

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, October 19, 2021 at 4:00 PM in the Hastings Public Library, 314 North Denver Avenue, Hastings, Nebraska..

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 , October 15th, 2021. 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 Conference Room B. Also, a current copy of the Nebraska Open Meetings Act is posted on the back wall of the Conference Room Bs which is accessible to members of the public.
6. Approval of Minutes
 - a. September 27th, 2021
7. Special Order of Business
8. Unfinished Business
9. Public Hearings.
 - a. **2021-07.** Public hearing to formalize and amend the area included in the Planned District Development Plan for Cimarron Meadows Subdivision, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska.

Motion to recommend approval of a resolution for an amended Planned District Development Plan for Engel Construction Company, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska.
 - b. **2021-062.** Public hearing to consider an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail.

Motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail.
 - c. **2021-033.** Public hearing to consider an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures,

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recreational and temporary recreational vehicles. Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

10. Subdivisions

11. Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
Tuesday, September 21, 2021

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Public Library, 314 N Denver Ave., Hastings, Nebraska, on September 21, 2021.

The meeting was called to order at 4:00 p.m. in Regular Session by Chairman Gaines with the following members present: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton. Absent: Rakesh Srivastava

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

Moved by Sinner, seconded by Hunt to adopt the current agenda for the Planning Commission Meeting. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Public Notice - Official Notice of the Regular Meeting was published in the Hastings Tribune on Friday, September 17th, 2021. 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 Conference Room B Also, a current copy of the Nebraska Open Meetings Act is posted on the south wall of the Conference Room B which is accessible to members of the public.

Moved by Lewis seconded by Sinner, to approve the minutes of the August 17th, 2021 Planning Commission Meeting. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Special Order of Business

a. **2020-043** Presentation of the 2022-2027 One and Six Year Street Improvement Plan.

Lee Vrooman gave an overview on the One and Six Year Street Improvement Plan. He spoken regarding Marian Street, J Street/Hwy 6 Project and South Street Project.

b. **2021-004** Approve ratification for recommendation made on August 17th, 2021 to approve the Restated Plan Modification No. 2020-5 for the Theatre District

Lisa Parnell-Rowe discussed this item.

The previous agenda had an item for the public hearing and consideration of Restated Plan Modification No. 2020-5 for the Theatre District LLC, but it neglected to include an item to ask for a motion to recommend approval of this agenda of Restated Plan Modification No. 2020-5 for the Theatre District LLC. This ratification corrects that omission. This item has not been approved by the City Council yet, but it is slated for their approval on September 27, 2021.

Moved by Hunt, seconded by Schoenhals to recommend approval to the Mayor and City council for approval of the agenda item. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Public Hearings.

- a. **2021-045.** Public hearing for a change of zoning for a carwash, generally located between 13th Street West & Hill Street, and directly west of Burlington Avenue from " R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail", and to amend the Official Zoning District Map.

Lisa Parnell-Rowe discussed this item.

Surrounding zoning is as follows:

North – C-O, Commercial Office Non-Retail District
South – C-O, Commercial Office Non-Retail District
East – R-1 Urban Single Family Residential
West – R-2, Mixed Density Neighborhood District

The Comprehensive Plan and Future Land Use (FLU) map shows this area slated for Mixed-Use – community. The existing zoning that surrounds this property is partially zoned commercial and partially zoned residential. The residential properties that are adjacent to this property are zoned to allow for higher density residential. This is not uncommon to see in the core areas of a community. As we grow, the larger lots and urban residential single-family types of homes will migrate outwards. The center or core of your community might allow for residential areas; however, it will often be more appropriately zoned for a higher density or mixed use of both residential and commercial areas. In this particular area, we have seen properties previously rezoned to C-O, *Commercial Office Non-Retail* to both the north and the south. This is appropriate zoning due to the fact that the intent of this zoning district is to provide a commercial zone that can be used, *"in areas where commercial uses might be damaging to established residential neighborhoods."* This is done because we know that there will be residential needs with high density remaining in some areas as we grow and strive to incorporate areas into our community that are mixed use and allow for both commercial and residential. Therefore, for an area that is specifically slated in the future to be utilized for mixed uses, the incorporation of a C-O, *Commercial Office Non-Retail* is considered compatible. This zoning district will be more sensitive to the adjacent residential properties to the west. Many of the commercial uses allowed in this zoning district, and particularly commercial uses with potential impacts on residential areas, require a Conditional Use Permit (CUP) and are conditional in nature. When this development was reviewed in the Table of Uses and Districts in City Code Section 34-200, the Director made certain that the selection of a zone district considered not just this particular use, but strived also to ensure that if this use did not remain in the future that the new zoning district would continue to only allow for lower impact commercial uses or require conditional permissions that would need to be vetted through Planning Commission and City Council in the future. Understand that for this same use category of *automobile repair, limited*, the commercial zoning district of C-3, *Commercial Business District* would also have been allowed for a car wash; however, it would have allowed this as a permitted use. A permitted use would not have required a CUP and there would not have been an opportunity for the neighbors to hear about the development or to place particular conditions on this development that would ensure it mitigated traffic, noise, light, glare, etc. Staff felt that this would be important not just for this development but for any

commercial ventures that could be placed here in the future if this use were to discontinue at some point. The applicant agreed to this path willingly and, though it requires extra time, he agreed it was worth it in order to ensure that the adjacent properties had an opportunity to express any concerns and to allow for those things to be worked through. Therefore, Staff feels that both the change in zoning and the CUP go hand-in-hand with this development and that this request for change in zoning from *R-3, Multiple Family Residential* to *C-O, Commercial Office Non-Retail*, is appropriate to the surrounding area, yet sensitive to the residential neighbors. It is also felt that this zoning district has provided an opportunity for conditions that will better assist this development to integrate into this area as part of the CUP process and that, in the end, this will ensure that this business will be successful and yet still be good neighbors to the residential homes that are west of this development.

Thomas Kayton, 1119 Augusta, Seward, Nebraska spoke on behalf of this item.

Moved by Kully, seconded by Sinner, to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map to rezone property generally located between 13th Street West & Hill Street, and directly west of Burlington Avenue from "R-3, Multiple Family Residential" to "C-O, Commercial Office Non-Retail". Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: Willis Hunt. Absent: Rakesh Srivastava

- b. 2021-046.** Public hearing to recommend a request for a Conditional Use Permit (CUP) for a carwash to be located at property generally located between 13th Street West & Hill Street, directly west of Burlington Avenue.

Lisa Parnell-Rowe discussed this item.

Our applicant is Mr. Thomas Kayton desires to bring a different kind of car wash to the City of Hastings, called WashTech. What is unique about WashTech is that it is based on a membership program that is simple and easy to use. This is also accomplished within a tunnel wash, which is limited in the City of Hastings. Our applicant has purchased 5 lots west of Burlington Avenue between Hill Street and 13th Street West for the placement of this car wash. The project zoning actions will start with a change in zone from *R-3, Multiple Family Residential* to *C-O, Commercial Office Non-Retail* and a Conditional Use Permit (CUP) to allow this use. The use of a car wash is not explicitly spelled out in the Table of Uses and Districts or Table 200-1. However, the Director has slated this use as a *automobile repair, limited* use which is defined as *a service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories, where the scale of the business and design of the site is such that no outside overnight storage of vehicles or equipment is required.* In the C-O zoning district, this use requires a CUP.

1. The proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development.

Surrounding land uses are:

North: *C-O, Commercial Office Non-Retail* District. Directly across Hill Street and to the north there is a single-family home, but to the north of this is Burger King and then the Hastings Senior High School.

South: C-O, *Commercial Office Non-Retail* District. Directly south of West 13th Street is DeWitt Funeral Home & Cremation Services, then south of that is New View Real Estate of Hastings. From here, as you move south to the end of this block, there are mostly residential homes.

East: R-1, *Urban Single-Family Residential* District. Burlington Avenue, consisting of 100 feet of right-of-way (ROW), is directly to the east and to the east of this ROW is Hastings Museum, several parking lots and Highland Park.

West: R-2, *Mixed Density Neighborhood* District. Most of this area consists of single family and some duplex-type homes for local residents.

This location is currently zoned R-3, *Multiple Family Residential*. This area is single family housing, but has been mostly used as rental property while up for sale by the owner. These homes were built between 1920 and 1940 and several of these existing structures are declining in condition. There are C-O, *Commercial Office Non-Retail* zoning districts directly to the north and south of this property with several already established businesses. Some of these are considered uses that would have greater impact on the surrounding area, like the funeral home and crematorium to the south. This is also not far from several fast food restaurants and sits directly across from the Museum and Highland Park, which are public areas in use. This area has heavier exposure to traffic. Though the area to be developed is currently zoned R-3, *Multiple Family Residential*, it is the intent of the developer to rezone this to C-O, *Commercial Office Non-Retail*, which is a transitional zone that is more sensitive to the adjacent well-established residential populations as we see to the west and further south of this property. One of the intents of the C-O zoning district is that it can be used “*in areas where commercial uses might be damaging to established residential neighborhoods.*” Staff feels that this project fills a pocket in between 2 already established C-O areas, revitalizes and reuses property that is declining and further works this area towards the overall vision for future use of mixed-use community land found in the Future Land Use Map and Comprehensive Plan. Staff has evaluated and worked with the applicant to mitigate all concerns (i.e., noise, light glare, traffic and visual aesthetics) that might be brought forward for a car wash near to residential properties and these will be discussed in further detail throughout this report.

2. The use does not have a permanent negative impact that is substantially greater than the impact anticipated from development permitted in the base zone district.

Pedestrian and vehicular traffic circulation and safety. The applicant has discussed this plan with engineering staff representing the streets both at the local and state level, due to the jurisdictional share of Burlington Avenue. The applicant has assessed this area carefully to ensure that it can handle the car count requirements of up to 20,000 vehicles per day and they have shown trip counts logged by the State in 2015 to support this assessment. Effort has also been taken on the part of the applicant to ensure the drive-through area shown on the site plan will adhere to waiting requirements found in Chapter 38, Table VS-1. Ingress and egress have been designed to come off of less busy Hill Street and 13th Street West to ensure that there are never backups onto Burlington Avenue. Nebraska Department of Transportation (NDOT), Wes Wahlgren and City Engineer, Lee Vrooman have reviewed and approved this site plan for the CUP. We have added one condition to ensure the applicant provides the required NDOT permit to reconstruct curbs appropriately where the existing driveways are currently located and that this is done with appropriate coordination between both public entities when we move forward into building permit.

Reasonable and economic extension of public utilities and facilities. Utilities have reviewed the project and worked with the applicant to ensure that appropriate sewer and water will be installed to accommodate the car wash. Existing water and sewer mains off of Hill Street will be utilized for tapping into the appropriate supply of those resources. To ensure that too much water usage will not back up and cause issues, the applicants are investing in a water reclaim system that will reuse 70% of the water used for the car wash. Staff appreciates the efforts to be environmentally proactive and responsible. Electrical and natural gas will be accommodated through 13th Street West lines. There is one sewer line that runs to the neighbor to the south of existing property located at 1301 N Burlington. The developer will work to establish a private easement with the neighbors and has designed the plan to avoid building over this line in case there is a need to access it. All necessary utilities will be appropriately established in easements with the final replat for this development that will follow approval of the related change in zoning and this CUP.

Civil Engineer, Tara Ogren, has also been working with the applicant to ensure the applicants' development would not hinder the city's storm water system. The applicants are installing a detention cell in the southeast corner of this development to allow for extra runoff and a full drainage plan is being prepared for submittal with the building permit. Staff has approved the detention cell as shown on this site plan and we will ensure this by placing a condition on this permit to attain final approval of a full drainage plan that will be provided with the building permit.

Noise, fumes, dust or other environmental pollution. A car wash can come with some additional noise, glare and visual concerns. All of these potential concerns have been considered by both the applicant and staff. The applicant has been agreeable to adhere to all recommendations made by Staff and has incorporated extra measures to ensure the least possible imposition is made on any neighbors that are adjacent to this development. Below is detail to explain how each of these potential concerns has been proactively mitigated in advance.

Noise: There is noise from any vacuums that might be incorporated into a car wash. To mitigate this, there have been several measures taken. First, the applicant agreed and configured this development to position all vacuums on the east side of the structure and at the farthest point possible and away from the residential properties to the west. In fact, there is likely to be more noise heard on this side from the continuous cars passing by than from the vacuums for this development. Secondly, the motor that runs the actual operations of these vacuums will be housed on the far south side of this development and enclosed with ICF blocks that will eliminate any noise that could be heard by neighbors to the west. In addition, the applicant has adjusted normal business hours, which are from 7 AM to 8 AM in other municipalities, to be from 8 AM to 7 PM, Monday through Saturday. This should better track to regular working hours where most of the neighbors will go to their own jobs or activities.

Light Glare: Adjusting the hours of this car wash also has the added benefit of eliminating 2 hours per day, which would require the car wash to be fully lit. Car wash hours will require lighting for security measures after business hours. However, the applicant has worked with staff and any pole lighting that will be placed on the west side of the structure will be required to incorporate full cutoff lighting despite the height of the poles. Our applicant has also stated that his light poles will be less than 25' high. Additionally, staff has incorporated a condition as part of this permit to ensure that all lighting and glare to the east meets the expectations of Table 305-11, and that a more detailed lighting plan will be provided with the building permit.

Visual Aesthetics: Probably one of the most important factors that the applicant has agreed to incorporate into this development has been a 6' fence that will separate the majority of the length of the development to better buffer and separate this development from the residential properties to the west. This fence will be made to blend aesthetically with the environment (see attached renderings), will be substantial in durability and is also shown in the renderings and discussed in the narrative. The applicant has also added and met all landscaping and extra buffer requirements with fence and additional trees and shrubs spaced in accordance with City Code 34-305. Sprinklers are to be installed with sod to ensure the landscaping can be easily watered and maintained to present a nice green and neatly landscaped image. The structure will be designed to provide a fresh, eye-catching modern appeal. Planning and Zoning as well as Parks and Recreation directors have reviewed and advised on the landscaping and street trees to ensure that there is good diversity and appealing trees are placed along this urban principal arterial (Burlington Avenue) which is also noted in our comprehensive plan as a character street and a primary commercial corridor.

