

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, October 15, 2024 at 4:00 PM At the Hastings Municipal Airport 3300 W 12th St, Hastings, NE.

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 Saturday, October 5, 2024. 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 available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of September 17, 2024
7. Special Order of Business
8. Public Hearings.
 - a. **2024-394.** Public hearing for a change of zoning for Lot 1, Block 4, Lochland Meadows Subdivision Number Two, generally located to the northwest of the intersection of West Lochland Road and Pintail Avenue, from R-1, Urban Single-Family Residential District to R-2, Mixed Density Residential District, and to amend the Official Zoning District Map.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone the property at Lot 1, Block 4, Lochland Meadows Subdivision Number Two, generally located to the northwest of the intersection of West Lochland Drive and Pintail Avenue, from R-1, Urban Single-Family Residential District to R-2, Mixed Density Residential District, based on the findings in the staff report.
 - b. **2024-407.** Public hearing to consider a request for Plan Modification No. 2024-8 to Redevelopment Area #5 for the Cedar Park Redevelopment Project. The area of redevelopment is approximately 3.67 acres and is generally located to the southeast of the intersection of East D Street and South Cedar Avenue in the City of Hastings, Adams County, Nebraska.

Motion to recommend approval for Plan Modification No. 2024-8 to Redevelopment Area #5 for the Cedar Park Redevelopment Project. The area of redevelopment is approximately 3.67 acres and is generally located to the southeast of the intersection of East D Street and South Cedar Avenue in the City of Hastings, Adams County, Nebraska, based on the findings in the staff report.
9. Work Session

Planning Commission Agenda

October 15, 2024

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- a. Work Session to discuss draft of Zoning Regulations Updates. The draft regulations include a rewrite of Sec. 34-309. Signs., Sec. 34-314. Small wind energy systems, and Article VI - Nonconformities.
 - b. Presentation of One and Six Year Street Improvement Plan
- 10. Reports
 - a. Committee Reports
 - b. Chairman Comments
 - c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
TUESDAY, SEPTEMBER 17, 2024

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted in the Hastings Municipal Airport, 3300 W 12th Street, Hastings, Nebraska on August 20, 2024.

The meeting was called to order at 4:00 p.m. in Regular Session by First Chair Ann Hinton with the following members present: Brian Hoffman, Jody Stutzman, Michelle Lewis, Lou Kully, Ann Hinton, Chuck Rosenberg. and Shawn Rossi. Absent: Greg Sinner, Joe Kindig, and Rakesh Srivastava.

The following City Officials were present: Director/City Engineer, Lee Vrooman, Director of Development Services, Chad Bunger, City Planner, Ember Batelaan, Fire Inspector, Travis Nolan, Public Information Manager, Tony Herrman, Information Technology Director, Erik Nielsen, and Administrative Assistant, Melissa Woodard.

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

First Chair Hinton called for a motion to adopt the current agenda for the September 17, 2024, meeting. Moved by Kully, seconded by Hoffman, to adopt the current agenda. Ayes: Hoffman, Stutzman, Hinton, Rosenberg, Kully, Lewis, and Rossi. Nays: None. Motion carried: 7-0.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, September 7, 2024. 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 available for public review. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

APPROVAL OF MINUTES

Meeting of August 20, 2024

First Chair Hinton called for a motion to approve the August 20, 2024, minutes. Moved by Rosenberg, seconded by Stutzman. Roll Call: Ayes: Hoffman, Stutzman, Hinton, Rosenberg, Kully, Lewis, and Rossi. Nays: None. Motion Carried: 7-0.

First Chair Hinton read The Public Notice Rules Statement prior to the Public Hearings.

Public Hearings

First Chair Hinton opened the Public Hearing.

a. 2024-278 Public hearing for a change of zoning for vacant property

generally located 850 feet south of the intersection of North Elm Avenue and East 26th Street on the west side of North Elm Avenue, City of Hastings, Adams County, Nebraska, from R-1A, Single-Family Residential Large Lot District to R-1, Urban Single-Family Residential District, and to amend the Official Zoning District Map. Bunger gave the Staff Report to consider the request for a change of zoning from R-1A, Single-Family Residential Large Lot District to R-1, Urban Single Family Residential District, and to amend the Official Zoning District Map. Bunger said the Final Plat looks slightly different from the packet, as the northern access road was added off 23rd Street, as Elm 26 had left it short. It connects the private accessway from the apartment complex into the single-family neighborhood. Staff recommends that the Planning Commission recommend approval to the City Council for the request for a change of zoning for vacant property generally located 850 feet south of the intersection of North Elm Avenue and East 26th Street on the west side of North Elm Avenue, from R-1A, Single-Family Residential Large Lot District to R-1, Urban Single-Family Residential District, and to amend the Official Zoning District Map based on the findings in the staff report.

