. Tabled Applications - None
 - c. Postponed Applications - None
 - d. Unfinished Applications - None
9. Public Hearings.
 - a. **2019-052.** 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.
 - b. **2019-053.** Public hearing regarding Ordinance No. 4620, a text amendment to Chapter 34 Zoning, adding "WPO Wellhead Protection Overlay" district.
 - b. Recommendation to approve Ordinance No. 4620.
 - c. **2019-054.** 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.

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- 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 4622, 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 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.

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. Hastings Universal Mobility Study Final Report

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. 1st 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 and table 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 worked through.

Don Threewitt stated the items have 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.

Chairman

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 1/21/2020
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 February 10, 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.

(1) 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.

(2) Allowed uses. See Table 200-1 in Section 34-200.

(3) Minimum lot requirements.

(a) Lot area – 5 acres (un-platted parcels may include one-half of abutting road).

(b) Lot width – 100 lineal feet.

(4) 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).

(5) Minimum dwelling size.

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

(6) Maximum Lot Coverage.

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

(7) 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-detering 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 and Other LFOs (feet)</u>
<u>Class I</u> <u>301-1000</u>	<u>ECH</u>	<u>1,320</u>
	<u>OPEN</u>	<u>1,320</u>
<u>Class II</u> <u>1001-5000</u>	<u>ECH</u>	<u>5,280</u>
	<u>OPEN</u>	<u>2,640</u>
<u>Class III</u> <u>5001-20,000</u>	<u>ECH</u>	<u>5,280</u>
	<u>OPEN</u>	<u>2,640</u>
<u>Class IV</u> <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: 1/21/2020
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 "WPO 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 "WPO Wellhead Protection Overlay" district.

Deadlines associated with action:

This case is scheduled to be heard at the February 10, 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:

Recommend approval

ORDINANCE NO. 4620

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO CREATE SECTION 34-220 “WPO – 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 WPO 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, either through an Ordinance amending Section 32-616.01 of the Official City Code or by adopting a map delineating the wellhead protection area. Prior to making such application and approval of any application of this district to any lands within the county by the City Council, a municipality, other than the City of Hastings or any 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, other than the City of Hastings, or any other public water supply system shall execute an inter-local agreement with the City of Hastings 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, or by

a map delineating the wellhead protection area, 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 any other use, shall comply with the rules and regulations of Title 126 (Rules and Regulations Pertaining to Management of Waste), Title 159 (Underground Fuel Storage Tanks), and the National Fire Protection Association Code 30, administered by the Nebraska Department of Environment and Energy or other responsible agency or department. In addition, storage of gasoline, diesel fuel, fuel oil or other similar fuels in excess of one hundred forty (140) gallons within two hundred (200) feet of any well, whether on a farm or ranch or in association with another land use and whether or not such fuels are stored on, above or below ground, shall include an impervious liner or shall include double wall construction.

(b) Fuel storage associated with any irrigation engine, including any portable fuel storage tanks shall be equipped with an impervious containment area, or double wall construction, in accordance with Chapter 57 of the International Fire Code, 2018 edition, the National Fire Protection Association Code 30, and with Title 126 (Rules and

Regulations Pertaining to the Management of Waste), administered by the Nebraska Department of Environment and Energy, in the event of a release.

(c) No new fuel storage in excess of one hundred forty (140) gallons shall be permitted within one thousand (1,000) feet of any municipal well.

(d) Bulk storage of fertilizers, herbicides, pesticides and other materials other than fuels, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, 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 (Groundwater Quality Standards and Use Classifications), Title 119 (National Pollutant Discharge Elimination System Permits), Title 126 (Rules and Regulations Pertaining to the Management of Waste), Title 128 (Nebraska Hazardous Waste Regulations), Title 159 (Rules and Regulations Pertaining to Underground Fuel Storage Tanks) and Title 198 (Rules and Regulations Pertaining to Agricultural Chemical Containment), administered by the Nebraska Department of Environment and Energy and other agencies.

(e) Any industrial or commercial process that includes more than 1,000 lbs. of materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, 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 (Groundwater Quality Standards and Use Classifications), Title 119 (National Pollutant Discharge Elimination System Permits), Title 126 (Rules and Regulations Pertaining to the Management of Waste), Title 128 (Nebraska Hazardous Waste Regulations), Title 159 (Underground Fuel Storage Tanks) and Title 198 (Rules and Regulations Pertaining to Agricultural Chemical Containment), administered by the Nebraska Department of Environment and Energy and other agencies.

(f) Prior to the development of any permitted land use, any abandoned well which has not been closed and sealed in accordance with the requirements of Title 178 Chapter 12 (Water Well Standards) and the requirements of the applicable Natural Resource District(s) guidelines shall be so closed and sealed.

(g) No septic tank, tile field or other on-site wastewater treatment system, associated with any type of land use, shall be located within one thousand (1,000) feet of any municipal well protected under this district.

(h) One septic tank and tile field or other on-site wastewater treatment system may be established on an undeveloped lot of record, as may be defined in this Code, located more than one thousand (1,000) feet from any municipal well protected under this district and existing as of the effective date of application of this district and the entirety of said lot of record lies within the land area on which this district is applied and when a public sewer is not available within 300 feet or as otherwise defined in this Code and provided such tank, tile field or other system complies with the requirements

of Title 124 (Rules and Regulations Pertaining to On-Site Wastewater Treatment) of the Nebraska Department of Environment and Energy.