The maintenance of logical and efficient development patterns and land use

mixtures. The development pattern of the area that lines either side of Burlington Avenue has been slowly changing from what was more of a residentially-lined area to one that is more conducive to its label in the comprehensive plan as a commercial corridor. This area was future land-use-slatted for a mixed-use community. Though the initial concept of this was for more of a large center or merchandising mall area, many things have changed this large structural vision of mixed use. Nearly 12 years later, we are diverting away from large strip malls and centers and incorporating the same base concept but in outdoor venues. Though this would be just one piece of that area, the future may continue to add to this with various mixed uses that can show compatibility being placed together. This use has been fully mitigated to fit the proposed zoning of this lot as a C-O, *Commercial Office Non-Retail area*. Staff have reviewed the details on many occasions in multiple meetings and one-on-one consultations with the applicant. We feel any concerns have been fully vetted by the applicant and that this development can fit into this area without having a negative effect on property values of residences that are located west of this property.

3. *The conditions imposed are necessary to ensure the maintenance of property values and the safety, health, comfort, and repose of the residents.* Again, Staff has worked diligently to mitigate any potential issues and feels the conditions imposed due to this use being adjacent to residential areas are appropriate for this unique development. As previously discussed, a fence and additional landscaping will be utilized to create additional buffer between the uses and to separate the residential area to the west from this development. Staff also notes the applicant's willingness to be proactive to take such measures upfront with the CUP process and to provide many additional measures that will better ensure the safety, health, comfort and repose of the adjacent properties. Adjacent property notice letters were sent out to all properties within 300 feet of this location and there has, as of the drafting of this report, been no response.

4. *That the use, subject to conditions, maintains compliance with the Comprehensive Plan and the purpose and intent of the zoning regulations.* The Comprehensive Plan, Future Land Use Map for this property shows Mixed-Use – Community, which is appropriate for both residential and commercial uses. Based on the character and nature of this area, the staff feel comfortable with the use of a car wash should the area attain a successful change of zoning to C-O, *Commercial Office Non-Retail*. Again, though the intent of the Mixed-Use – Community is

spelled out to be more of a center or plaza, Staff feels that this piece of the category has become less of a factor over time, as the trend more recently has been to incorporate outdoor malls or more of a mix of separate, yet complementary uses in an area. COVID has drastically shifted our thoughts on this as well and now the goal is to create greater distancing, open spaces and put more businesses in outdoor plazas or centers rather than one large structure or a mall. This development has incorporated the required open space, landscape and buffers and will be a good addition to the community because it will be off a main corridor and offers a new and different business plan than others here in our community with a membership option. It will also provide 20 additional jobs for our community.

Thomas Kayton, 1119 Augusta, Seward, Nebraska spoke on behalf of the item.

Moved by Kully, seconded by Sinner, to recommend approval to the Mayor and City Council for a CUP resolution for a carwash to be located at property generally located between 13th Street West & Hill Street, directly west of Burlington Avenue. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: Willis Hunt. Absent: Rakesh Srivastava

- c. 2021-043.** Public hearing for a change the zoning for a portion of land generally located at the southwest corner of E Street West and Chicago Avenue from “R-1, Urban Single Family Residential” to “R-2, Mixed-density Neighborhood” and to amend the Official Zoning District Map..

Lisa Parnell-Rowe discussed this item.

Surrounding zoning is as follows:

North – R-1 Urban Single Family Residential

South – R-2, Mixed Density Neighborhood

East – R-1 Urban Single Family Residential

West – R-1 Urban Single Family Residential

The Comprehensive Plan and Future Land Use (FLU) map shows this area slated for *Urban Residential* use. It is not uncommon to see residential areas in the more established areas or center of a community transformed to a higher density use as a community grows outwards. The Urban Residential category allows for higher density residential development, typically 4-10 units per acre with lots ranging in size from 7,000 to 10,750 SF. R-2, *Mixed Density Neighborhood* is the most compatible current residential zone to meet the Urban Residential FLU category projection. In order to meet the vision for these existing lots to allow for more than one single family home, rezoning the new lots to R-2, *Mixed Density Neighborhood* is necessary to meet the lot width requirements. Additionally, to the south and adjacent to these lots there is some existing R-2 *Mixed Density Neighborhood* zoning.

Moved by Schoenhals, seconded by Hinton to recommend approval to the Mayor and City Council for an ordinance and the amendment to the Official Zoning District Map to rezone a portion of land generally located at the southwest corner of E Street West and Chicago Avenue from “R-1, Urban Single Family Residential” to “R-2, Mixed-density Neighborhood” Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Subdivisions

- a. **2021-042.** Final Plat for Habitat Fifth Subdivision, a portion of land generally located at the southwest corner of E Street West and Chicago Avenue.

Lisa Parnell-Rowe discussed this agenda item.

This is a replat of a portion of land generally located at the southwest corner of E Street West and Chicago Avenue. In the past, prior to the demolition of an approximate 800-SF house, it was addressed as 702 S. Chicago Avenue. On April 29th, 2021, The City of Hastings posted a “For Sale” sign on the property, as well as opened a request for bids around the end of May 2021. Habitat for Humanity then acquired the property and plans to place 2 single family dwellings on this property. The lots did run length-wise in a west to east fashion, but in order to allow for a greater density of 2 homes to sit on this land, the lots are now being reconfigured to run length-wise in a north to south fashion. Reconfiguring the lots to run this way and rezoning to a higher density category will allow for a shorter lot width requirement and fit 2 homes without garages nicely.

The intent of the Final Plat is three-fold and laid out in City Code Section 38-203 (1). Below is a brief discussion of each aspect and how the Habitat Fifth Subdivision Final Plat meets this intent.

Create an accurate public record for the sale of lots: Habitat for Humanity is known for their contributions to providing homes for those in need here and all over the world. A habitat homeowner helps build their own home alongside volunteers and pays an affordable mortgage. Habitat Fifth Subdivision is necessary to reconfigure these lots to maximize the use of this land within the necessary requirement for more than one home owner. Reconfiguring the lots will make it necessary to subdivide for the appropriate sale and tax of these lots. This subdivision will consist of 2 lots and each lot will be utilized for a single-family home. Lot 1 will be approximately 6,621 SF and Lot 2 will be approximately 6,626 SF, making the total of all replanted lots approximately 13,247 SF.

Guarantee construction of all public improvements according to the standards in the subdivision regulations: City Engineering and Utilities have discussed and reviewed appropriate placement of easements (i.e., utilities) with Krueger Surveying.

Ensure buildable lots to district zoning:

The base zoning district for this subdivision is currently R-1, *Single Family Residential*; however, the applicants have a concurrent rezone request in review to rezone this from R-1 to R-2, *Mixed Density Neighborhood*. The R-2 base district also allows single family dwellings with a minimum lot area of 6,000 SF and a minimum lot width of at least 50 SF.

The Development Department and Plat Track review teams (to include County officials) have reviewed this final plat and the applicant has incorporated all recommendations found to be relevant to subdivision design standards and regulations in both City Code Section 38-202 and 38-203.

Dan McCarthy spoke for this agenda item.

Moved by Hunt, seconded by Kully to recommend approval to the Mayor and City Council of a Final Plat for Habitat Fifth Subdivision. Roll Call: Ayes: Jacque Cranson, Michelle Lewis, Willis Hunt, Greg Sinner, Marshall Gaines, Lou Kully, LaDaun Schoenhals, Ann Hinton, Nays: None. Absent: Rakesh Srivastava

Moved by Kully, seconded by Sinner, to adjourn the meeting.

Chairman

Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 10/19/2021
File No: 2021-07
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to formalize and amend the area included in the Planned District Development Plan for Cimarron Meadows Subdivision, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska.

Motion to recommend approval of a resolution for an amended Planned District Development Plan for Engel Construction Company, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the City of Hastings

Why Planning Commission action is required:

34-215 (6) (b) The Planning Commission shall advertise and hold a public hearing on the application and plan, as provided in Section 34-801(2) for any changes, amendments or appeals. The Commission shall recommend approval or denial Zoning of the plan and report. At the conclusion of the public hearing, the plan and supporting data shall be sent on to the City Council for action.

Type of action requested:

Motion

Suggested motion:

Motion to recommend approval of a resolution for an amended Planned District Development Plan for Engel Construction Company, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West, and northeast of Fisherman Lane in Adams County, Nebraska.

Deadlines associated with action:

This item is scheduled to be heard at the City Council meeting on November 8, 2021.

Department head comments:

The northeastern portion of Cimarron Meadows Subdivision has a planned district overlay. This subdivision carries a base district zoning of C-3. Together this is a zoning district we refer to as CP-3. The base district of C-3 is characterized as inclusive of those areas which are heavily exposed to automobile traffic and which have been developed with general commercial uses. This area was rezoned to CP-3 in Ordinance 4587 on April 22nd 2019. At this same time a Development Plan was proposed for this area to allow for deviations to setbacks. This amendment is being done to 1) formalize that Development Plan that was only proposed as part of a Staff report but had not been documented into a formal Resolution. 2) Remove areas that had been previously zoned as CP-3 by mistake. These areas were rezoned back to the appropriate zoning of R-1 in Ordinance No. 4666 on June 14, 2021, and in Ordinance No. 4679 on September 27th, 2021.

The Development Plan as documented by my predecessor in his staff report dated March 18, 2019, will remain the same as staff finds this necessary for the type of housing that has been proposed to the east side of Fisherman Lane and north of Outrigger Avenue on platted lots 1-5 in Cimarron Meadows 11th Addition. Though the existing housing on lots 1-5 has met setbacks, as Mr. Engel moves north and final plats the Cimarron Meadows 12th Addition Staff knows from reviewing previous draft building plans and the DRAFT Cimarron Meadows 12th Addition plat, that this same housing will likely continue to follow Fisherman Lane frontage in the remaining lots (proposed in this draft as lots 1-7) until it reached Badger Lane. The northern-most side yard setback will become as little as a zero in some places. Similar housing will also wrap around and fill into the north of this area which fronts off of 38th Street in lots that will also require as little as a zero-side yard setback requirement. As the development moves south down Outrigger Lane with more lots, this zero-side yard requirement gradually occurs again on the northern side. These lots in many cases also do not meet the minimum lot width. A copy of this building plan, though in draft form and not necessarily the final footprint, shows this requirement. Additionally, the area west of Wal-Mart also zoned for CP-3 in the future will eventually be final-platted and also carry this same smaller lot size shape that will require flexibility in lot width. There are also floodplain areas within this area that will make building more challenging.

My predecessor explained this Development Plan and the deviations in his staff report as follows:

There is a need for more flexible development standards for the immediate residential product in order to address variable side yard setbacks and smaller lot sizes. There is also a need to maintain flexibility in the northern blocks adjacent to 42nd Street for potential development to include a combination of neighborhood commercial and compact residential, or traditional mixed-use. Specific reasons for the zone change were based on the following factors:

The requirements for *R-1, Urban Single family residential* are a minimum lot area of 7,000 sf, side yard setbacks of 7' or 10%, and a minimum lot width of 70'.

As depicted on the Cimarron Meadows 11th Addition plat filing, the subject property exhibits an average lot area of 7,271 sf, side setbacks at 0' and 16' respectively, and an average lot width of 51ft where most lots are less than 50ft. Considering these criteria, the R-1 base designation is inadequate.

In the *C-3, Commercial Business Planned* district, residential uses require a minimum lot area of 6,000 sf. Side yard setbacks are the primary concession from the base district standards. In this development plan, Staff recommends the following side yard setback standards:

For residential one- and two- unit structures, side yards may vary between 0 and 16 feet on each/side, but need not exceed 25 feet combined;

For commercial structures, the side yard setback standard shall be 0 feet; however, if the building is set back from the property line it shall be a minimum of 5 feet, and if abutting a strictly residential use, the side setback shall be a minimum of 10 feet. For the purposes of side yard setbacks, mixed-use buildings should be considered commercial.

Future land use designation in Imagine Hastings is Mixed Use-Neighborhood, which supports the proposed development and the zoning in this area as CP-3. Surrounding zoning is A, Agricultural to the north, R-1 Single Family Residential to the south and west, and C-3 Commercial Business to the east.

Overall, the proposed development density and use would provide a desired transitional development pattern from the single-family uses to the west to the commercial uses to the east.

In discussing this matter further with the applicant, there appears to have been a mis-interpretation on the part of my predecessor of how much of this area should have been included in that rezone and development plan. This Development Plan is intended to correct for those errors and to formalize the development plan in an official Resolution. The Development Plan that my predecessor prepared makes sense and also provides for leniency in the floodplain that circulates throughout this area.

The areas that we have rezoned back to *R-1, Urban Single Family Residential*, were the first step to correcting the mistakes of the past. Now that the zoning has been corrected, we need to ensure the Development Plan that is used in this area is reflective of the actual area it entails and we also need to make it formal by resolution. Mr. Engels surveyor, Mr. Tom Krueger, has provided the following revised legal to show the now accurate portion of Cimarron Meadows Subdivision that would fall into the CP-3 planned district zoning and amended Development Plan. That legal follows:

The Northeast quarter of Section 36, Township 8 North, Range 10 West of the 6th P.M., in the City of Hastings, Adams County, Nebraska, being described as follows:

Commencing at the Northwest corner of said Northeast quarter of Section 36; thence S00°10'17"E (assumed bearing) on the West line of said Northeast quarter, a distance of 80.00 feet to the South line of 42nd Street, this being the point of beginning; thence continuing S00°10'17"E on said West line a distance of 550.41 feet to the Northwest corner of Lot Four (4) Cimarron Meadows 10th Addition to the City of Hastings; thence N89°12'04"E on the North line of said Lot Four (4), a distance of 150.00 feet to the Northeast corner of said Lot Four (4), thence S30°33'24"E a distance of 43.83 feet to the north line of Lakepark Lane; thence N59°26'36"E on the North line of Lakepark Lane, a distance of 200.78 feet; thence S30°33'24"E, a distance of 60.00 feet to the

Northwest corner of Lot Five (5), of said Cimarron Meadows 10th Addition; thence N59°26'36"E a distance of 106.86 feet to the beginning of a curve concave to the Southwest having a radius of 70.00 feet and a central angle of 79°03'26"; thence Southeasterly on said curve, the chord of which bears S81°01'41"E, an arc distance of 96.58 feet; thence S41°29'57"E, a distance of 453.19 feet; thence S47°56'31"E, a distance of 206.29 feet; thence S38°18'19"W, a distance of 261.00 feet to the beginning of a curve concave to the Southwest having a radius of 570.00 feet and a central angle of 51°34'20"; thence Southeasterly on said curve, the chord of which bears S25°54'31"E, an arc distance of 513.06 feet; thence S00°01'18"E, a distance of 346.70 feet to the north line of North Shore West Subdivision; thence N89°12'05"E, on said north line, a distance of 497.76 feet to the west line of Cimarron Plaza Addition; thence N00°40'43"W, on said west line, a distance of 854.59 feet to the South line of 38th Street; thence S89°12'04"W, on said south line, a distance of 171.94 feet to the west line of Cimarron Meadows Second Addition extended south; thence N00°40'45"W, on said west line, a distance of 1128.09 feet to the south line of 42nd Street; thence S89°19'16"W, on said south line, a distance of 1367.26 feet to the point of beginning.