Maria Lagunas, Lagunas Home Construction, 926 S Colorado Avenue. Four years ago, her husband Miguel and she started Lagunas Home Construction. To date, they have built twelve homes out at North Park Commons. They are currently building four in the Lakeview Area. Their business is proposing to create the single-family development and seeking the rezoning, redevelopment plan modification for tax increment financing, and the final plat. They are proposing the development to keep their business growing and have more housing available for the community. Their typical buyers are young families purchasing their second home, which opens their first home for someone else in the community. Maria thanked the commission for their consideration and support of small local businesses, helping them build homes and grow the community.

Stutzman thanked the developers for what they have done for Hastings. The homes built are an asset to the community, and opening homes for first-time buyers.

Hoffman thanked the developers. He lives very close to the homes they are building by the lake and said they are very nice-looking, quality homes. The City needs more housing and as Stutzman said, getting someone in their second home opens up first-time homes.

First Chair Hinton declared the public hearing closed and called for a motion to consider the request for a change of zoning from R-1 A Single-Family Residential Large Lot District to R-1, Urban Single-Family Residential District,

and to amend the Official Zoning District Map and recommend it to the City Council. Kully moved to recommend approval of the rezoning. The motion was seconded by Hoffman. Roll Call: Ayes: Kully, Rosenberg, Rossi, Hoffman, Lewis, Stutzman, and Hinton. Nays: None. Motion carried: 7-0.

First Chair Hinton opened the Public Hearing.

b. 2024-300 Public hearing to consider a request for Plan Modification No. 2024-6 to Redevelopment Area #18 for the Lagunas Home Construction Elm Meadows project. The area of redevelopment is approximately 25.99 acres. The Plan Modification area is generally located 850 feet south of the intersection of North Elm Avenue and East 26th Street on the west side of North Elm Avenue, City of Hastings, Adams County, Nebraska. Bunger provided the Staff Report to consider a request for Plan Modification No 2024-6 to Redevelopment Area #18. The Staff is recommending that the Planning Commission recommend approval to the City Council based on the findings in the staff report and the Redevelopment Plan Modification materials.

Maria Lagunas, Lagunas Home Construction 926 S Colorado Avenue, stated that without the redevelopment plan modification and tax increment financing, the lots come out now to \$80,000.00 per lot, and when land purchase, sewer, streets, and water are totaled. This project is not feasible at that average price per lot. Maria appreciates the Commission's consideration for their application for the plan modification and tax increment financing, which makes the cost per lot more feasible.

Rosenberg questioned the Tax Increment Financing, on the tax value of the new home after purchasing.

Randy Chick, 520 W 1st Street, said any homes built are assessed like any other homes. The difference is that they will receive two tax bills from the Adams County Treasurer. The first bill is based on the base amount established when the project begins. The second tax bill will be for the difference between the base assessment and the final home's assessed value for each lot. Randy described how Tax Increment Financing works in that respect.

First Chair Hinton declared the public hearing closed and called for a motion to consider the request for Plan Modification No. 2024-6 to Redevelopment Area #18 and recommend it to the City Council. Kully moved to approve Plan Modification No 2024-300, seconded by Rosenberg. Roll Call: Ayes: Kully, Rosenberg, Rossi, Hoffman, Lewis, Stutzman, and Hinton. Nays: None. Motion carried: 7-0.

First Chair Hinton opened the Public Hearing

c. 2024-302 Public hearing to consider the request from Hastings Property Holdings, LLC for a Conditional Use Permit for the Noah's Ark Processors Expansion Project. The plant expansion is commonly addressed as 1009 West M Street, City of Hastings, Adams County, Nebraska. Bunger provided the Staff Report to consider the request from Hastings Property Holdings, LLC for a Conditional Use Permit for the Noah's Ark Processors Expansion Project. The Staff is recommending approval for the Conditional Use Permit request, with four conditions.

1. The Site plan be constructed as proposed.
2. The Conditional Use Permit would apply to the possible purchase of City Land.
3. All Permits be acquired.
4. This would have a 180-day validation period.

Joel Freeman, Facility Engineer, 1009 W M Street, Noah's Ark Processors. Freeman said the current situation is they are at maximum capacity, 520 head a day. He spoke about their high-quality product, which is in high demand, and they would appreciate the Commission's assistance with their expansion.