(i) If a new lot is created after the effective date of application of this district and the entirety of said lot lies within the land area on which this district is applied and a public sewer is not available within 300 feet or as may otherwise be defined in this Code to serve such lot of record, one septic tank and tile field or other on-site wastewater treatment system may be established, provided such tank, tile field or other system complies with the requirements of Title 124 (Rules and Regulations Pertaining to On-Site Wastewater Treatment) of the Nebraska Department of Environment and Energy and is located more than one thousand (1,000) feet from any municipal well protected under this district. However, in no event shall more than four (4) septic tanks, tile fields or other on-site wastewater treatment systems be established or located in any quarter/quarter (40 acre) parcel of land within this overlay district.

(j) Domestic, irrigation, and any other water wells, other than municipal water wells shall be prohibited within a wellhead protection area on which this district has been applied, provided that:

- (1) Any existing irrigation well may be replaced with the same capacity well if said existing well no longer functions, or
- (2) A new irrigation well may be established on a non-irrigated parcel of land eighty (80) acres in area or larger provided such well shall not be located closer than one thousand (1,000) feet to any well protected under this district, or
- (3) If an undeveloped lot of record, as defined in f this Code, exists as of the effective date of application of this district and the entirety of said lot of record lies within the land area on which this district is applied, one (1) four (4) inch casing diameter domestic well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178 (Water Well Standards) and said well or wells are not located closer than one thousand (1,000) feet to any well protected under this district, or
- (4) If a new lot is created after the effective date of application of this district and the entirety of said lot lies within the land area on which this district is applied one (1) four (4) inch casing diameter domestic well may be established, provided such well shall not be located closer than one thousand (1,000) feet to any well protected under this district and shall be constructed in accordance with the rules and requirements of Title 178 (Water Well Standards). However, in no event shall more than four (4) four (4) inch casing diameter domestic wells be established or located in any quarter/quarter (40 acre) parcel of land within this overlay district.

(k) Any application of agricultural crop fertilizers, livestock manure, pesticides, or herbicides to the land or crops through an irrigation system (chemigation)

shall comply with the rules and requirements of Title 195 (Rules and Regulations Pertaining to Chemigation). Further, when such fertilizers and/or livestock manure is applied, the amount of such fertilizers and/or livestock manure shall be at agronomic rates. Written verification of amounts of such fertilizers and/or livestock manure shall be provided upon request to the city by the owner of any land within this district.

(l) If any land area contained within a Wellhead Protection Overlay 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 applicable Natural Resource District(s).

(m) Any land use or any particular potential pollution hazard for which a separation distance is provided in Title 179 (Rules and Regulation Pertaining to Siting, Design and Construction of Public Water Systems) of the Nebraska Department of Health and Human Services shall be located a sufficient distance from any municipal water well so that the distance from the municipal water well to the potential source of contamination described in Title 179 shall exceed the separation distances provided for in Title 179.

(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

(S E A L)

APPROVED AS TO FORM

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 1/21/2020
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 February 10, 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: 1/21/2020
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 27, 2020 regular meeting of City Council.

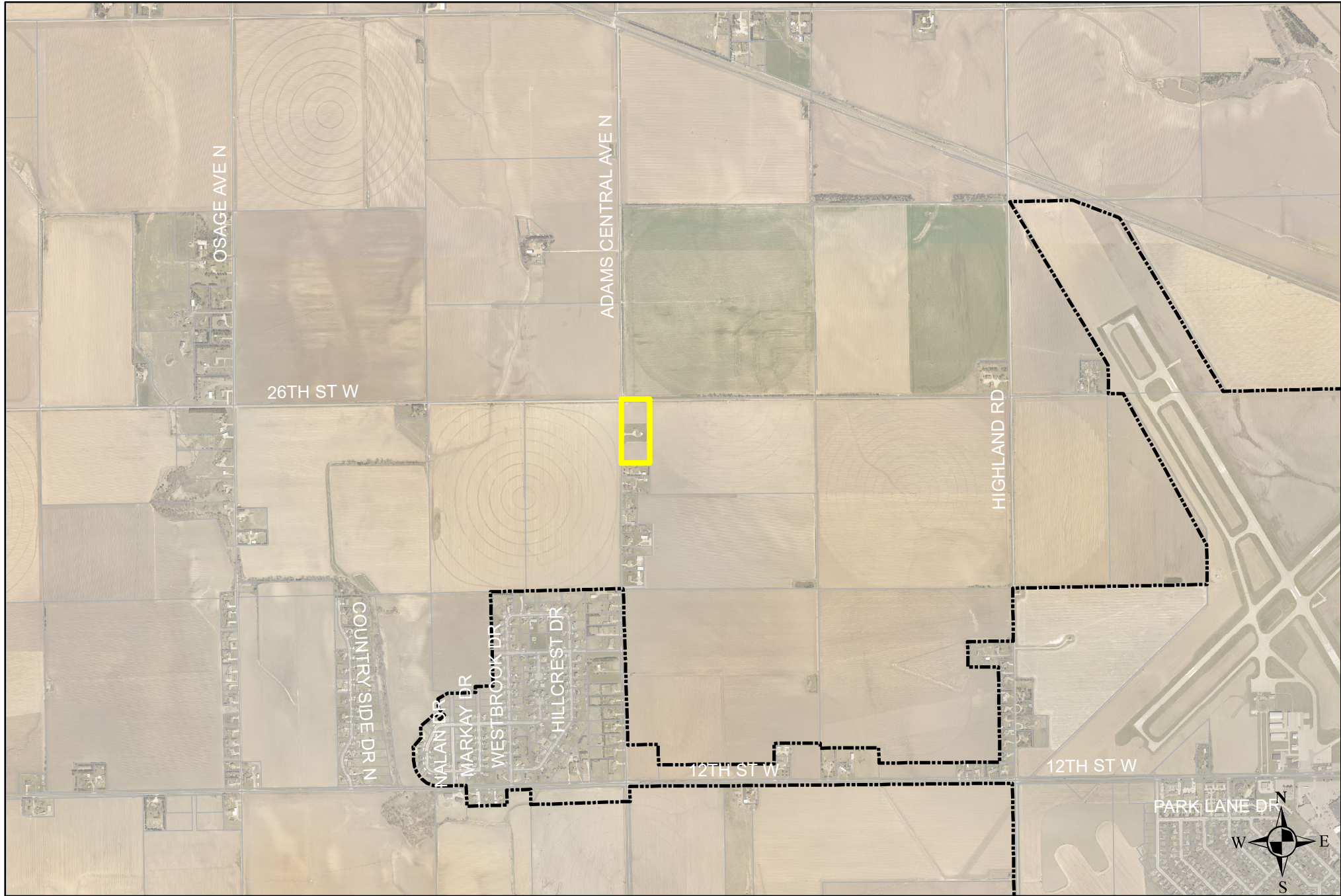
Department head comments:

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-

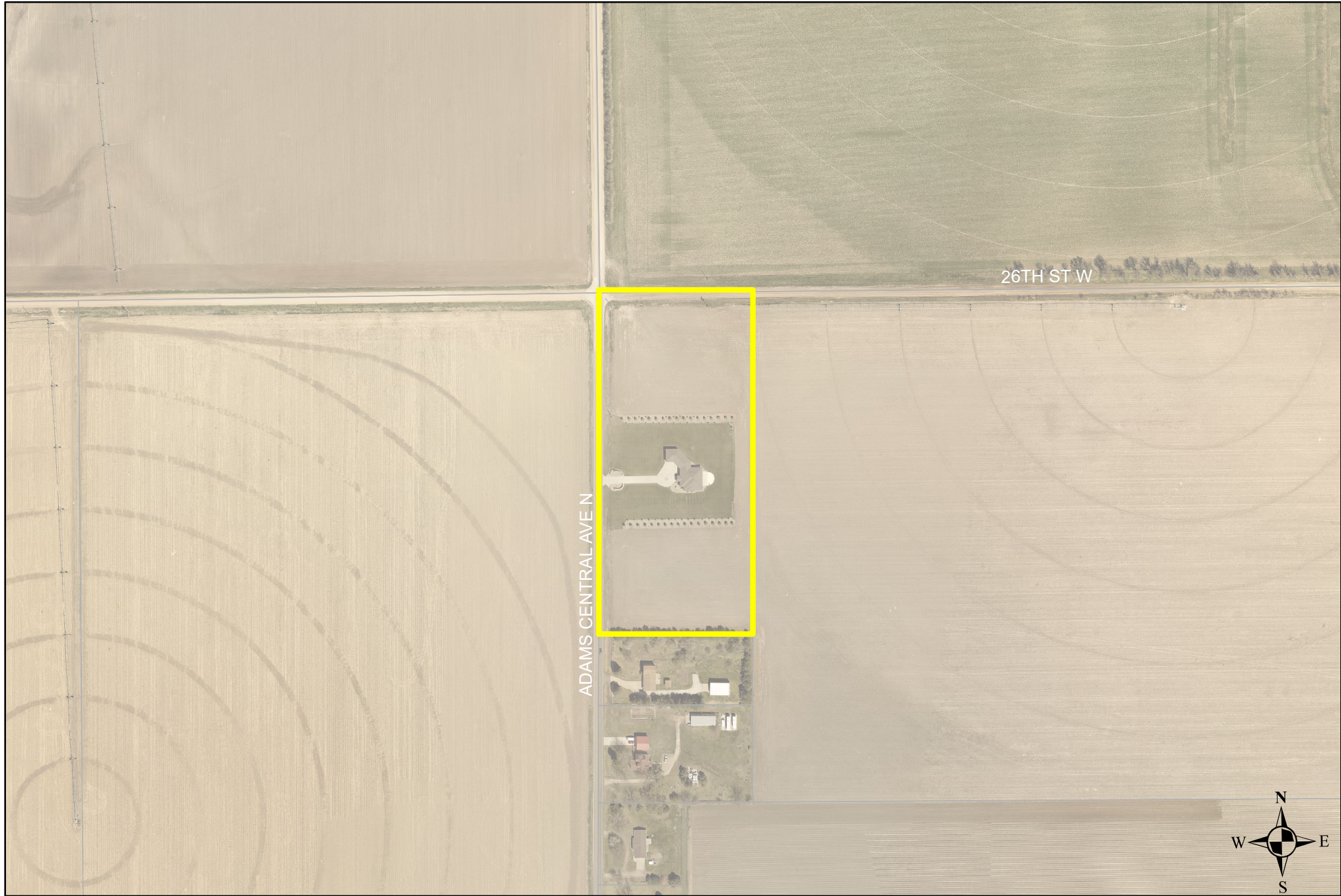
family large lot residential and R1-S Single-family suburban acreage residential. The applicants prefer R1-A as it would protect the agricultural character of the lots and provide for limited agriculture as a Restricted use.