Recommendation:

Staff recommends a motion to recommend approval of a resolution for an amended Planned District Development Plan for Engel Construction Company, including undeveloped property generally located west and southwest of Walmart, south of 42nd Street West and northeast of Fisherman Lane in Adams County, Nebraska.



Permit #: 21007

Permit Date: 04/15/21

Permit Type: Development Plan

Title: Cimarron Meadows Development Plan

Site Address: 010017305

Owner Name: Dennis Engel

Owner Address: 3405 S Valley Rd

City State Zip: Hastings, Nebraska 68901

Owner Phone: 402-461-8256

Owner Email: dennisengel66@ymail.com

Applicant Name: Dennis Engel

Applicant Address: 3405 S Valley Rd

City, State, Zip: Hastings, Nebraska 68901

Phone Number: 402-461-8256

Applicant Email: dennisengel66@ymail.com

Proposed Use:

Description: Need to put this into a Resolution to "officialize" the Development Plan that Don proposed in his staff report

Number of Cases: 1

Project Cost: 0

Square Feet: 0

**Within City
Limits:** No

Current Zoning: CP-3 Commercial Business Planned

Current Zoning Piece to west of Fischerman Lane is being put back into R-1 as it
Explained: should have remained at this zoning. (separate item for Rezone fix)

Proposed Zoning:

Conditions:

Conditions

Defined:

1st PN & Agenda
Send By (11:30): 07/07/2021

1st PN & Agenda
Due Date: 07/07/2021

1st PN & Agenda
Sent:

2nd PN & Agenda
Send By (11:30):

2nd PN & Agenda
Due Date:

2nd PN & Agenda
Sent:

Sign / Website
Posting - Post By: 07/08/2021

Sign / Website
Posting - Posted:

APO Letter -
Send By:

APO Letter -
Sent:

PC Approval -
Date Approved:

PC Outcome
Letter - Due: 07/21/2021

PC Outcome -
Completed:

CRA Approval -
Meeting Date:

CRA Approval -
Approved:
CC Packet - Goal
Load Date:
CC Packet - Due 08/03/2021
Date:
CC Packet -
Completed:
CC Out/Admin
Due Date:
CC Out/Admin -
Completed:
Stage: In Review
Status: Open
Assigned To: Lisa Parnell-Rowe

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
010017305			ENGEL CONSTRUCTION INC		

Contractors

Contractor	Primary Contact	Phone	Address	Contractor Type	License	License #
Krueger Land Surveying	Thomas L. Krueger, LS	402-984-2176	2837 West Highway 6, #204	Surveyor		

Inspections

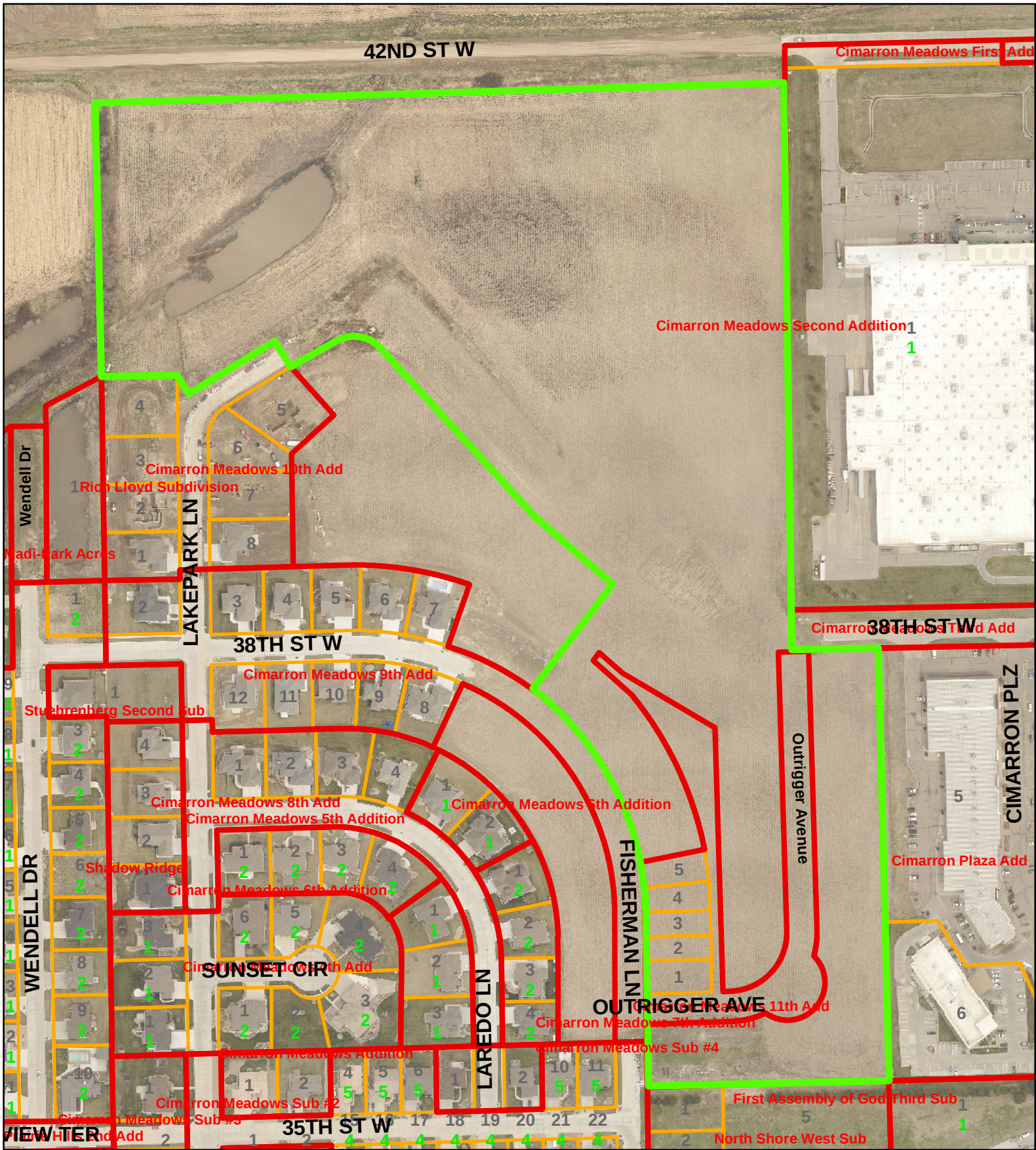
Date	Inspection Type	Description	Scheduled Date	Completed Date	Inspector	Status
04/19/2021	City Council Meeting		08/09/2021		Lisa Parnell-Rowe	Open
04/19/2021	Planning Commission Meeting		07/20/2021		Lisa Parnell-Rowe	Open

Notes

Date	Note	Created By:
06/03/2021	In reviewing the updated preliminary found another area that will need rezoned to R-1; therefore, the legal description I got from Tom for the development Plan will need revised to remove this area. Could not meet the Tribune deadline for this to go on June agenda, so this will be pushed out to July PC. Agreed to fast track then to next CC MTG	Lisa Parnell-Rowe
05/05/2021	Waiting on legal description and was not here in time for the May 18 PC PN dedline.	Lisa Parnell-Rowe
04/30/2021	Sent map to clarify area that I need a legal description for to get development plan into resolution.	Lisa Parnell-Rowe
04/19/2021	We will public notice and do a sign, but as this is to correct it back to what it was previously we will forego the APO letters.	Lisa Parnell-Rowe

Uploaded Files

Date	File Name
04/19/2021	8565979-Kick Off Letter.pdf
04/19/2021	8565978-For Record_Way ahead for Cimarron Meadows.msg



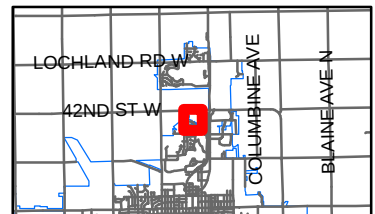
Legend

Notes

- CP-3 Development
- Subdivision
- Legal Lots

CP-3 Development Plan

A tract of land located in the Northeast Quarter of Section 36, Township 8 North, Range 10 West, Adams County.



-the need for more flexible development standards for the immediate residential product in order to address variable side yard setbacks and smaller lot sizes,

-the need to maintain flexibility in the northern blocks adjacent to 42nd Street for potential development to include a combination of neighborhood commercial and compact residential, or traditional mixed-use.

Specific reasons for the zone change are based on the following factors:

The requirements for R-1 Single family are a minimum lot area of 7,000 sf, side yard setbacks of 7' or 10%, and a minimum lot width of 70'.

As depicted on the Cimarron Meadows 11th Addition plat filing, the subject property exhibits an average lot area of 7,271 sf, side setbacks at 0' and 16' respectively, and an average lot width of 51', where most lots are less than 50'. Considering these criteria, the R-1 base designation is inadequate.

In a C-3 Commercial Business Planned district, residential uses require a minimum lot area of 6,000 square feet.

Side yard setbacks are the primary concession from the base district standards. In this development, staff recommends the following side yard setback standards:

X For residential one- and two- unit structures, side yard may vary between 0 and 16 feet on each side, but need not exceed 25 feet combined;

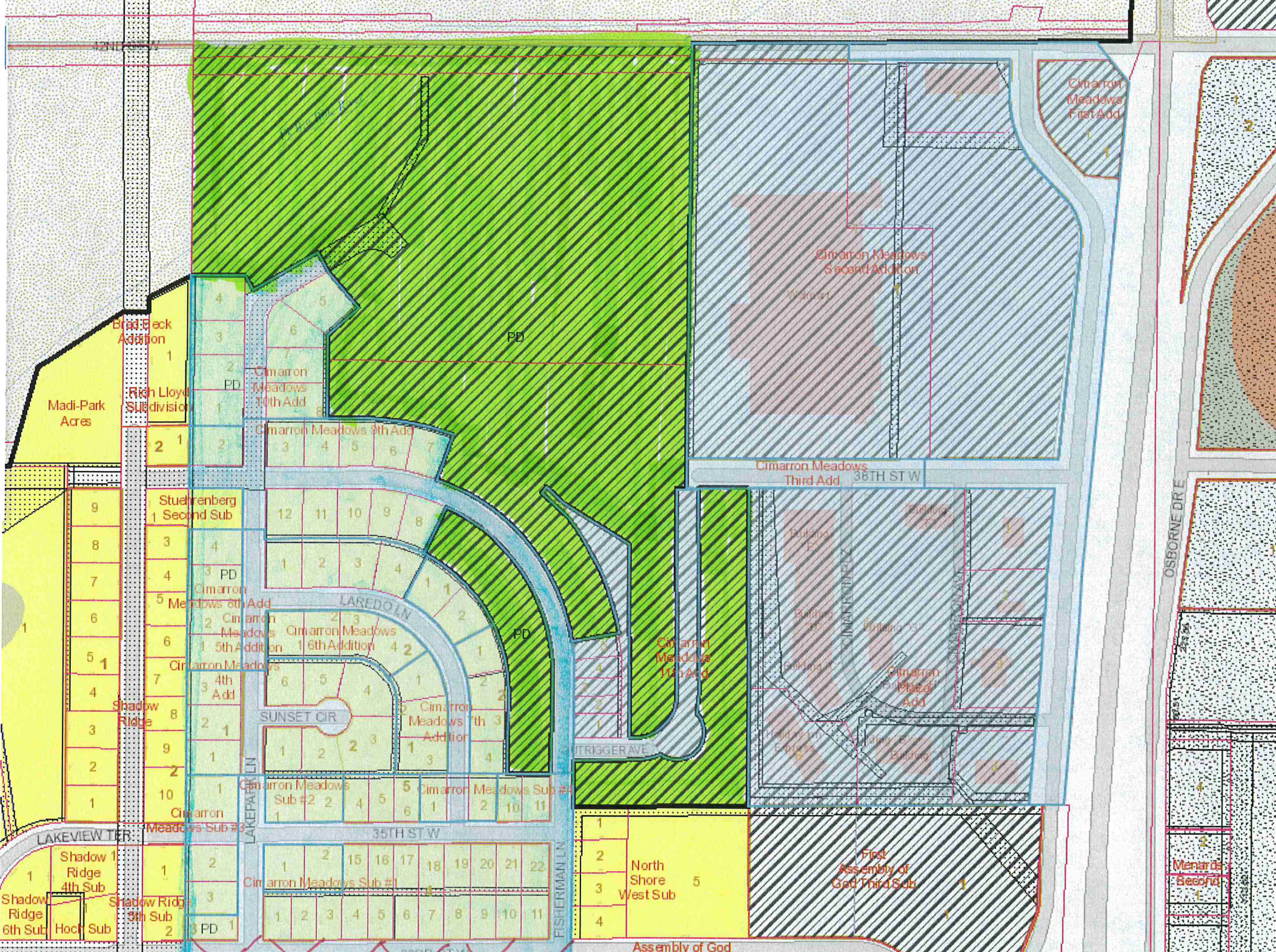
X For commercial structures, side yard shall be 0 feet, however if the building is set back from the property line it shall be a minimum of 5 feet, and if abutting a strictly residential use the side setback shall be a minimum of 10 feet. For the purposes of side yard setbacks, mixed-use buildings shall be considered commercial.