Rosenberg asked Bunger about the fourth condition, 180-day validation period, wondering if the City had ever done that before and if they could get the permits done in six months.

Kully brought up how in six months we will be going into winter.

Bunger said he did not believe Hastings has done this; however, he has familiarity with this from past jobs. The reason for the proposed condition is to ensure that the project is constructed, and the approval does not languish for years, which could cause issues for the neighborhood, if circumstances changed in the area.

Hoffman asked Bunger if in his experience it ever ended up coming back to the Planning Commission, or if that was enough time.

Bunger views the Conditional Use Permits as the project is ready to proceed with building permits.

Hinton added when she read the 180 days, she didn't think that meant everything was completed, that was for the process of permits issued to get going, correct? Bunger agreed.

Stutzman voiced her appreciation for the business and the impact it has on the community and the region's economy. She said she appreciates having a local company producing high quality beef, rather than a large corporation. She said she is excited about this opportunity for Hastings and increasing our workforce.

Hoffman said it is great that the company is considering adding forty jobs in Hastings. He said that growth is happening and it's exciting.

First Chair Hinton declared the public hearing closed and called for a motion to consider the request from Hastings Property Holdings, LLC for a Conditional Use Permit for the Noah's Ark Processors Expansion Project and recommend it to the City Council. Kully moved to approve the Conditional Use Permit request, which was seconded by Lewis. Roll Call: Ayes: Kully, Rosenberg, Rossi, Hoffman, Lewis, Stutzman, and Hinton. Nays: None. Motion carried: 7-0.

First Chair Hinton opened the Public Hearing

d. 2024-301 Public hearing to consider a request for Plan Modification No. 2024-7 to Redevelopment Area #5 for the Noah's Ark Processors, LLC Project. The area of redevelopment is approximately 11.89 acres. The Plan Modification area is commonly addressed as 1009 West M Street, City of Hastings, Adams County, Nebraska. Batelaan provided the Staff Report to consider a request for Plan Modification No. 2024-7 to Redevelopment Area #5 for the Noah's Ark Processors, LLC Project. The Staff recommends approval for the request for Plan Modification No. 2024-7 for Noah's Ark Processors, LLC, and recommends approval to the City Council, based on the findings in the staff report.

Joel Freeman-Facility Engineer, 1009 W M Street, Noah's Ark Processors. The facility had met its life expectancy. One key factor is they are a Kosher facility and the only facility in the country that is certified to ship to Israel. The money from the Tax Increment Financing will help move the sewer and water line that runs down the East side of the building.

Lewis said working with grants before, the grantors want to see local buy-in. It is important to see the City cares and is willing to put money into it, that's important. First Chair Hinton declared the public hearing closed and called for a motion to consider the request from Hastings Property Holdings, LLC for the Redevelopment Plan Modification for the Noah's Ark Processors Expansion Project and recommend it to the City Council. Rosenberg moved to approve the Redevelopment Plan Modification, seconded by Lewis. Roll Call: Ayes: Kully, Rosenberg, Rossi, Hoffman, Lewis, Stutzman, and Hinton. Nays: None. Motion carried: 7-0.

Subdivisions

a. 2024-279 Final Plat for Elm Meadows First Subdivision, a part of the Northeast Quarter, North Half of Fractional Section Six, Township Seven North, Range Nine West of the 6th P.M. in the City of Hastings, Adams County, Nebraska. Bunger gave a summary of the Final Plat of Elm Meadows First Subdivision. Staff recommends that the Planning Commission recommend

approval to the City Council for the Final Plat for Elm Meadows First Subdivision, based on the findings in the staff report.

First Chair Hinton asked for a motion to recommend approval for the Final Plat for Elm Meadows First Subdivision and recommend approval to the City Council. Hoffman moved to approve the Final Plat for Elm Meadows First Subdivision, a part of the Northeast Quarter, North Half of Fractional Section Six, Township Seven North, Range Nine West of the 6th P.M. in the City of Hastings, Adams County, Nebraska., seconded by Kully. Roll Call: Ayes: Kully, Rosenberg, Rossi, Hoffman, Stutzman, Lewis, and Hinton. Nays: None. Motion carried: 7-0.

Work Session

- a. **Review the Final Draft of the On Horizon Hastings Comprehensive Development Plan.** Bunger provided a brief overview of the draft plan and the anticipated adoption timeline. He said the Public Draft meets the minimum requirements by State statutes and appreciates Marvin Planning Consultants' work.

Bunger mentioned the Engage Hastings page and a newsletter feature on the website.