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



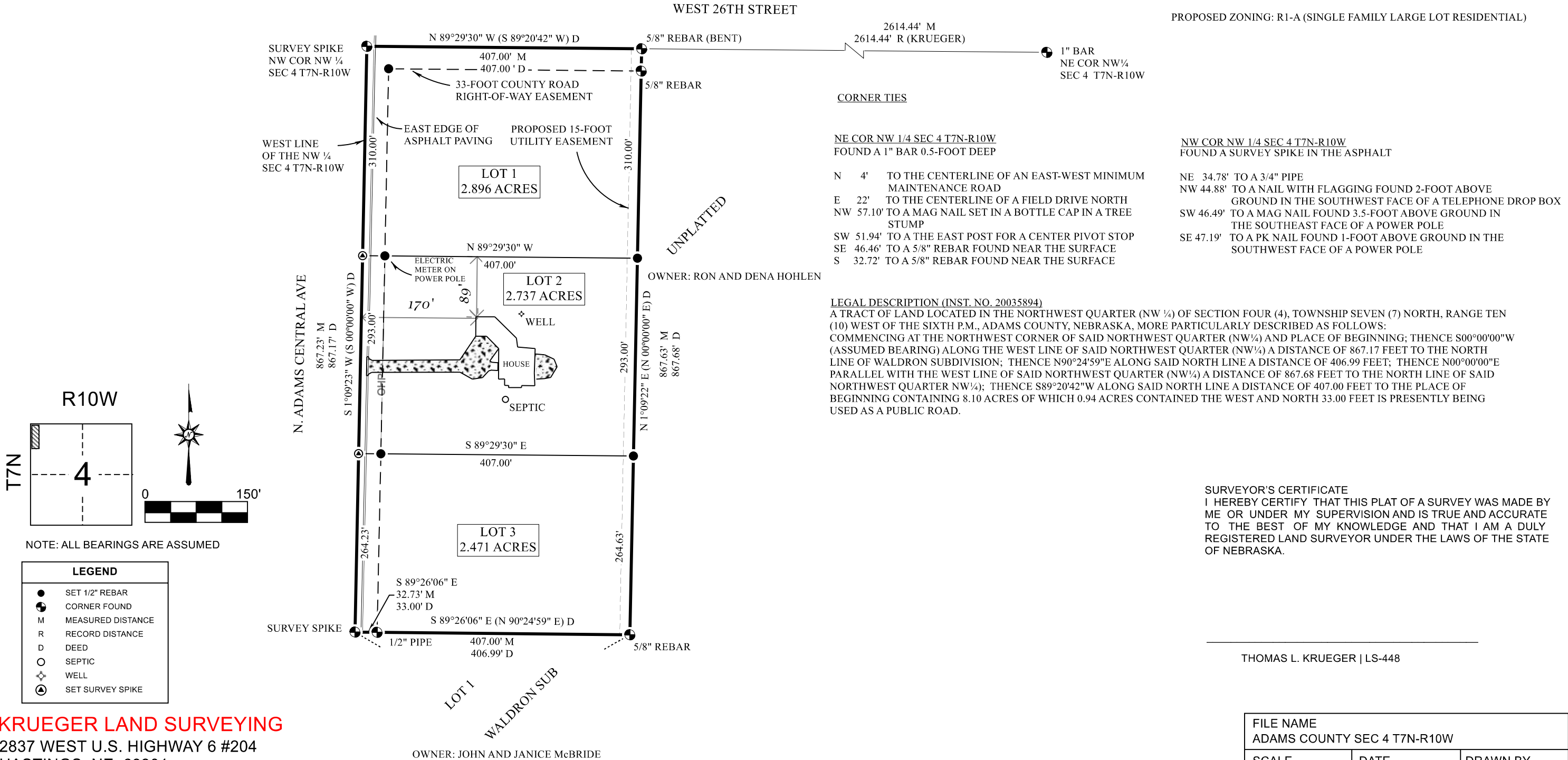
HOAGLAND SECOND SUBDIVISION

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 150 Ft/In	DATE 10-30-2019	DRAWN BY T. KRUEGER
JOB KLS-19105	FIELD WORK TK	SHEET 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 ADAMS COUNTY SEC 4 T7N-R10W		
SCALE 100 Ft/In	DATE 10-30-2019	DRAWN BY T. KRUEGER
JOB KLS-19105	FIELD WORK TK	SHEET 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 6TH 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 6th 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:

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 1/21/2020
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:

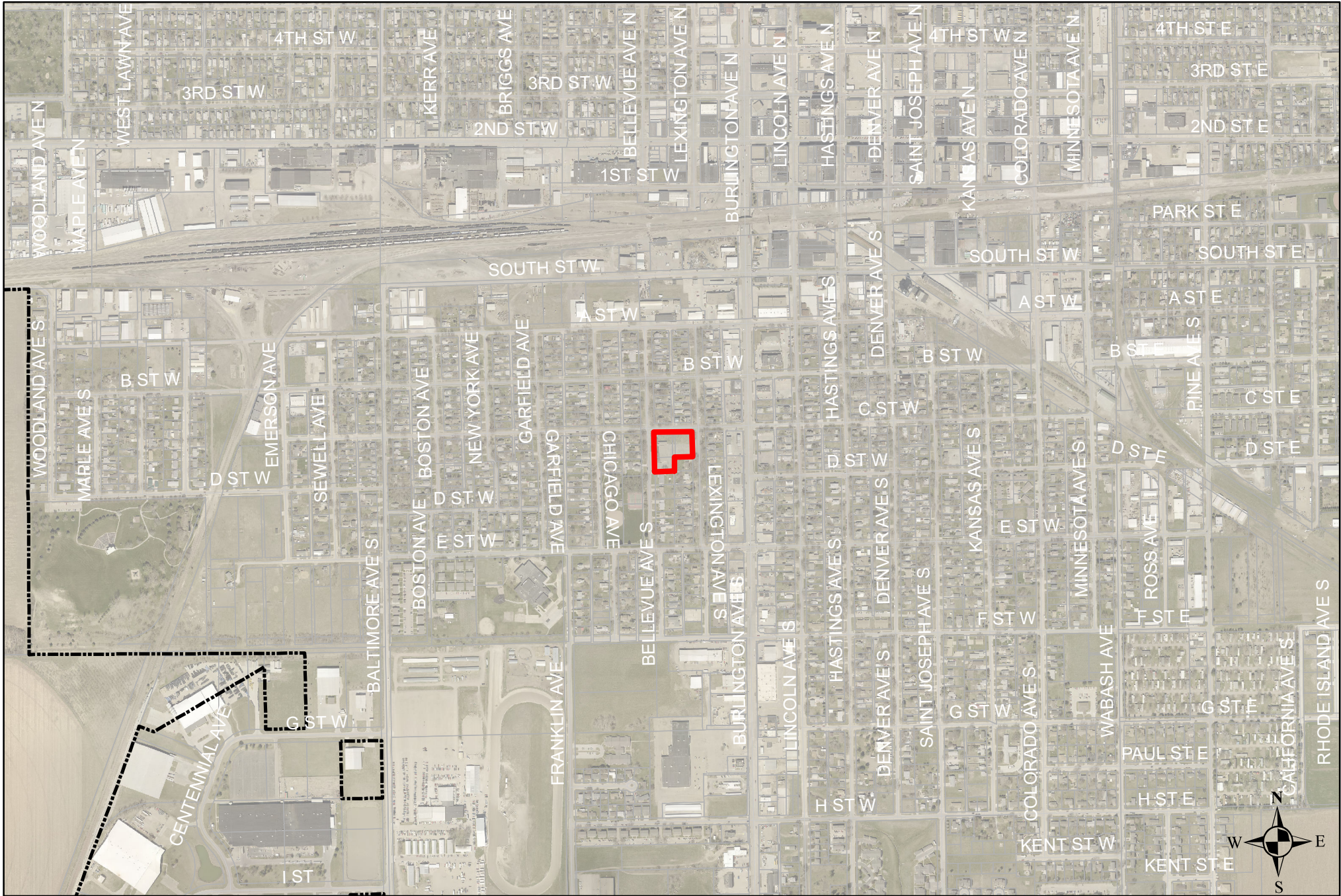
This case is scheduled to be heard at the January 27, 2020 regular city council meeting.

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.

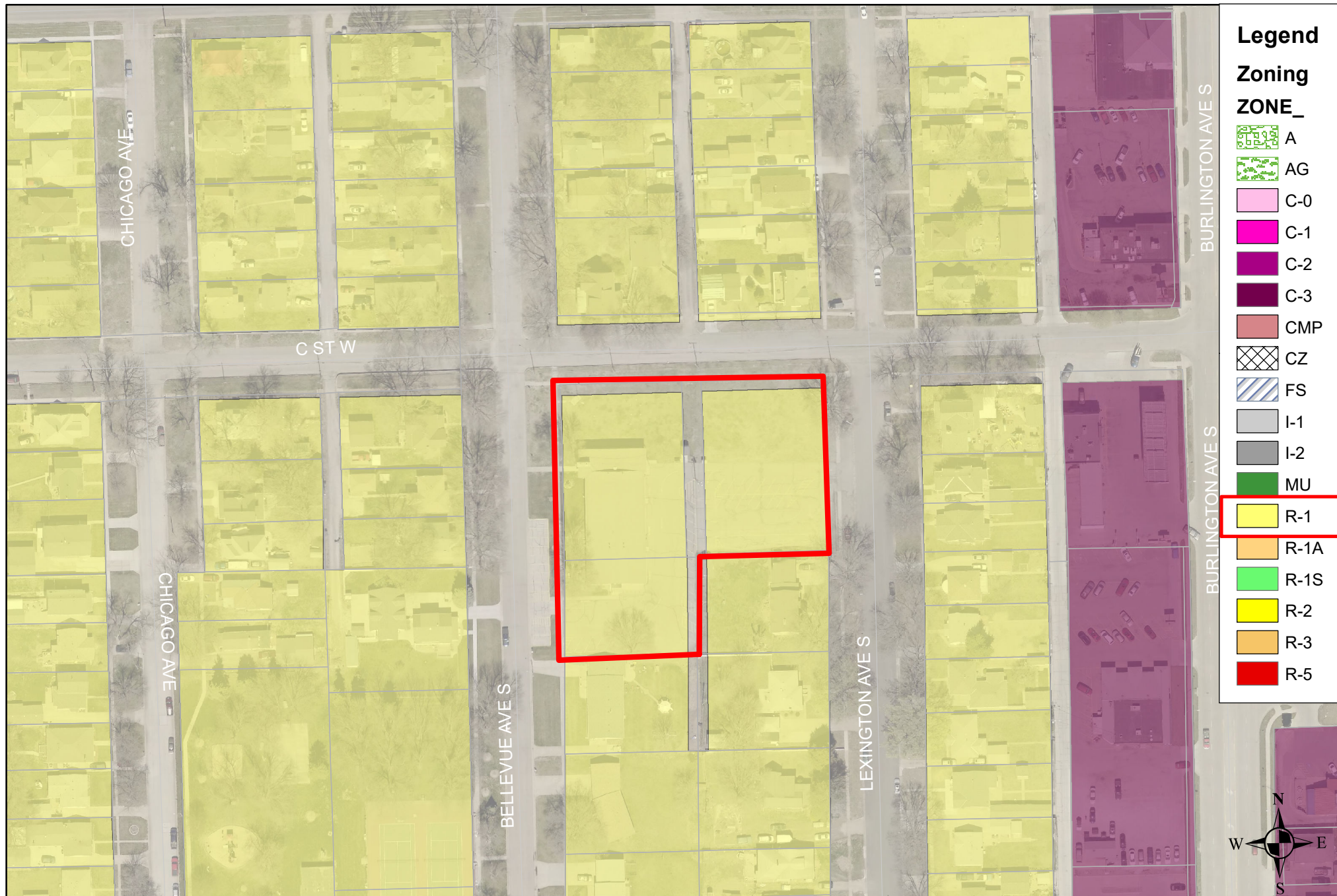
Recommendation:



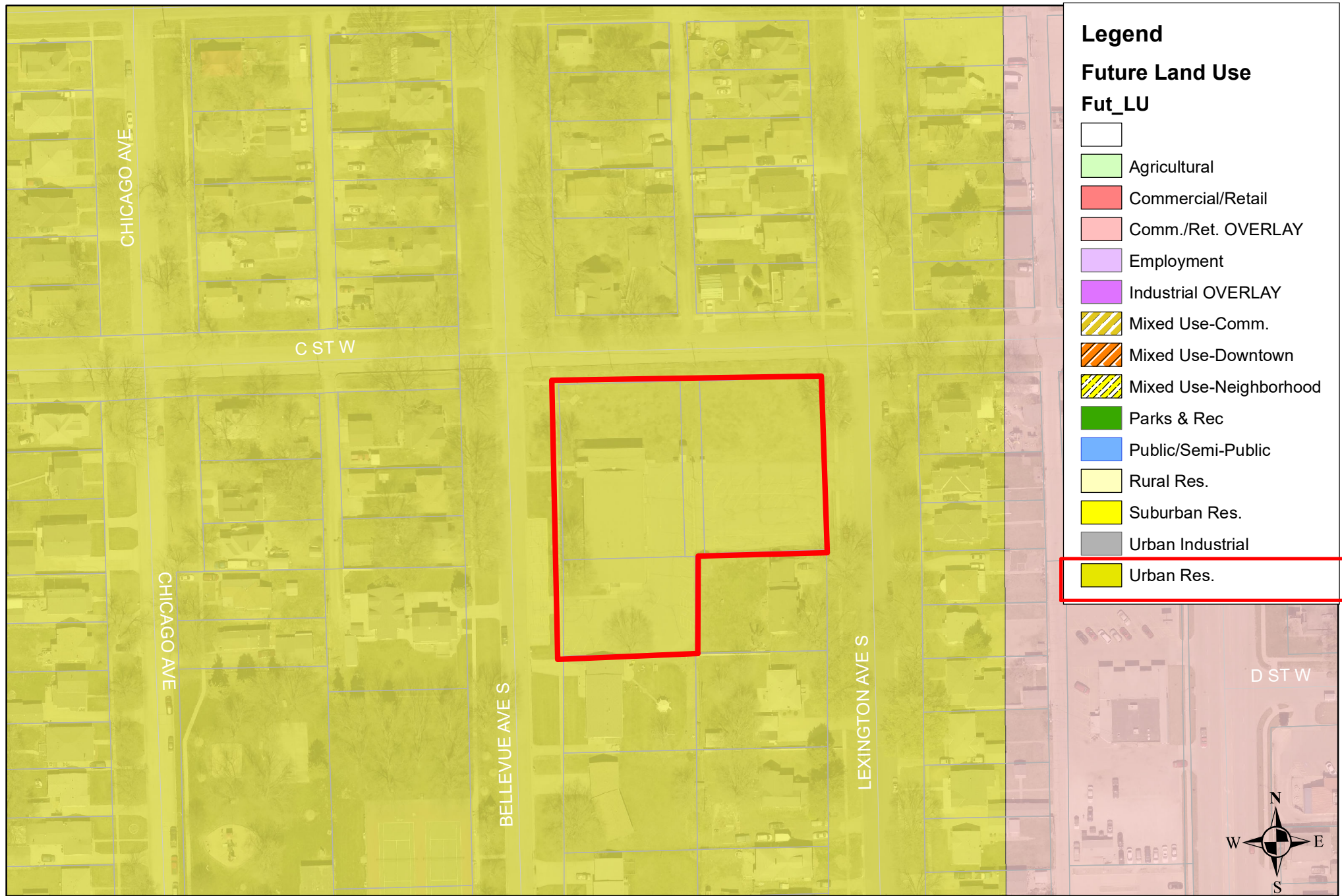
Railroad Addition Zone Change, Vicinity Map



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:

Mayor

City Clerk

(S E A L)

APPROVED TO FORM:

City Attorney

Department: Development Services
Staff Contact: Donald Threewitt
Planning Commission Meeting Date: 1/21/2020
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 27, 2020.

Department head comments:

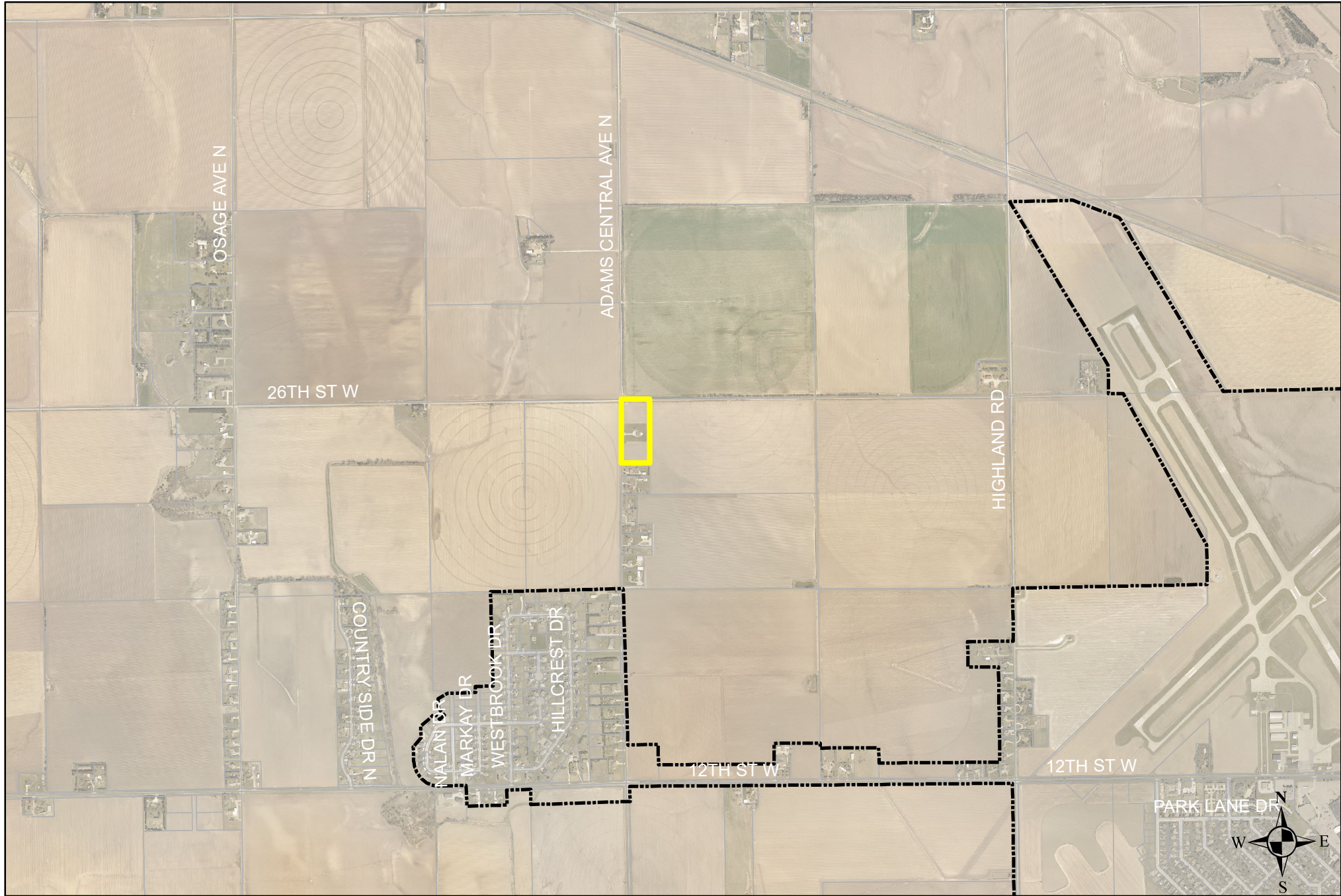
The applicant intends to subdivide three lots from the existing single lot rural residential property, presumably for resale and development. The lot is currently zoned A Agricultural, and a zone change to R1-A Single-family large lot residential is presented concurrently.

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

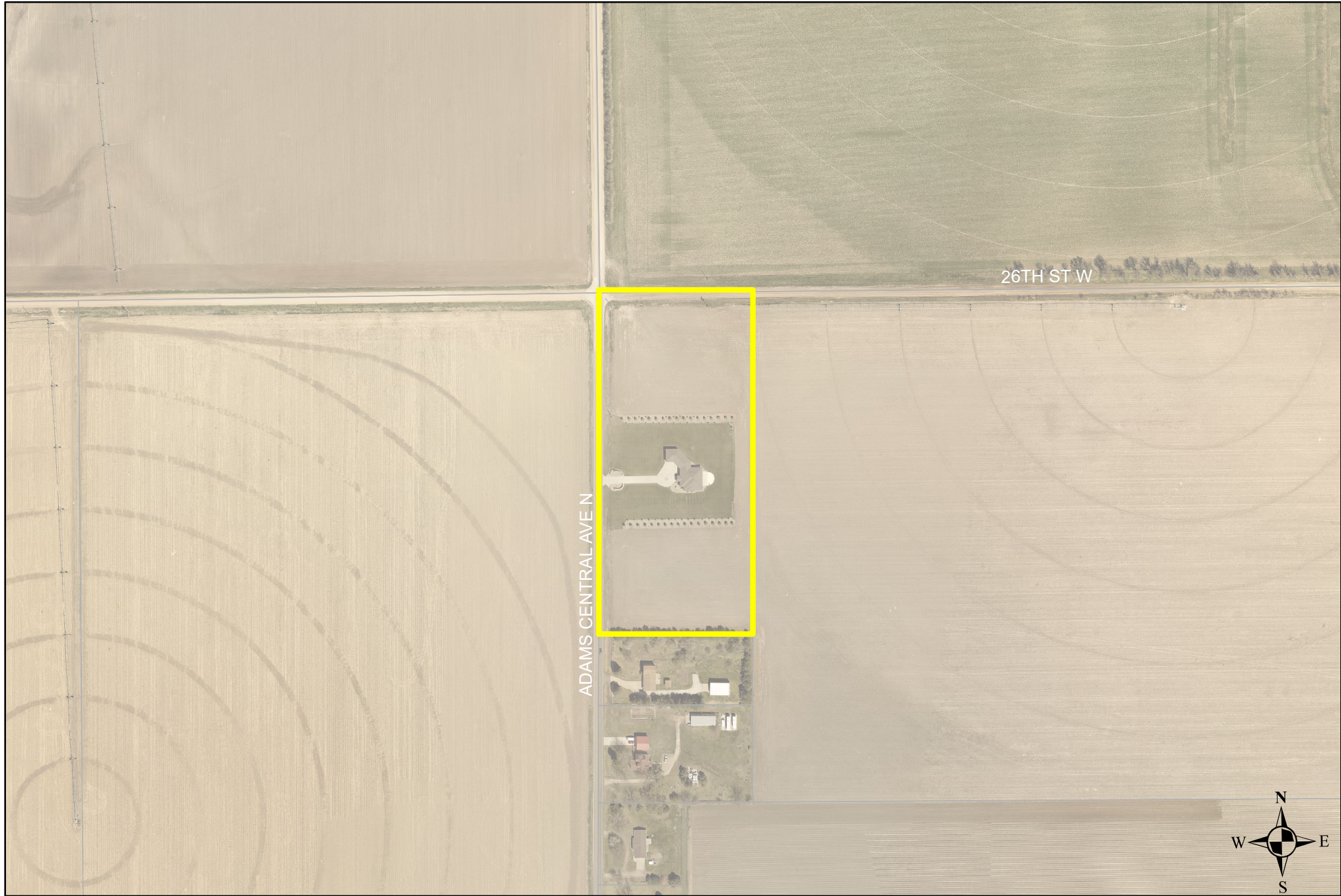
no comments. Since there is a right-of-way dedication, the case is scheduled to go before the Adams County Board of Supervisors on December 17, 2019.