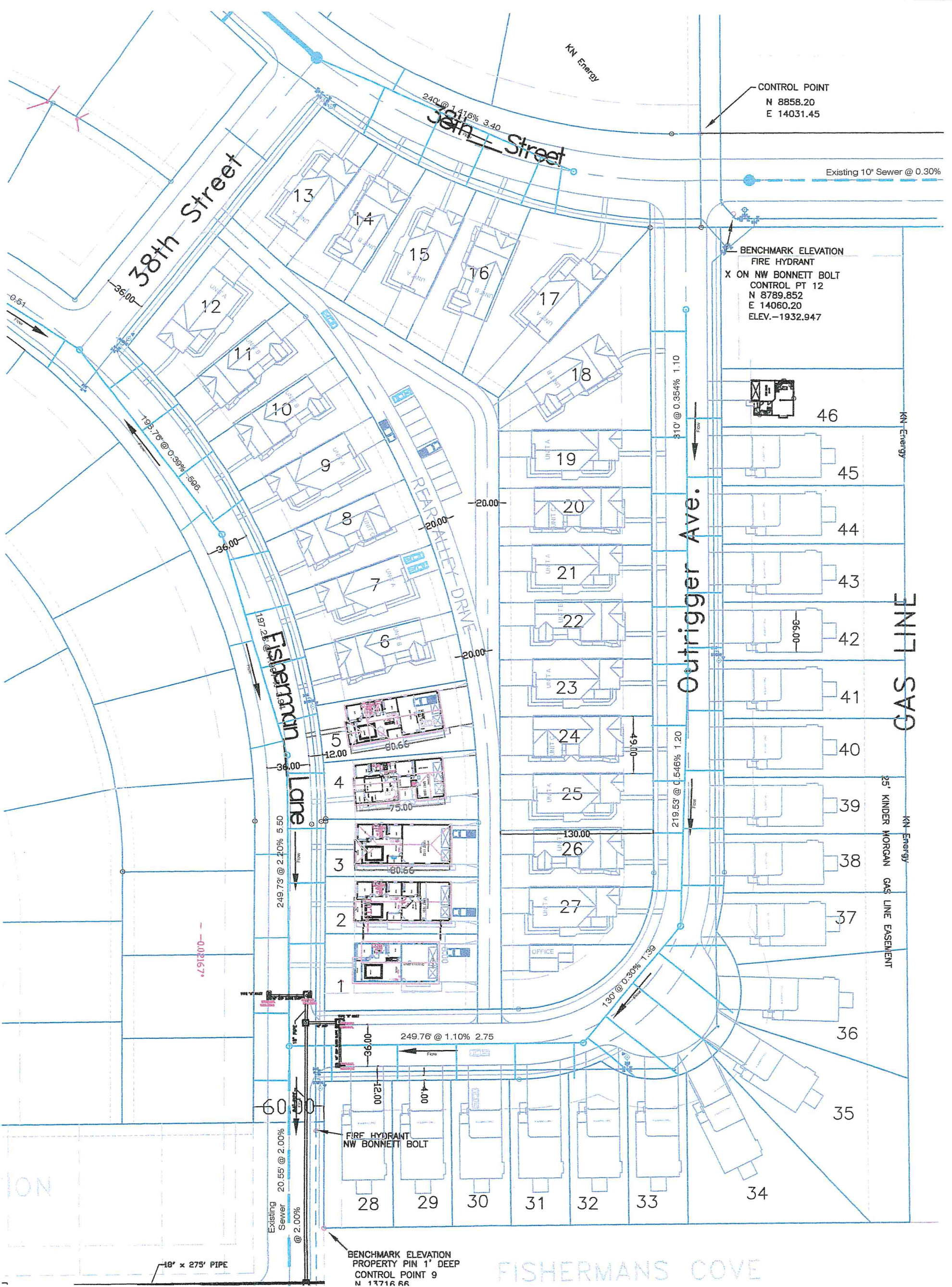
Future land use designation in Imagine Hastings is Mixed Use - Neighborhood, which supports the proposed development. Surrounding zoning is A Agricultural to the north, R-1 Single Family Residential to the south and west, and C-3 Commercial Business to the east.

Overall, the proposed development density and use would provide a desired transitional development pattern from the single-family uses to the west to the commercial uses to the east.

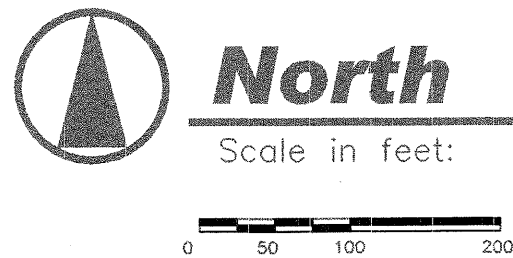
Recommendation:

Staff supports a recommendation to approve the zone change for Cimarron Meadows 11th





Proposed Lot Lines =
Proposed Building Setbacks =
Proposed Utility Easements =
Overhead Electric



CIMARRON MEADOWS

PRELIMINARY PLAT

Part of the Northeast Quarter of Section 36, Township 8 North
Range 10 West of the Sixth P.M., Adams County, Nebraska

JEO 3RD ADD SURVEY
OLSSON 2ND ADD SURVEY
ORIGINAL CITY SURVEY

Underground Electric
Gas
Sewer
Water



MAYOR AND CITY COUNCIL ACTION

THIS PRELIMINARY PLAT OF "CIMARRON MEADOWS" A PROPOSED ADDITION
TO THE CITY OF HASTINGS, NEBRASKA, HAS BEEN _____ BY
MOTION DULY PASSED ON THIS _____ DAY OF _____, 2005.

CITY CLERK

MAYOR

CITY PLANNING COMMISSION RECOMMENDATION

THIS PRELIMINARY PLAT OF "CIMARRON MEADOWS" A PROPOSED ADDITION TO
THE CITY OF HASTINGS, NEBRASKA, HAS BEEN PRESENTED TO AND REVIEWED
BY THE HASTINGS PLANNING COMMISSION AND IS HEREBY TRANSMITTED TO
THE GOVERNING BODY OF THE CITY OF HASTINGS, NEBRASKA, WITH THE
RECOMMENDATION THAT SAID PLAT BE _____

SIGNED THIS _____ DAY OF _____, 2005.

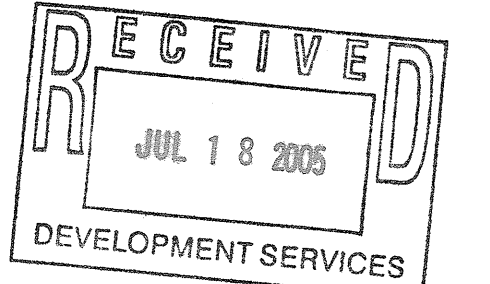
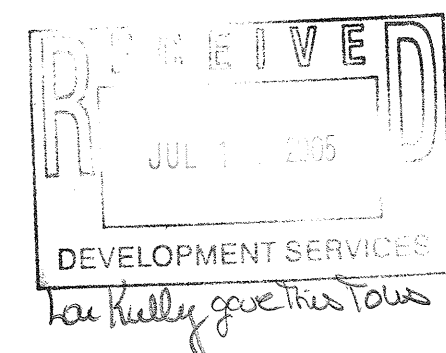
CHAIRMAN

DIRECTOR OF PLANNING

LEGAL DESCRIPTION

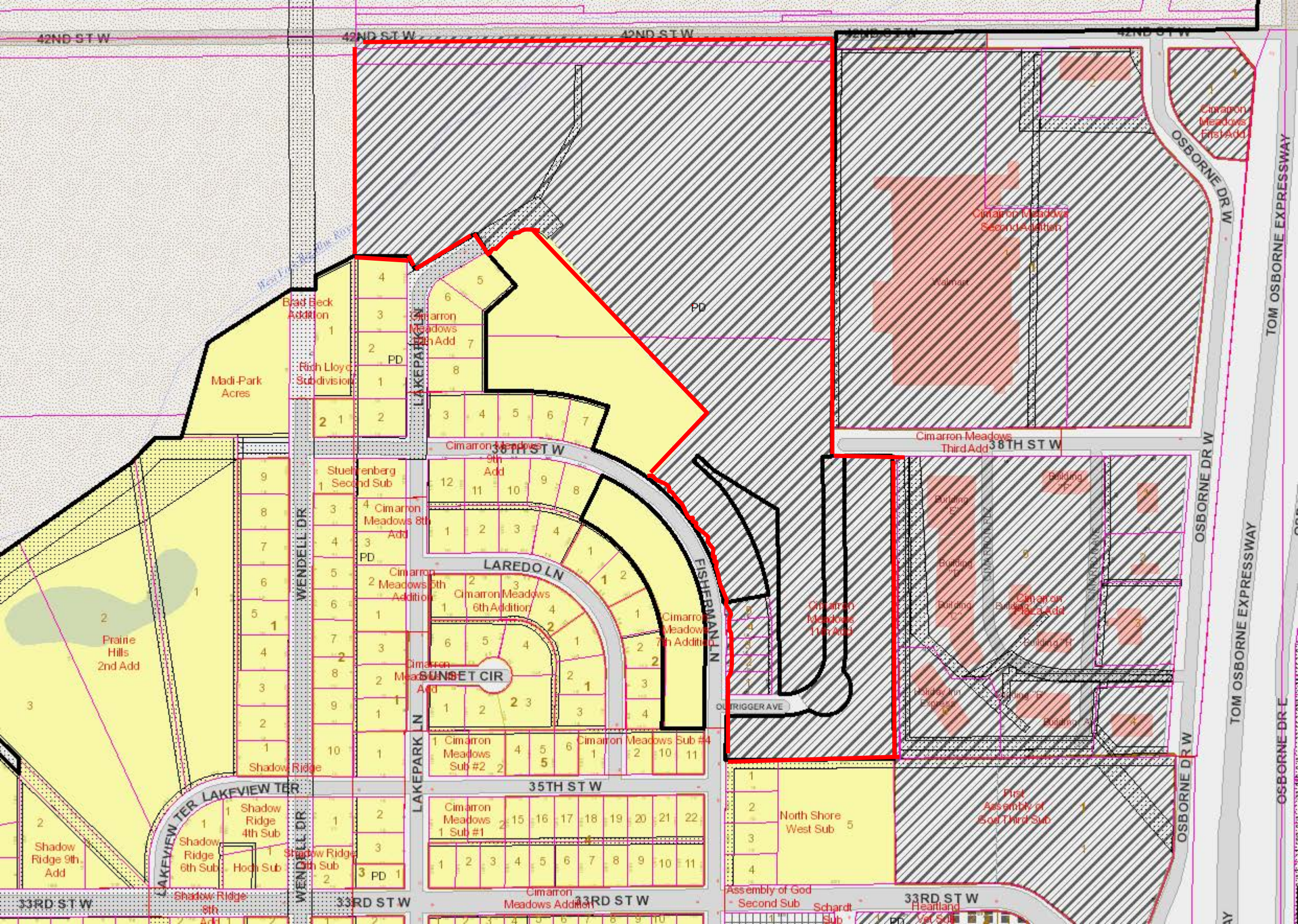
A TRACT OF LAND IN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 36, TOWNSHIP 8 NORTH, RANGE 10 WEST OF THE 6TH P.M., ADAMS COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID NE 1/4; THENCE ON AN ASSUMED BEARING OF S89°19'14"E ALONG THE NORTH LINE OF SAID NE 1/4 A DISTANCE OF 1285.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S0°40'45"E ALONG THE WESTERN LINE OF CIMARRON MEADOWS ADDITION A DISTANCE OF 1208.10 FEET TO A POINT; THENCE N89°12'02"E A DISTANCE OF 171.94 FEET TO A POINT ON THE N.W. CORNER OF CIMARRON MEADOWS THIRD ADDITION; THENCE S0°40'45"E ALONG THE WESTERN LINE OF CIMARRON MEADOWS 3RD ADDITION A DISTANCE OF 845.60 FEET TO A POINT, SAID POINT BEING THE SOUTHWEST CORNER OF CIMARRON MEADOWS 3RD ADDITION; THENCE S89°12'04"W ALONG THE NORTH LINE OF THE ASSEMBLY OF GOD 2ND SUBDIVISION A DISTANCE OF 497.76 FEET, SAID POINT BEING THE NORTHWEST CORNER OF SAID ASSEMBLY OF GOD 2ND SUBDIVISION; THENCE N00°11'18"W A DISTANCE OF 90.88 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS; THENCE S89°12'06"W ALONG THE NORTH LINE OF SAID CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS A DISTANCE OF 1059.27 FEET TO A POINT, SAID POINT BEING THE NORTHWEST CORNER OF CIMARRON MEADOWS ADDITION TO THE CITY OF HASTINGS; THENCE N0°10'17"W ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF SECTION 36 A DISTANCE OF 1974.78 FEET TO A POINT, SAID POINT BEING THE NW CORNER OF SAID NORTHEAST QUARTER OF SECTION 36; THENCE N89°19'15"E A DISTANCE OF 1366.55 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 66.35 ACRES MORE OR LESS.

LOT CONFIGURATION
73 - R1 LOTS
8 - R3 LOTS
10 - C3 LOTS



ENGEL CONSTRUCTION CO.
Design Homes of Distinction Construction

3405 SOUTH VALLEY ROAD HASTINGS, NE. 68901
DENNIS ENGEL BEN ENGEL
PHONE: (402) 461-8256 PHONE: (402) 984-5961



Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 10/19/2021
File No: 2021-062
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail.

Motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail.

Names of People/Business affected by this action:

Property owners, neighbors, and citizens of the City of Hastings.

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 an 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:

Motion

Suggested motion:

Motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail.

Deadlines associated with action:

City Council will review this recommended motion at the Regular city Council Meeting to be held on November 8th, 2021.