Bunger also mentioned the Community Open House on Tuesday, September 24th at the Hastings Library at 5:30 p.m. Marvin Planning Consultants will be there.

Bunger thanked the members of the Planning Commission who volunteered their time to read through the earlier draft giving us feedback and helping guide us through this project.

Hoffman brought up zoning differences in the area around the meat packing plant and they discussed how that would be handled.

Kully asked about any state or city regulations or laws requiring the City of Hasting to put negative comments in the report. The Commission discussed how to provide details from the plan's initial survey and stakeholder group meetings to appropriately note positive statements and issues or concerns raised by the public. Rosenberg mentioned that Marvin Planning would be at the Open House next Tuesday, September 24th and they can talk to them about other communities for their Comprehensive Plans. Bunger stated there are no state statutes, it's the community document. It is in there for transparency's sake.

Reports

- a. **Committee Reports:** Bunger said the Comprehensive Plan group met a couple of weeks ago to review the latest draft. The Zoning Update ad hoc group hasn't met since the last Commission Meeting, but he anticipates that they will meet in mid-October ahead of upcoming community meetings and a Commission work session to review the Sign Code update. The housing group has not met.
- b. **Chairman Comments:** None
- c. **Staff Reports:** None.

Adjourn

First Vice Chair Hinton called for a motion to adjourn at 5:37 p.m. Moved by Kully to adjourn, seconded by Rosenberg. Roll Call: Ayes: Kully, Rosenberg, Rossi, Hoffman, Hinton, Lewis, and Stutzman. Nays: None. Motion carried 7-0.

First Vice Chair

Department: Development Services
Staff Contact: Chad Bunger, Ember Batelaan
Planning Commission Meeting Date: 10/15/2024
File No: 2024-394
Prepared By: Chad Bunger, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

The applicant, Johnson Imperial Homes, has requested to rezone a 0.62 acre parcel, generally located northwest of the intersection of West Lochland Road and Pintail Avenue, from R-1, Urban Single-Family Residential District to R-2, Mixed-Density Neighborhood District.

Names of People/Business affected by this action:

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

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

The request to rezone is scheduled to be heard at the City Council Regular meeting on November 12, 2024.

Department head comments:

Development Services staff has reviewed the application to rezone the property to R-2, Mixed-Density Neighborhood District. The complete details of the staff review and recommendation are in the attached staff report.

Recommendation:

Staff recommends the Planning Commission recommends APPROVAL to the City Council for the request to Rezone Lot 1, Block 4, Lochland Meadows Subdivision #2, generally located northwest

of the intersection of West Lochland Road and Pintail Avenue, from R-1, Urban Single-Family Residential District to R-2, Mixed-Density Neighborhood District.



City of Hastings Planning Commission

STAFF REPORT

Request to Rezone: From R-1, Urban Single-Family Residential District to R-2, Mixed-Density Neighborhood District

Case No. 2024-394

Applicant Chris Wissing (Johnson Imperial Homes)

Property Location: Lot 1, Blk 4, Lochland Meadows Sub #2

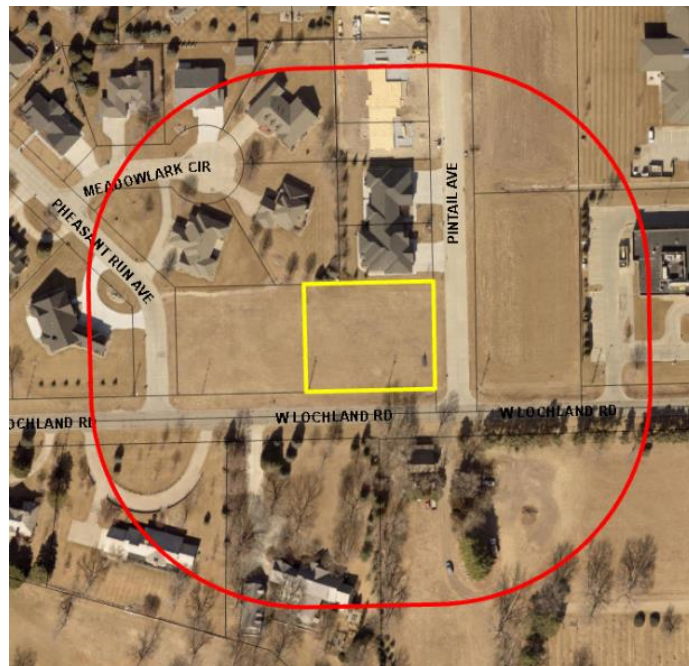
Lot Size: 27,000 sq ft (0.62 acres)

Date of Public Hearing: October 15, 2024

Current Zoning R-1, Urban Single-Family Residential District

Adjacent Zoning:

- North:** R-2, Mixed-Density Neighborhood District
- East:** R-3G, Garden Apartment Multiple Family District and C-3, Commercial Business District
- South:** R-1, Urban Single-Family Residential District
- West:** R-1, Urban Single-Family Residential District and R-2, Mixed-Density Neighborhood District



DESCRIPTION OF REZONING REQUESTS: The applicant has requested to rezone the 0.62-acre tract of land from R-1, Urban Single-Family Residential District to R-2, Mixed-Density Neighborhood District.