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



Hoagland Second Subdivision, Future Land Use Map



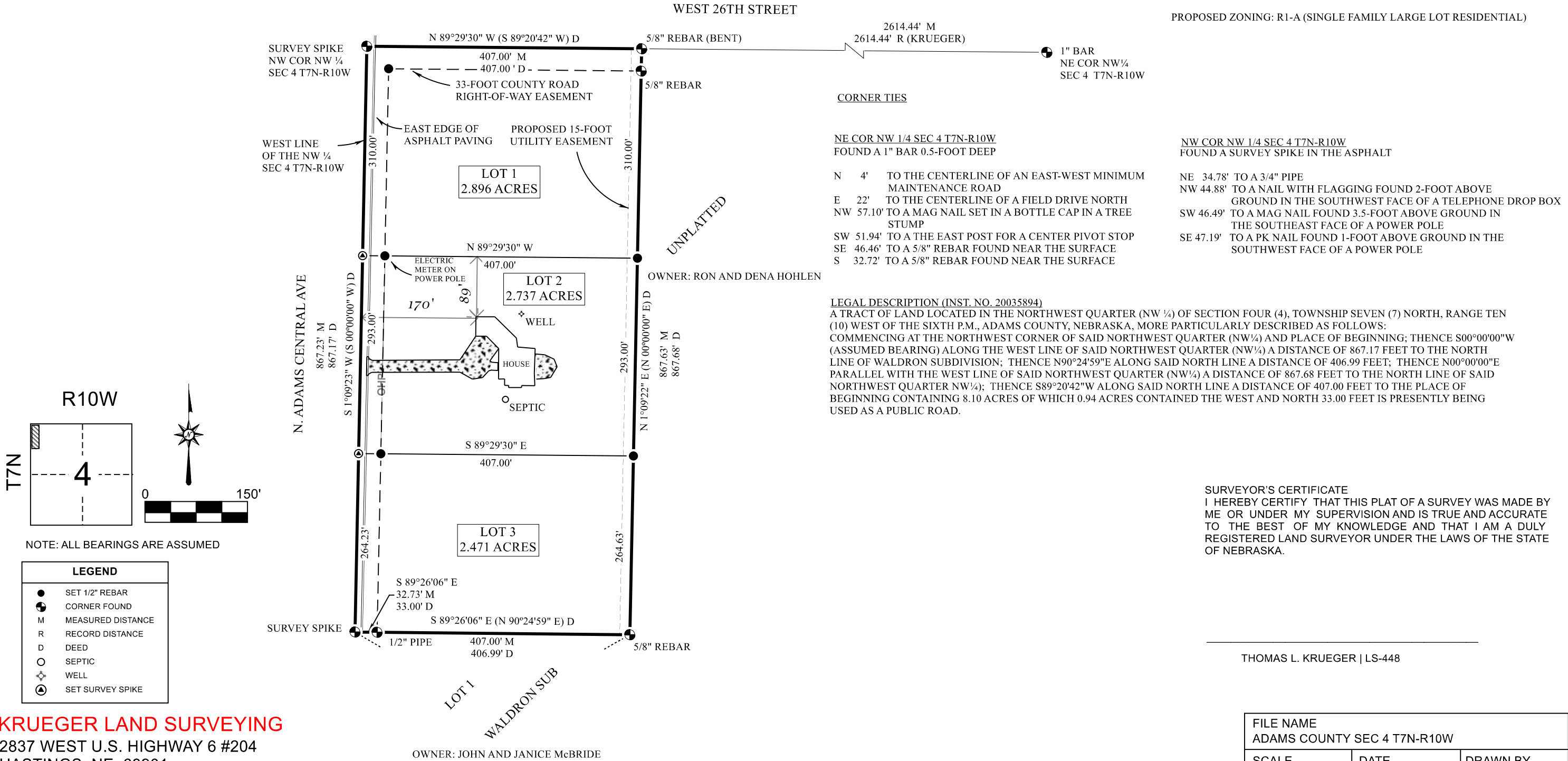
HOAGLAND SECOND SUBDIVISION

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

FILE NAME ADAMS COUNTY SEC 4 T7N-R10W		
SCALE 100 Ft/In	DATE 10-30-2019	DRAWN BY T. KRUEGER
JOB KLS-19105	FIELD WORK TK	SHEET 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 6th 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.

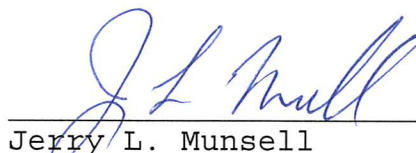
EASEMENTS/COVENANTS OR OTHER CONDITIONS RUNNING WITH THE LAND:

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 13th 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 6th P.M., Adams County, Nebraska.

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