Department head comments:

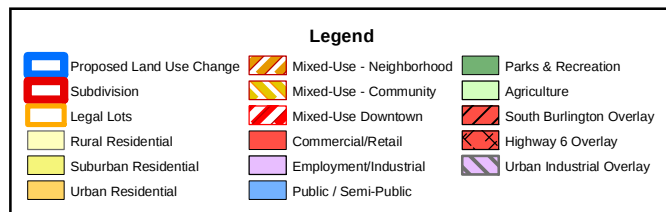
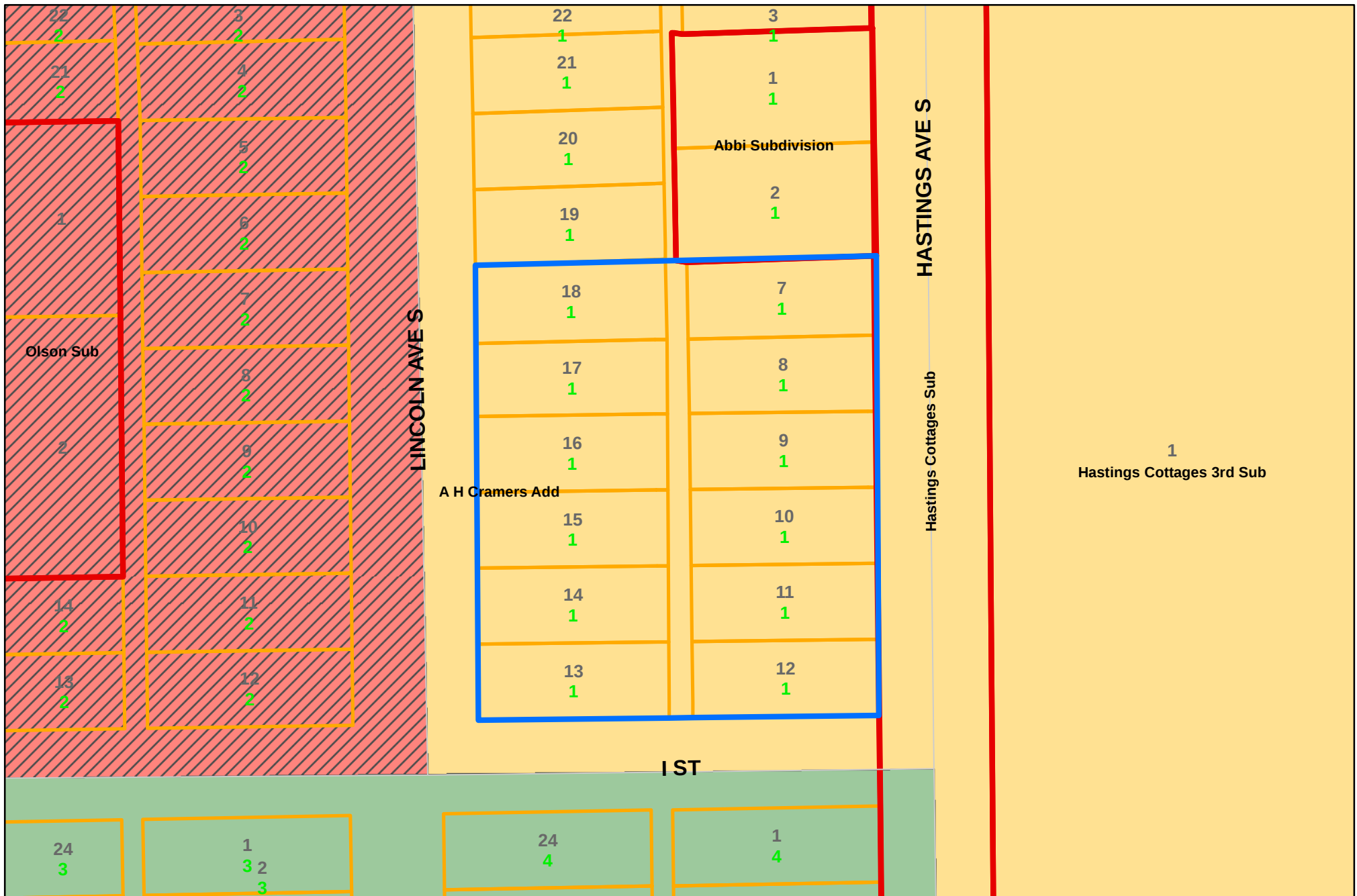
Staff first reviewed this matter when initially approached about a potential nursery use with a workshop/garage to be used for storage and maintenance for this business. A change in use for a portion of this area would require a rezone as *R-3, Multiple Family Residential* does not permit the use of a nursery. Staff had initially considered a residential rezone to R-1 and R-1A from its current zoning, which would then require a Conditional Use Permit. However, when this was taken to our Engineering Review group, it was discovered that this area has had a long history of not developing due to the fact that the southern-most section of the sewer main off of Hastings Avenue South would still need to be extended in order for the lots on the east side of this block to be fully developed. The costs for developers looking to build residential homes in this area have always exceeded the benefits as it has been too pricey.

In reviewing the surrounding area, aside from the north-eastern area where there is multiple family zoning, the vast majority of this area is currently zoned *C-3, Commercial Business*. West, northwest and southwest are all zoned *C-3, Commercial Business*. To the south and southwest we have our City Lincoln Park (zoned *R-1, Single Family Residential* by default) and then to the southwest we have more *C-3* where one of our City Fire Stations is located. Comparing this then to what we have slated in the future in our Comprehensive plans Future Land Use (FLU) map, and taking into consideration that we also have not been able to make anything happen on this land in a residential nature due to the utility's requirements, it would seem that this particular area would be better served designated in our future for Commercial/Retail. This would simply extend that use a bit further east from the Commercial Corridor lining Burlington Avenue and make this area more attractive to a commercial developer. A commercial developer looking to invest in a larger structure that would be used for business profit may see the benefit of eventually adding the required infrastructure into this area. Meanwhile, the potential buyer would have an opportunity to place a low impact nursery as a permitted use in this area, which Staff feels would be a nice use of this area since it would only require water which is fully extended, unlike the sewer.

In summary, this area is currently identified in the FLU for urban residential use and has remained undeveloped to date. It is clear that this land will remain undeveloped if it remains residentially designated. In changing the FLU we are allowing for a use that fits into the character of this area. The proximity of Lincoln Park to this area makes this a good spot for a nursery that would extend that look and feel of open space while still bringing greater economic opportunities to the community. Therefore, changing this area to more appropriately map to what it is showing to develop in the surrounding areas establishes a more accurate map for not only the immediate development opportunities but also for any future commercial development opportunities.

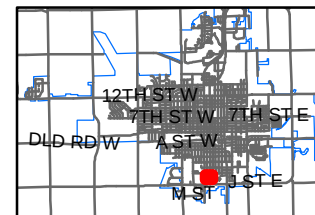
Recommendation:

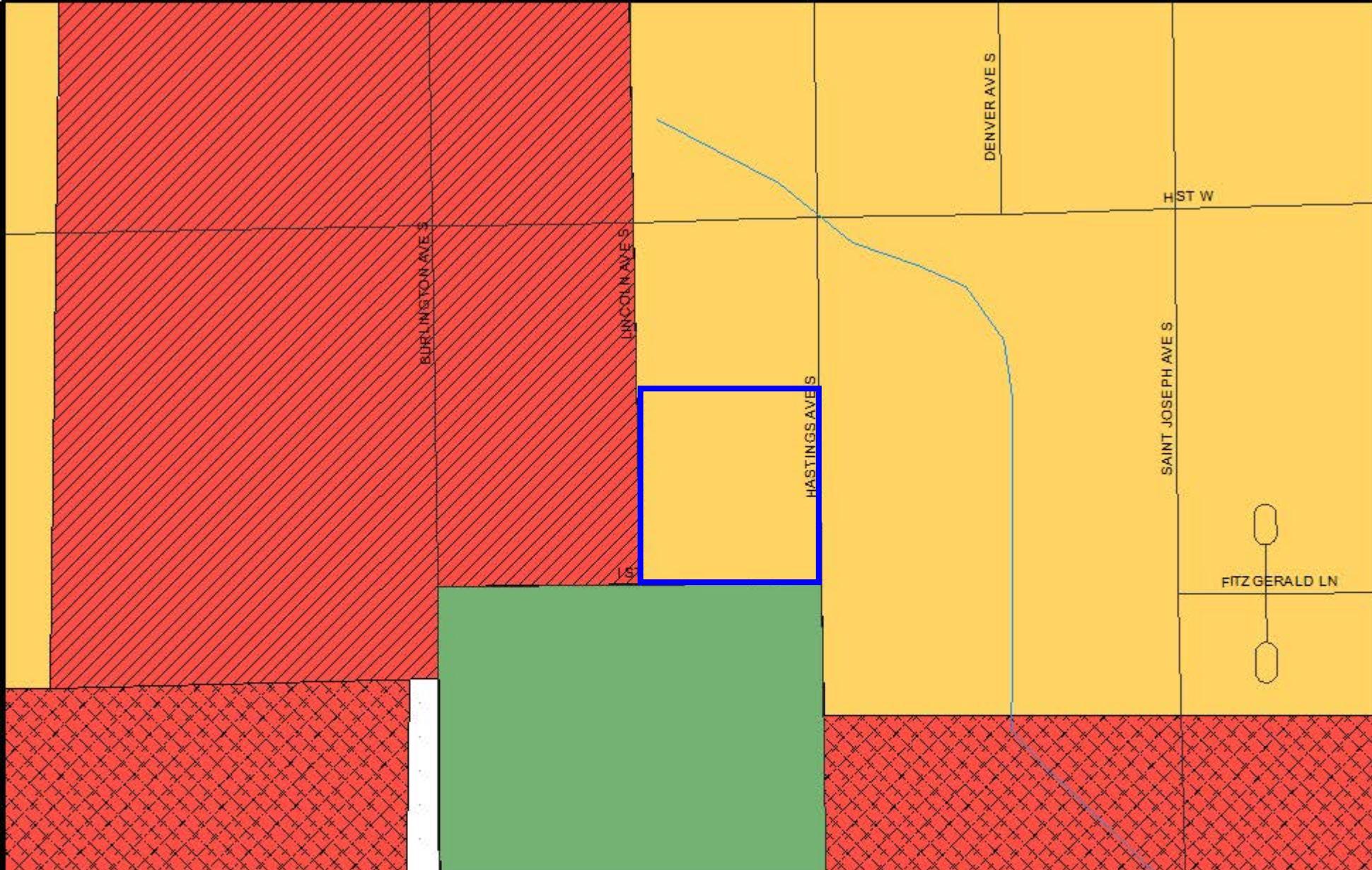
Staff recommends a motion to recommend approval for an ordinance to amend the City of Hastings Comprehensive Plan Future Land Use Map by changing future zoning for property generally located in the southern portion of the block between Lincoln Avenue South, Hastings Avenue South and I Street from Urban Residential to Commercial/Retail



Future Land Use Change Urban Residential to Commercial/Retail

Lots 7 (Seven) through 18 (Eighteen), Block 1 (One), A.H. Cramer's Addition
AND the vacated Alley adjacent to said lots





Future Land Use

City of Hastings, Nebraska

0 100 200 400 Feet

Land Use:

-  Rural Residential
-  Suburban Residential
-  Urban Residential

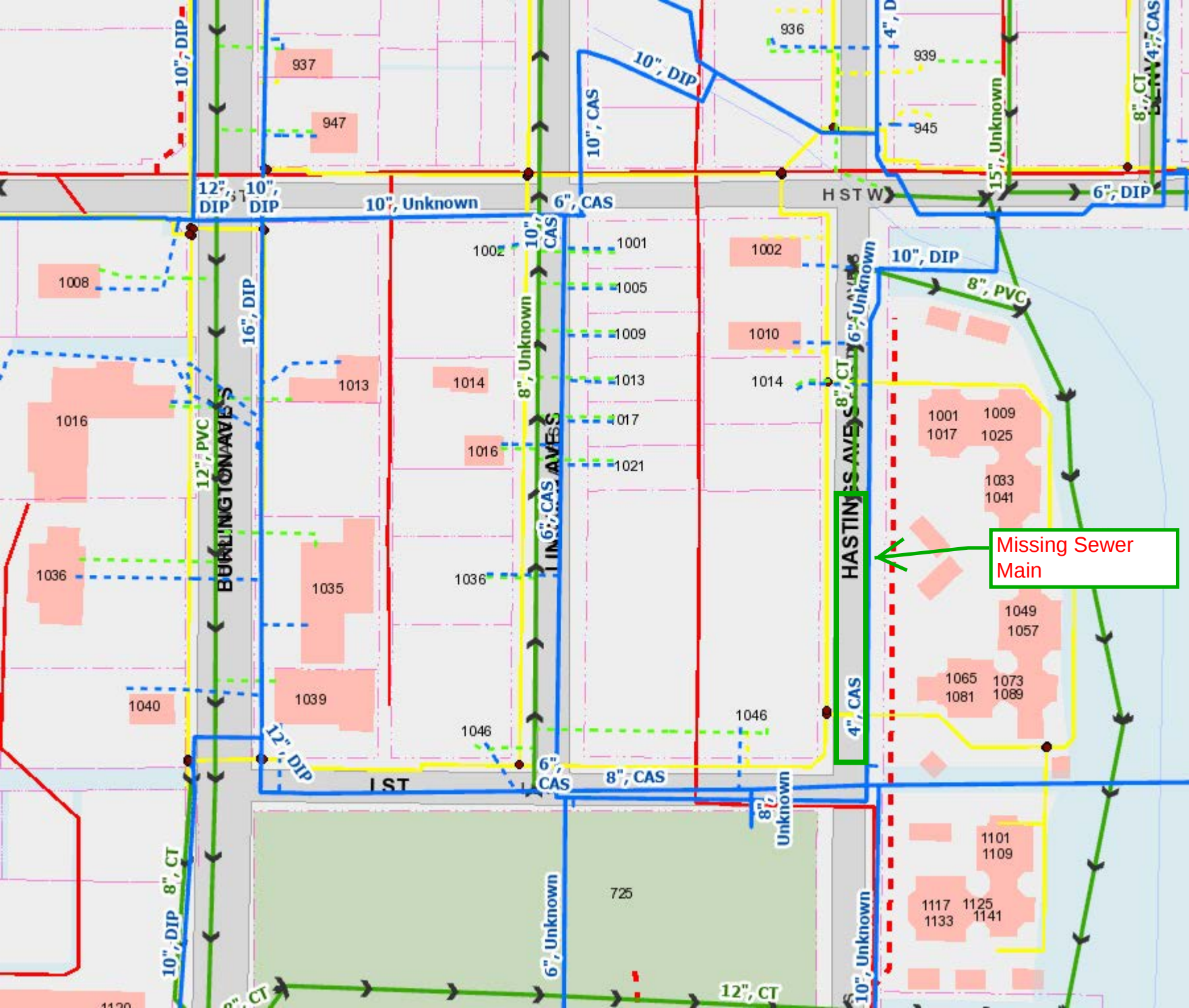
-  Mixed-Use - Neighborhood
-  Mixed-Use - Community
-  Mixed-Use Downtown
-  Commercial/Retail
-  Employment/Industrial

-  Public / Semi-Public
-  Parks & Recreation
-  Agriculture

Overlay Districts:

-  South Burlington Overlay
-  Highway 6 Overlay
-  Urban Industrial Overlay

-  Floodplain
-  City Boundary
-  ETJ Boundary





Department: Development Services
Staff Contact: Lisa Parnell-Rowe
Planning Commission Meeting Date: 10/19/2021
File No: 2021-033
Prepared By: Emilia Kienbaum, Administrative Assistant

AGENDA ITEM SUMMARY SHEET

Description of Item:

Public hearing to consider an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Names of People/Business affected by this action:

The residents of Hastings, developers and their employees, City, County and all citizens of the City of Hastings and surrounding counties.

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:

Motion

Suggested motion:

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary

structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Deadlines associated with action:

City Council will reconsider this revised code change for TUP at their regular meeting to be held on November 8, 2021.

Department head comments:

The proposed Code amendment is to add a much needed temporary use permit (TUP) that would allow Staff to address a gardens variety of temporary uses though a zoning development permit that would be administratively approved following an internal review of a submitted site plan and narrative for each use by key City departments including but not limited to Engineering, Utilities, Planning and Zoning, Fire, Building, Police. There are 3 types of temporary use permits that can be applied for within this permit structure: Recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stays; Mobile vendors; or temporary structures.

There are 3 sections of the City Zoning Code found in Chapter 34 that will be amended as a result of the addition of this new permit and also administrative cleanup. The first section is Section 34-200 and Table 200-1, Uses and Districts. The Table is the starting point of all zoning requests and the table where we can best determine whether a use will be permitted, restricted or conditional in a particular Zoning District. Permitted, meaning allowed subject to general district standards, Restricted meaning allowed subject to specific use standards and Conditional, meaning allowed subject to discretionary review (Planning Commission and/or City Council). A few items that are added as part of administrative cleanup are Recreational Vehicle Park and Restaurant. For these 2 uses there are sections in both chapters 34 and 38 that address the requirements for such a business, but there was no detail in this table about where these could be located. Due to the additional uses of Mobile vendors and recreational vehicles being added it was felt that the corresponding sites that were not temporary should also be added. We have had restaurants on our list to add to this table for a long time coming now. The three new temporary uses of Mobile vendor, recreational vehicle and temporary structure were add to this table as well. As you review the zoning requirement that has been listed in this table for each use, it is important to note that no matter what the zoning requirement is (i.e., permitted, restricted or conditional), as stated in Chapter 34-403 (6), every use should comply with the general requirements of Chapter 34 and Article IV, Standards for Conditional Uses. The second section updated is Section 34-103, General Definitions. The definition of a term can provide better depth of understanding between uses where the line gets blurry. The definition can also tell us more about some of the unique requirements that are driven by the specifics of that use. This section helps us pull back into the meaning of a subject matter if we get lost in translation. In this section we have added various definitions of each of the relevant terms used with these additional TUPs and others as administrative cleanup. The Recreational vehicle park had specific criteria established in Section 34-404 (12) but was not in the Table of Uses nor was it defined. A restaurant has also been defined to ensure that the differences between a standalone restaurant in a structure and one accomplished as a mobile vendor are differentiated. The last Section to be updated is Section 34-404, Standards for Conditional Uses. In this section we added the temporary use permit as an additional use that needs to be reviewed to requirements. Here we have discussed the purpose, procedure, application

requirements, internal review process, terms, and then the 3 different types of a temporary use for which a permit is required and the specific requirements for each one.

A process and way to handle temporary uses has been an area ignored in the Zoning Code that has been seen to create confusion among the public/staff and discontentment among developers, home owners and the business community for some time. When Staff does not have a code to address a specific subject matter then we do our best to create a path that will work for all, but creating a path on a whim without a regulation creates liability and inconsistencies in the way it is procedurally done and this can make us appear to be exercising based on other means like favoritism or in an inequitable fashion. One of the cases I first tackled when I got here had to do with the Hastings Campground and the condition that was established for length of stay is a good example of the problems an omission can cause. The issue in addressing the violations to that CUP regarding length of stay was that no where in the code did we establish a length of stay guideline for campers. Adding to this frustration was the fact that we as a community are desirous of development and growth, and yet to grow you need a place for developers that might be coming in from other areas for large projects to reside on a temporary basis. There was a need and this campground was fulfilling that need, yet it was being done without compliance to safety requirements since the need for a longer-term stay was drastically different than one for only a few weeks. We saw this in the way propane tanks and skirting were handled. Ultimately, this is the rationale for adding a path forward for allowing not only the local campgrounds, but some of our Mobile Home Courts that might have vacancies the ability to temporarily place these developers yet for the City to ensure that this is done in a way that considers the health, welfare and safety of the community at large. The same is true for food trucks. Much confusion has been seen to circulate around where these mobile vendors can and should be located that will ensure the health, welfare and safety of the community at large is considered. Interestingly, many of these mobile vendors stop in to see us to see what permit they must pull to do business in a mobile fashion, yet we tell them to pay a fee and turn them away with no guidance on where they are allowed and what requirements they are required to meet. The last type is a special type of permit for an ever-changing world. These days with COVID in the rearview mirror we know that the planning world has changed forever in that some things, no matter how much you plan, cannot be planned for in the face of an unexpected event. We experienced this when Mary Lanning came to us amidst a socially distancing world to ask what they could do to place a temporary structure in their parking lot for their employees to work out of as the swarms of people filed through in need of drive-through testing. We had no quick fix permit. We had a building permit, applicable to a long-term structure build. We allowed them to start at risk and required a building permit and now a structure still sits in that parking lot and we have no requirement in the code ensuring it will ever be removed, though its original intent was temporary. For all of these reasons we bring this revised code change to you and ask for your review and serious consideration of not just another code amendment, but a better path forward for staff, applicants and the community at large.

This was originally reviewed by Planning Commission at your July 20th Meeting and was recommended for approval in a vote of 6-0. However, just prior to being heard at the City Council Meeting on August 9, 2021, several mobile vendors contacted Mr. Randy Chick with questions and concerns. Consequently, the item was postponed to a later date for Staff to meet with these vendors to discuss this proposed code change. A meeting occurred on September 14, 2021. Better definition of restaurants; removal of the additional sign permit and fee; and added detail for better

determination of when a mobile vendor was required to pull the permit was added. Basically, instead of just adding the definition of staying in one place for up to 180 days we determined that this should only be for those that exceed staying in one place for more than 14 days, and then up to 180 days. The 14 days is the requirement of the Temporary Food Establishment license they carry for which they are required to move from one site.

Additionally, we have done a repeated header in the table of uses to prevent us from having to scroll up to the previous pages and counting rows to see what zoning district is in the header. We have also added reference to temporary accessory structures and how those will be handled in the residential areas to better map to Section 34-311. Then lastly, we have fine-tuned the mobile vendors section to address how permanent and temporary structures will be handled as accessory to food trucks and also added some setback requirements that are necessary according to International Fire Code and Building code requirements for areas where more than one vendor may be located. All of the revisions made since you last reviewed this proposed code have been highlighted in yellow and all the previous changes remain in red font for your evaluation.

Recommendation:

Motion to recommend approval for an ordinance to amend City Code sections 34-103, 34-200 and 34-404 to add language for a Temporary Use Permit and amend Uses and Districts Table to include restaurants, mobile vendors, temporary structures, recreational and temporary recreational vehicles. A Temporary Use Permit will allow for administrative approval/processing of temporary structures, mobile vendors and recreational vehicles with regard to longer-term stays at campgrounds and mobile home parks during times of economic development.

Smittys MHP LLC
820 S. Pine Avenue
Hastings Ne, 68901
manager@smittysmhp.com
402-588-0880

7/15/2021

To Whom it may concern and all other interested parties,

My name is Stephanie Ganow-Guthrie, I am the Community Property Manager at Smittys Mobile Home Plaza. I have only had the pleasure of being the Manager here for just a short amount of time, but in that time, I feel as though I am getting to know the community of Hastings and many of the leaders that represent this wonderful community.

Here at Smittys MHP, we have just over 80 open lots that do not have any mobile homes on them. Please understand that as a Property Manager I do have every intention to fill most all those spaces with permanent homes, however there is a shortage of new mobile/manufactured homes for us to purchase and bring into this community for permanent housing.

Over the last two months I, as the property manager have received close to 20 phone calls and 15 in person visits from out-of-town visitors inquiring about available living arrangements within the community of Hastings. Most all these inquiries are from prospective and or current employees of either the Ethanol Plant or the Turbines that are going up outside of Campbell. Both parties state that their will be over 800 people over the next 6 months needing housing. This is a small village within itself.

Currently Smittys MHP does not have a permit for RV spaces. By allowing properties like Smittys MHP and other companies to provide a service to individuals with RV's or Campers, that are working in and around our community would not only benefit those indivual properties, but it would benefit the Community as a whole. These companies who plan to bring their employees here will be able to boost our local economy, by shopping and dining out here.

From my understanding while speaking with many of the prospective/current employees they are needing housing from now until November or December. While I currently do not have any of these currently in the community I manage, I would certainly be opened to welcoming as many as the city of Hastings would allow for me to accommodate.

If you have any comments, questions, or concerns regarding my letter, please feel free to reach out to me, either by phone or email. I do appreciate your time while reviewing and considering this matter.

With the upmost Sincerity,



Stephanie Ganow-Guthrie

Sec. 34-103. - General definitions.

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the stated intent or other guidance associated with its use in a particular section of these regulations.

Abutting. Immediately adjacent and shall not include property separated by an alley or a street.

Accessory building. A subordinate building located on the lot occupied by the principal building and having a use customarily incident to the main use of the property. A building housing an accessory use shall not be considered an accessory building when it has any part of a wall in common with the principal building, or is under an extension of the main roof, and designed as an integral part of the principal building.

Accessory use. A use of a building or land which is customarily incident and subordinate to and located on the same lot as the principal use of the lot.

Acoustic rating. A measure of sound-deadening quality of a wall or ceiling-floor assembly.

Adjacent. Within close proximity, property separated by a street, alley, stream or other ownership physical separation between properties.

Adult. Any person 19 years of age or older.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration. Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Antenna, receiving. Any structure or device use for the purpose of receiving radio, television, radar microwave, or other broadcast signals.

Area, building. The total of areas taken on a horizontal plane at the main grade level of the principal and all accessory buildings or structures exclusive of steps.

Arterial street. A street designed and intended to carry traffic from residential and collector street systems to major highways. Arterials are designated by class on the official streets and highways plan.

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys and identified as such on a plat or other official document. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

Broadcast or antenna tower. A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located.

Building. A structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. Buildings connected by a breezeway shall be deemed separated buildings.

Building, height of. The vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. See Exhibit No. 1, Appendix A.

Building, principal. A building in which is conducted the main use of the lot on which the building is situated.

Camping trailer. A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

Campus. A ten-acre or larger tract of land that has been planned, developed and operated as an integrated group of buildings or structures with compatible supporting ancillary uses with special attention given to vehicular traffic circulation and parking, pedestrian access and movement, utility needs, and a consistent theme of aesthetics associated with buildings and grounds.

Caregiver quarters. A caregiver quarters shall mean an accessory residential structure located on the same lot or tract as the principal residence. Caregivers shall include nannies/caretakers/caregivers/servants of immediate family members, but shall not include other domestic workers.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Collector street. A street designed and intended to carry traffic from residential street systems to arterial or major highway systems.

Common wall. A wall or walls extending from the basement or ground floor line of a building to the roof along a lot line, which lot line is common to an adjoining lot.

Comprehensive plan. The Comprehensive Development Plan of the City of Hastings.

Conditional use. A provision which allows for flexibility within the zoning district by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional controls and safeguards are applied to ensure their compatibility with permitted principal uses.

Court. An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Condominium. Individual ownership of a unit within a multi-unit structure, and an equal undivided interest in the common areas and lands associated with the structure.

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

Density. The number of dwelling units per gross acre in any residential development.

District. A section or sections of either the City of Hastings or area within two miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dwelling. A building designed or the principal use of which is as living quarters providing independent and complete cooking, living, sleeping and toilet facilities for a single housekeeping unit.

Family. One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than five persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (1) A person residing with a family for the purpose of adoption.
- (2) Not more than six persons under 19 years of age, residing in a foster home licensed or approved by the State of Nebraska.
- (3) Not more than three persons 19 years of age or older residing with a family for the purpose of receiving foster or supervised care licensed or approved by the State or its delegate.
- (4) Any person who is living with a family at the direction of a court.

Fence. See Section 34-305 under supplementary district regulations.

Fifth-wheel trailer. A unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement

permit, of gross trailer area not to exceed four hundred thirty square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

Flagpole. A flagpole shall mean a narrow extension of property which is attached to and constitutes a part of a flag lot, which property provides access from the public right-of-way to the buildable portion of the flag lot. A flagpole shall be at least 20 feet in width and must meet all requirements of the Fire Code of the City as a fire apparatus access road. When located in the City of Hastings, Nebraska, a flagpole shall be not more than 200 feet in length. When located outside the City of Hastings, Nebraska but within the zoning jurisdiction of said City, a flagpole shall be not more than 400 feet in length.

Flood plain. Those lands which are designated as flood plain on the official flood way boundary maps of the City of Hastings.

Floor area ratio. Floor area ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)

Grade. The average finished ground level adjoining the building at all exterior walls.

Gross area. The total site area, excluding bodies of water, to be included within a proposed development as indicated on a site plan.

Gross floor area. The total horizontal area of all of the floors of a building, measured from exterior to exterior including interior balconies, mezzanine, stairwells, elevator shafts and ventilation shafts, etc.

Gross leasable floor area. The total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines and upper floors, if any, but excluding stairways, common hallways and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Landscaping. Landscaping shall mean that an area is predominately devoted to, and maintained for, the growing of trees, shrubbery, lawns and other plant materials.

Lot. A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and, except for a flag lot as defined in this chapter, having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed or parts thereof, and shall include a flag lot.

Lot, corner. A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

Lot, flag. A flag lot shall mean a lot which does not have the required frontage on a public street and which is located adjacent to a lot which does have the required frontage on a public street. A flag lot shall include a projection, or "flagpole", which connects the flag lot to the public right-of-way, which flagpole shall meet the requirements set forth in this chapter under the definition of flagpole. The flagpole on a flag lot need not meet the minimum lot width requirements set forth in these regulations, but the remaining portion of a flag lot, exclusive of the flagpole, must meet all lot width, front and rear yard setbacks and all other requirements the same as if it were not a flag lot.

Lot coverage of building. That percentage of the total lot area covered by buildings.

Lot, double frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot depth. The mean horizontal distance from the front lot line to the opposite rear lot line.

Lot in separate ownership at the time of the passage of this chapter. A lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of the County on or before August 26, 1968.

Lot lines. The lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts, provided that for a flag lot, the front lot line shall mean the closet line which is approximately parallel to the public right-of-way or approved place, at the end of the flag pole farthest away from the public right-of-way.

Lot line, rear. The boundary line which is opposite and most distant from the front lot line; except, that in the case of uncertainty the building inspector shall determine the rear lot line.

Lot line, side. Any lot boundary not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurement shall not extend beyond the lot lines of the lot being measured.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this chapter, provided that said lot has a frontage of not less than 50 feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor.

Lot, platted. A lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Adams County.

Lot, transverse. A lot which is approximately at right angles to the general pattern of other lots in the same city block.

Mobile vendor. A transient business selling or delivering food or goods in the city with an approved temporary use permit (TUP) lasting for durations of more than 14 consecutive days and up to 180 in the same location. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis. This TUP must be renewed annually.

Motor home. A vehicular unit primarily designed to provide temporary living quarters which are built into an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van, containing permanently installed independent life-support systems that meet the state standard for recreational vehicles and providing at least four of the following facilities: Cooking; refrigeration or ice box; self-contained toilet; heating, air conditioning, or both; a potable water supply system including a faucet and sink; separate one-hundred-twenty-nominal-volt electrical power supply; or LP gas supply.

Non-commercial vehicles and equipment. The term non-commercial vehicles and equipment as applied in the residential off-street parking requirement sections of this Chapter shall include automobiles and pick-up trucks which are operated or owned by the residents of a dwelling and used in the course of their business or employment.

Nonconforming use, building or yard. A use, building or yard, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to establishment of a zoning ordinance prohibiting the same.

Parking area. A structure or an open area other than a street, alley or other right-of-way for the temporary storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the purpose of sale or resale. The minimum dimensions of each parking space shall be eight and one-half by 20 feet.

Parking lot. A parking area with six or more parking spaces.

Parking space, off-street. A parking area located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening both doors and adequate maneuvering room on a parking area with access to public street or alley. See Exhibit No. 3, Appendix A.

Park trailer. A vehicular unit which meets the following criteria: 1) Built on a single chassis mounted on wheels; 2) Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances; 3) Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and 4) Having a gross trailer area not exceeding four hundred thirty square feet when in the setup mode.

Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Premises. A tract of land, consisting of one platted lot or irregular tract, or more than one platted lot or irregular tract, provided such lots or tracts are under common ownership and abutting each other.

Planned unit development. A use or combination of uses, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space for which a conditional use permit may be granted by the City Council.

Profession. An occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institute of higher learning, e.g. doctor of medicine, engineer, lawyer.

Property line. A demarcation line dividing a lot from other lots or parcels of land.

Recreational vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which unit either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles shall include, but not be limited to, travel trailer, park trailer, camping trailer, truck camper, motor home, and van conversion, and fifth wheel, as defined in Nebraska Revised Statutes § 71-4603, as amended in 2012 from time to time.

Recreational vehicle, temporary use. A vehicle which is manufactured, constructed, or equipped primarily for use as a self-propelled home, house car, or mobile living quarters, capable of being legally operated on the highways, and containing permanently installed essential living facilities for intermittent or longer-term temporary stays of up to 180 days or more. This term shall not include any towed utility trailer, camping trailer, truck camper, van conversion nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger. Types of recreational vehicles that would be capable of attaining a temporary use permit (TUP) are fifth wheel trailers, motor homes, park trailers and travel trailers. All recreational vehicles being allowed for longer-term temporary stays of up to 180 days or more in mobile home parks and/or Recreational vehicle parks must apply for a TUP and demonstrate an economic development need for such use as stipulated in Section 34-404 (14). A TUP will last for durations of 180 days. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis. A TUP is an annual permit and must be renewed yearly.

Recreational vehicle park. A lot or parcel of land designated for legal use as a campground and/or recreation vehicle park on which two or more recreational vehicles are parked, or any lot or parcel of land on which unoccupied recreational vehicles, camping trailers, recreational park trailers or campers, whether new or used, are parked for the purposes of inspection, sale, storage or repair.

Residential street. A street designed and intended to serve residential areas. Residential streets feed traffic into collector and arterial street systems.

Restaurant. A place where people pay to sit and eat meals that are cooked and served in a structure that sits on a foundation.

Sign. Any lettered or pictorial device designed to inform or attract attention including but not limited to the following:

- (1) *Sign, surface area.* The entire areas within a parallelogram triangle, circle, semicircle or other geometric figure, including all of the elements of the matter displayed, but not including black masking, frames, or structural elements outside the advertising elements of the sign and bearing no advertising material.
- (2) *Indirectly illuminated sign.* Any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.
- (3) *Semi-illuminated sign.* Any sign located on a building, which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.
- (4) *Detached sign.* Any sign located on the ground or on a structure located on the ground and not attached to a building.
- (5) *Wall sign.* Any sign attached to and erected parallel to and within one foot of the face or wall of building, including signs painted on the walls of the buildings.
- (6) *Roof sign.* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
- (7) *Projecting sign.* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.
- (8) *Snipe sign.* Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building, or firmly anchored to the ground.
- (9) *Marquee sign.* Any sign attached flat against the marquee or permanent sidewalk canopy of a building, or suspended under a marquee or sidewalk canopy, and extending downward not more than 12 inches therefore.
- (10) *Poster panel or billboard.* An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof, mounted on a semi- permanent structure, and depicting information not directly related to the property upon which it is placed.
- (11) *Attention attracting device.* Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign.

Spot zoning. Arbitrary and unreasonable zoning when smaller area is singled out of a larger area or district and specially zoned for a use classification totally different and inconsistent with the classification of surrounding land and not in accordance with the Comprehensive Plan.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "height of buildings" of this section.

Story, half. A story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Street. A thoroughfare which affords principal means of access to property abutting thereon.

Street line. The dividing line between the street and the abutting property.

Street centerline. A line midway between street lines.

Street commercial area. A developed business frontage along a street and no more than 200 feet in depth from the front property line.

Structural alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

Travel trailer. A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than four hundred thirty square feet.

Temporary Structure. Means any structure designed, constructed, installed and/or intended to be dismantled by the Contractor, including (but not limited to) a shed, booth, building or enclosure of any kind used for commercial or business purposes and which any person or business intends to place on the same lot with or on any lot adjacent to, any permanent structure used for business or commercial purposes. These structures will require location on the ground or attachment to something having a temporary, non-permanent location on the ground; and may be associated with, and ancillary to, a temporary use with a permit for durations of 180 days or less. The Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.

Truck camper. A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides and designed to be loaded onto and unloaded from the bed of a pickup truck.

Usable open space. Open space within a proposed development site excluding areas devoted to roadways and parking. At least one-half of all areas designated as usable open space shall have a slope of less than 20 percent.

Van conversion. A completed vehicle permanently altered cosmetically, structurally, or both which has been recertified by the state as a multipurpose passenger vehicle but which does not conform to or otherwise meet the definition of a motor home in this section and which contains at least one plumbing, heating, or one-hundred-twenty-nominal-volt electrical component subject to the provisions of the state standard for recreational vehicles. Van conversion does not include any such vehicle that lacks any plumbing, heating, or one-hundred-twenty-nominal-volt electrical system but contains an extension of the low-voltage automotive circuitry.

Yard. A required open space on the same lot unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front. A yard extending the full width of the lot across the front of a lot adjoining a public street.

Yard, interior side. A side yard which is not adjacent to or bordered by a street, avenue or other public right-of-way.

Yard, rear. A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

(Ord. No. 4233-11/2009, [4398](#) -7/2014 and [4418](#) -12/2014)

Sec. 34-200. - Uses and Districts table.

[illegible]

	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
School, elementary	P	P	P	P	P	P	P	P	P			P		
School, secondary	R	R	R	R	R	R	R	R	R			P		
School, college or university	P					P						P		
Recreational Vehicle Park	C										C		C	C
Recreational Vehicle, Temporary Use	R										R		R	R
Temporary Structure, Temporary Use	P	R	R	R	R	R	R			P	P	P	P	P
Service Uses														
Adult care, home	C	C	C	C	C	C	C	C	C	C	C	P		
Adult care facility								P	P	P	P	P		
Automobile service station, limited								C	P	P	P	P	P	P
Automobile service station, general											P	P	P	P
Automobile service station, large-scale											P	P	P	P
Automobile repair, limited								C	C	C	P	P	P	P
Automobile repair, general										C	P		P	P
Bank								P	P	P	P	P	P	P
Child care, home	R	R	R	R	R	R	R	R	R	R	R	P		
Child care facility					R	R		P	P	P	P	P	P	P
Halfway house, quasi-institutional use													C	C
Kennel, commercial	C										C		C	C
Lodging, bed and breakfast	C	C	C	C	C	C	C	C	C	C				
	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2

Lodging, rooming house						C			P	P	P	P		
Lodging, hotel										P	P	P	P	P
Lodging, motel											P	P	P	P
Medical office	C							P	P	P	P	P		
Medical clinic	C							P	P		P	P	C	C
Medical hospital	C							P	P			P	C	C
Nursing home/Assisted living	C	C	C	C	C	C	C	P	P	C	P	P		
Professional services office								P	P	P	P	P	P	P
Self storage, storage areas								C		R	C		C	C
Veterinary office	P							P	P	P	P		P	P
Veterinary Hospital	P										C		C	C
Employment Uses														
Home occupation.	R	R	R	R	R	R	R	R	R	R	R	R		
Office, limited						C	C	P	P	P	P	P	P	P
Office, small							C	P	P	P	P	P	P	P
Office, general									C	P	P	P	P	P
Office complex/ Campus										C	P	P	P	P
Commercial and Retail Uses														
Convenience retail, automobile (< 5K s.f.)								C			P	P	P	P
Convenience retail, corner store (< 2K s.f.)							C	P	P	P	P	P	P	P
	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2
Neighborhood retail (< 5K s.f.)									P	P	P	P	P	P

[illegible]

Recycling collection and processing														C	P
Salvage yard/ Junkyard														C	C
Slaughter house/Meat packing	C														C
Storage or sale of liquid petroleum	C														P
Warehouse storage/Bulk storage	C													P	P
Wholesale														P	P
Agriculture and Natural Resource Uses															
Agriculture, Limited	R		R												
Agriculture, general	P														
Aquaculture	C														
Feed lot	C														
Natural resource extraction	C														
Nursery	P	C	C									P		P	
Stable, public	P											P		P	
Public Service Uses															
Air field	C	C	C	C											C
Heli-stop	C	C	C	C				C	C					C	C
Public parking lot						C	C	C	C	C	C	C	C	C	C
	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	I-1	I-2	
Public recreation grounds	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public utility plant	C													C	C
Public utility sub-station	C	C	C	C	C	C	C	C	C	C	C			C	C

Cemetery	C										C	C		C	
Small wind energy systems	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large scale wind generator (Wind farms)	C													C	C
Telecommunication facilities and support structures	C							C	C	C	C	C		R	R

Key:

P = Permitted, allowed subject to general district standards

R = Restricted, allowed subject to specific use standards

C = Conditional, allowed subject to discretionary review

* Permitted use within the A District outside the City Limits, conditional use within A District within the City Limits.

(Ord. No. 4233-11/2009, [4309](#) -10/2011, [4347](#) -5/2013, [4354](#) -7/2013)

ARTICLE IV. - STANDARDS FOR CONDITIONAL USES

Sec. 34-401. - Scope of article.

Conditional uses may be approved by the Hastings City Council following a public hearing and receipt of a recommendation from the Planning Commission in accordance with the required findings set forth in this Chapter and the additional standards set forth in this article. In considering an application for a conditional use, the Commission and the Council shall require the applicant to produce satisfactory evidence of compliance with both the general and applicable specific standards set forth in this Article. The Commission may recommend and the Council may impose any conditions they deem reasonable and necessary to further the purposes and intent of this Article, to protect the public health, safety and welfare, and to meet the planning goals set forth in the City's Comprehensive Plan.

(Ord. No. 4233-11/2009)

Sec. 34-402. - General standards for all conditional uses.

- (1) The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development. No conditional use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from development permitted without a conditional use. The Commission, following its public hearing, shall forward its recommendation on the application to the Hastings City Council, which shall have final authority following a public hearing to either approve the application, with or without conditions, or to reject the application:
 - (a) Pedestrian and vehicular traffic circulation and safety.
 - (b) Reasonable and economic extension of public utilities and facilities.
 - (c) Noise, fumes, dust or other environmental pollution.
 - (d) The maintenance of logical and efficient development patterns and land use mixtures.
 - (e) The maintenance of property values in accordance with established and permitted land uses.
- (2) Where the approval of a conditional use application would result in the interface of residential and non-residential uses, any approval of the conditional use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.
- (3) All standards contained in this Chapter are minimum standards. More restrictive conditions may be recommended by the Planning Commission and imposed by the Hastings City Council where necessary to ensure compliance with the Comprehensive Plan or the purpose and intent of the zoning regulations.
- (4) Failure to observe and maintain the conditions and restrictions of the conditional use permit shall be considered a violation of this chapter subject to penalty as provided herein and shall be grounds for review of the conditional use permit. Review of a conditional use permit may be requested by the Zoning Official, the Planning Commission or by the City Council. In the event of the review of a conditional use permit as provided herein, a public hearing shall be held by the Planning Commission. Notice for such hearing shall be given in the manner provided for in Neb. Rev. Stat. § 19-904 and § 19-905, as the same may, from time to time, be amended. Following said hearing, the Planning Commission may recommend to leave the conditional use permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit. Any recommendation by the Planning Commission following a hearing shall be forwarded to the Hastings City Council, which shall have final authority following a public hearing to leave the conditional use

permit unaltered, revoke the permit, or alter the permit by adding, deleting or modifying the conditions and restrictions contained in the permit.

(Ord. No. 4233-11/2009, [4598](#) -8/2019)

Sec. 34-403. - Application requirements.

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams County Register of Deeds Office records at the time of application. The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:
 - (a) A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of 300 feet, location of all buildings and uses within the site, access points and traffic circulation.
 - (b) Existing and proposed topographic contours.
 - (c) Detailed site development plans.
 - (d) Detailed building plans, including elevations.
 - (e) Site profiles and drainage plans.
 - (f) Detailed parking and landscaping plans.
 - (g) Detailed underground utility plans.
 - (h) Other graphic materials necessary to fully depict the proposed development.
- (2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:
 - (a) Marketability or economic feasibility studies.
 - (b) Geologic or soil boring and test.
 - (c) Traffic counts in the area.
 - (d) Other detailed technical material as necessary to fully explain the proposed development.
- (3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.
 - (a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.
- (4) The Council may require landscaping and planting as necessary to preserve compatibility with the surrounding area. If required, the conditional use permit shall contain provisions for permanent maintenance of the landscaping and/or planting.
- (5) In any case where the Council determines that the design of a proposed structure may affect the compatibility of a proposed development with the area in which it is proposed to be located, the Council may require changes in the design or may reject the proposed development if no suitable correction can be made.

- (6) All buildings, structures and activities, including permitted uses proposed within a conditional use permit development plan application, shall be analyzed with respect to minimum yard requirements maximum lot coverage, and maximum height limitations, in relationship to the development concept as a complete and functional unit. General requirements for each use should be based upon zoning districts where such uses are permitted as a matter of right. However, every use should comply with the general requirements of this Chapter, including but not limited to signs, off-street parking and loading, and temporary uses.
- (7) —The Hastings City Council in approving a conditional use permit development plan may at its option relax the minimum dimensional requirements of this Chapter, when the Council finds such variances are in the best interest of the total development plan, will not adversely affect adjacent property and the public health, safety and general welfare of the community are not compromised. The Council shall not allow a use under this section which is not permitted as a permitted principal use, a permitted accessory use or as a conditional use under the schedule of district regulations for the zoning district in which the property is located.
- (8) The Hastings City Council shall require adequate guarantee of compliance in approving all conditional use permits. Such guarantee may be a performance bond in the total amount necessary to assure compliance, such bond to be reduced as stages of construction are completed and the public liability for assuring compliance is correspondingly reduced. Alternatively or in concert with a bond, such guarantee may be a stipulation in the event of the applicant's failure to comply, authorizing the City to take the steps necessary to assure compliance, including performing the construction or maintenance itself, and charge all costs thereof as an assessment against the property.
- (9) The Development Services Department staff shall submit a written report to the Planning Commission and the Hastings City Council with findings as to how the application complies with the requirements of this Chapter. No permit should be approved until the Hastings City Council is satisfied all requirements of this Chapter have been met.
- (10) Concept tentative approval. Applications for a conditional use permit shall be for either concept approval or final approval. Applications for concept approval may be accompanied by schematic preliminary design plans rather than detailed final design construction plans.
 - (a) Concept approval shall be valid for a period not to exceed 18 months unless otherwise extended after additional public hearings by both the Planning Commission and the Hastings City Council.
 - (b) No construction shall take place on the site until final approval has been granted by the Hastings City Council unless expressly authorized by the Council at the time of concept approval. In which case said construction shall be limited to incidental site grading, not including excavation for building sites or water retention areas.

(Ord. No. 4233-11/2009)

Sec. 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 additional ½ acre (or greater if ten 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 percent.
- (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(2) and Table 308-1 Required Automobile Parking.
- (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 14,000 square feet, minimum lot width shall be 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 parking space shall be provided for each three occupants based upon maximum seating capacity of the nave, or for each three 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 feet by 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 foot contour intervals).
 - (iii) Finished topographic contours when extraction is completed (not less than ten 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 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 percent 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 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 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 acres. The minimum lot width shall be 150 feet.
 - (iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight 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 acre.
- (c) There shall not be stored in an impound yard at any time more than one vehicle for each (10 × 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 six 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 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 \$100.00 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 10,000 square feet, minimum lot width shall be 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 feet in height or screened with privacy fencing at least five 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 feet by 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—Ten ft. rear yard—Ten 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 parking spaces shall be provided for each dwelling unit.
 - (ii) Office buildings—Per use, the minimum to be as provided in Section 34-308(2) and Table 308-1 Required Automobile Parking. All parking spaces shall be at least eight and one-half feet by 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 acres, except as otherwise required for the pertinent use district.

- (b) Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
 - (c) Density for proposed mobile home parks shall not exceed eight 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 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 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 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 22 feet in the narrowest dimension or 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 32 square feet in area shall be permitted with a maximum height of ten 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 24 months following the date of approval by the Council. If construction has not been started within said 24 month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
- (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 five 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 Neb. Rev. Stat. § 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 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 18 inches of the desired grade, it shall be covered and maintained with at least 18 inches of compacted dirt and seeded in such a manner so as to prevent erosion.
 - (k) Within 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 Neb. Rev. Stat. § 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 20 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 three 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 two 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 six square feet in area.

(f) *Application.*

(i) The application shall contain:

- (1) The name, address and telephone number of the owner(s) and address of proposed bed and breakfast.
- (2) A plan, drawn to scale showing the floor plan of the dwelling, together with any proposed changes, renovations and additions to the dwelling.
- (3) A site plan drawn to scale and including the following information:.

Title of the drawing

North arrow, scale and date

Boundaries of the project site

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

Location of all existing and proposed access and egress drives

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

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

(g) *Permit.*

- (i) The owner shall not make any change, deviation, modification or variation from the application and site plan once the same is approved by the City Council.
- (ii) Any amendments to an approved conditional use permit shall be reviewed by the Planning Commission and approved by the City Council if found to be consistent with these standards. Minor amendments to the permit may be approved by the Development Services Director. Such administrative approval shall be limited to parking lot and landscaping improvements, exterior facade changes and signs. An appeal of the Development Services Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2).
- (iii) The use is subject to review at any time and may be revoked after a hearing by the City Council and a finding by the Council that the use has become detrimental to the neighborhood.
- (iv) Upon the issuance of a permit for bed and breakfast establishment, an annual inspection and certificate of compliance for the bed and breakfast shall be issued by Development Services for continued operation.
- (v) An application for a certificate of compliance shall be filed with Development Services with the inspection fee as set by the current fee schedule.

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

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

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

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

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

- (15) *Standards for livestock feeding operations.* For the purposes of this subsection, the term "animal unit (AU)" shall mean the relationship of various animals with regard to manure production based upon 1,000 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)		
Size of Proposed LFO in Animal Units.		Non-farm or Other Residence and Other LFOs (feet)
Class I 301—1000	ECH	1,320
	OPEN	1,320
Class II 1001—5000	ECH	5,280
	OPEN	2,640

Class III 5001—20,000	ECH	5,280
	OPEN	2,640
Class IV 20,001 or more	ECH	7,920
	OPEN	3,960

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. The applicant shall submit 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. The applicant 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 [Subsection] (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 a 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 odor 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 percent 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.

(16) Standards for temporary use permit (TUP).

(a) Purpose. The purpose of this permit is to provide for the safe flow of all modes of traffic in the public rights-of-way, to ensure the public's health and safety during regular reoccurring events is accomplished on a seasonal or temporary basis, and to allow for a diversified economy in the City of Hastings. In order to manage the variety of temporary uses that are possible, this section is added to advise on the permit application and review process, and requirements for three types of temporary uses: recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stay, mobile vendors and temporary structures.

(b) Procedure. All applications for a temporary use permit shall be made to the Development Services Director or designee in written form, on the prescribed application, and shall be accompanied by the fee set by resolution. In line with 34-403 (6) temporary uses shall be determined according to their zoning as to the allowance of the type of temporary use. If the use is permitted then so long as the permit

application is reviewed and approved after internal review a TUP will be provided. However, if this use is shown to be a restricted use it still must meet the specific requirements as listed in the Section (e) (below). Unless otherwise indicated in the specific requirements for each type, a permitted or restricted temporary use will not require a review by Planning Commission and City Council and will be administratively approved by the Development Services Director following an internal review. However, these permits may be asked to mitigate any issues found in internal review prior to approval.

(c) Application. Applicants must first fill out an online application for a temporary use permit to be found under Planning and Land Use – Zoning Permits on the City of Hastings website. Here you will be asked to provide the following information:

(1) The name, address and telephone number of the owner(s) and applicant, if not the same person. If the applicant is a firm, corporation or other legal entity, the registered agent of the corporation shall be identified on the application as such. An owner authorization form will be required if the owner is different from the applicant and this must be signed by both parties.

(2) An address of proposed location or property for which you plan to have your temporary use.

(3) Any contractor you will be using to setup your use.

(4) Project Name which includes your proposed use (i.e., Recreational Vehicle in mobile home parks or recreational campgrounds for extended temporary stays, Mobile vendor or temporary structure)

(5) As part of this permit you are required to provide the following documents:

a) A site plan, drawn to scale showing where on this property you will be located and all of the following:

- Existing zoning, area, lot size, and your reason for the request.
- North arrow, scale and date
- Boundaries of the project site
- Area where any fire hydrants are located as well as any utilities pedestals that might be used.
- 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
- Dimensions of all proposed temporary structures associated with the temporary use, and as requested by the city, elevations or photographs of the structures.

b) If there will be a temporary structure built then a rendering, building plans and /or a floor plan of the structure will also be required. If the temporary structure is an accessory structure then it must also comply to requirements found in 34-311.

c) Written description of the type, nature and extent of the proposed request. This must more specifically include the following:

- Dates, days and hours of operation during which the applicant seeks to conduct the temporary use and occupy any temporary structure.
- Graphic example or brief statement of the nature and character of the signage or advertising.

d) Such other information as deemed necessary by the Development Services Director or designee for purposes of evaluating the application.

(d) Internal Review. All TUP applications will be reviewed by several City internal key departments to ensure that the temporary use will not cause public health and safety issues for the community at large. These departments will include City Police, City Fire, City Attorney, City Utilities, City Engineering and any other areas that may be deemed appropriated depending on the proposed temporary use.

(e) Terms, nonconformance, continuation and termination. A TUP is an annual permit for all types. However, a recreational vehicle in mobile home parks or recreational campgrounds for extended stay must be granted extension at 6 months. All existing uses that do not have a temporary use permit at the time of passing of this ordinance will have 6 months to apply for a TUP and to come into compliance to the regulations found in Section (f).

(f) Specific Requirements by type of TUP (i.e., Recreational vehicles in mobile home parks or recreational campgrounds for extended temporary stays, Mobile vendor or temporary structure)

(1) Recreational vehicle in mobile home parks or recreational campgrounds for extended temporary stays.

a) Article V Mobile Home Park Regulations defines Mobile Home Park and specifically states that this use *does not include tourist facilities for travel trailers, campers or other recreation vehicles as defined herein*. This will remain the case on a long-term basis. However, the City has a housing shortage and is working hard to encourage growth and development. Development can come in large surges and during times when multiple development projects are introduced into our local and surrounding areas economies there is a real need to provide housing for construction crews that are not local. These projects can take anywhere from 6 months to several years to complete when they are large and complex. Temporary housing during these times has been an issue in the past. Campgrounds and mobile home parks do have infrastructure capabilities to provide shorter-term solutions for these crews and some of the area campgrounds and mobile home parks have the vacancy to accommodate these crews in an appropriately designed recreational vehicle on a temporary basis. Therefore, a temporary use permit application can provide Staff with ability to ensure these crews are housed in a safe and healthy manner after internal review of all the following criteria is performed.

- Applicant must provide documentation demonstrating an economic development need as discussed above in Section (a), showing they are on a crew for a project in the local area that will require housing locally.
- Recreational vehicle shall be capable of being legally operated on the highways, and containing permanently installed essential living facilities for longer-term temporary stays of up to 180 days or more in a campground or mobile home park. As defined in City Code Section 34-103, this shall not include any towed

utility trailer, camping trailer, truck camper, van conversion nor shall it include any vehicle defined in the license and registration laws as an automobile or passenger. Types of recreational vehicles that would be capable of attaining a temporary use permit (TUP) are fifth wheel trailers, motor homes, park trailers and travel trailers and should be current on license and registration and capable of legally operating on the highway.

- Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- Designed to be transported after fabrication on its own wheels, on flatbeds or other trailers or detachable wheels and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities.
- Placed upon impermanent foundation or otherwise so placed as to permit moving of the unit to another location during its usable life.
- This particular TUP will last for durations of 180 days; however, the Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.
- If placing in a Mobile Home Park the temporary structure must be capable of complying with the Spaces requirements found in City Code Section 34-505, Electrical power requirements found in City Code Section 34-506, Water and sewage requirements found in City Code Section 34-508
- No more than one propane cylinder not greater than 120 pounds will be allowed per City Code Chapter 30-907. These are to be placed on at least a 3X3 concrete pad per NFPA 58. Building and Fire inspectors will determine the appropriate placement of these pads on each space and must final approve the finished pads.

(2) Mobile Vendor.

- a) Food vendors must provide a copy of their State issued temporary food establishment permit and must comply to all requirements for such permit found in the Nebraska Food Code.
- b) Site Plans must demonstrate safe flow of all modes of traffic in the public rights-of-way and that this temporary use does not block or hinder traffic flow and has adequate ingress and egress to access the site.
- c) Appropriate customer parking for the use of this food truck must be demonstrated in the site plan and explained in the narrative.
- d) Propane tanks associated with this use must comply to all NFPA requirements.
- e) Plans for trash/recycling collection must be shown on the site plan and discussed in the narrative.
- f) Sanitation such as portable or accessible toilets and hand washing facilities should be shown on the site plan, if provided, and discussed in the narrative.
- g) If your use will pose any nuisances such as noise or smell you must discuss your plan to mitigate these potential nuisances in your narrative.
- h) Any outdoor seating, lighting, heat lamps, should be shown on the site plan and discussed in your narrative.

- i) Any relevant occupation tax must be paid to the City Finance department at the time of permit application.
- j) Barricades, electrical cords, necessary utilities and/or connections, propane tanks and etc. must be shown on your site plan and discussed in your narrative.
- k) Any signage that will be proposed such as temporary sidewalk signs or other temporary signage must be shown on your site plan and a separate sign permit must be applied for and approved by Development Services.
- l) Use of existing structures to accommodate customers shall require a building review and potentially a building permit for any improvements to be utilized as an accessory structure and/or use to the mobile vendor. Additionally, if determined it is an accessory use then it must comply to accessory setbacks and other guidelines seen relevant to this zoning district in City Code Section 311 and Table 311-1.
- m) If more than one mobile vendor is on a single site there must be at least 10' separation between each mobile food vendor. In addition, IFC 2018 requires that there also be 10' between the vendor and buildings; at least 10' from hydrants and that any generators also be located at least 10' from hydrants.
- n) All Mobile Food vendors must comply to all Hastings Fire & Rescue requirements and will be given an information Bulletin upon permit submission.

(2) Temporary Structures.

- a) Any accessory type of structure must comply to City Code Section 34-311 and be accessory to a principal structure.
- b) A building permit will be required and will need to be approved for any temporary structures not categorized as an accessory type of structure.
- c) A narrative discussing the reason for the temporary structure and the use will be required.
- d) This particular TUP will last for durations of 180 days; however, the Development Services Director or designee can grant time extensions to this duration on a case-by-case basis.

(Ord. No. 3218-6/91, 3396-5/94, 3397-6/94, 3637-5/98, 3636-6/98, 3763-9/2000, 3852-3/2002, 3879-11/2002, 3947-4/2004, 4003-5/2005, 4053-12/2005, 4233-11/2009, [4294](#) -5/2011, [4347](#) -5/2013 and [4416](#) -11/2014; [Ord. No. 4619](#), § 1, 2-10-2020)

Secs. 34-405—34-500. - Reserved.