The applicant has stated in the application materials that “the intent is to build a duplex of similar construction to the existing duplexes that are located north and adjacent to this lot.”

No specific development plans or building permits have been provided for the future of the property.

Property Description: The property consists of Lot 1, Block 4 of Lochland Meadows Subdivision #2. The property is roughly 180 feet wide, east to west, and 150 feet deep, north to south. The land is currently vacant and relatively flat. The property currently does not have any access points and does not have sidewalks.

STANDARDS TO REZONE PROPERTY:

The provisions of [Article VIII](#) regulate the process to rezone property within the City and its extraterritorial jurisdiction.

The City Council, by recommendation from the City Planning Commission, will base its decision on the following:

a) The existing use of the property, its physical and environmental characteristics, its zoning history, and its suitability for the zoning district it currently is within.

The property was originally subdivided by the Lochland Meadows Subdivision #2 in 1992 and has been zoned R-1 District since 1992. The property was annexed into the City in the early 2000's. The site has remained vacant the entire time. The site is relatively flat with no environmental concerns on the site. Based on the size and orientation of the property, permitted residential uses could be placed on the property.

b) Conformity of the proposed change with the Comprehensive Plan.

The property is designated as Suburban Residential in the 2009 Imagine Hastings Comprehensive Plan Future Land Use Map.

The policy statement for this use designation is:

This residential category represents the most common development standards in housing and neighborhood design in Hastings. Development in this category is typically in the 2 to 5 units per acre range with lots ranging in size from 8,750 to 20,000 square feet. Suburban residential development is primarily reserved for single family uses, but may include a mixture of housing types subject to the residential location guidelines listed below. In areas of suburban residential development where sensitive land forms or environmental constraints exist, cluster developments are encouraged. (Clustering is defined in the Development Section of this Chapter.) Like urban neighborhoods, suburban neighborhoods are strengthened by the presence of community services (churches, schools and parks) that are permitted in this category.

The proposed duplex use on the site would create a density of 3.22 dwelling units per acre.

The proposed use of the property is appropriate and the proposed rezoning would conform to the Comprehensive Plan.

c) Adequacy of sewer, water, streets, and other needed facilities and services for permitted uses in the proposed zoning district.

The site is currently served by City utilities. These utilities should be adequate to provide needed water, sanitary sewer, electricity, and gas for the existing and proposed uses.

d) The character of the neighborhood, including the zoning and uses of nearby property.

The surrounding area can be considered an area of transition from single-family residential to the west and south, duplex residential to the north, and highway commercial uses to the east.

To the west and south are single-family homes zoned R-1, Urban Single-Family Residential District and to the north are duplexes zoned R-2, Mixed-Density Neighborhood District. The properties directly to the east are zoned R-3, Multiple-Family District, and further to the east are zoned C-3, Commercial Business District.

As previously stated, the applicant has not provided detailed plans for the property, however, it is intended to be a duplex of similar construction to the existing duplexes.

The proposed rezoning and assumed use would meet the general character of the surrounding neighborhood.

e) Compatibility of the proposed zoning district with nearby property.

As previously mentioned, the surrounding area is a transition from residential uses, including R-1 & R-2 zoned property, to highway commercial properties zoned C-3, Commercial Business District. The adjacent properties to the north are zoned R-2, Mixed-Density Neighborhood District, so rezoning this property to R-2 would be compatible with nearby properties.

f) Additional matters as might apply in individual cases. Not applicable.

STAFF COMMENTS: Staff recommends the Planning Commission **APPROVE** the request to Rezone the property generally located at the intersection of Pintail Ave and W Lochland Rd, from R-1, Urban Single-Family Residential District to R-2, Mixed-density Neighborhood District.

PREPARED BY: Ember Batelaan, City Planner

DATE: September 18, 2024

ATTACHMENTS:

1. Application materials
2. 2009 Comprehensive Plan Future Land Use
3. Uses and district table (R-2 District highlighted)
4. R-2 District Regulations

Johnson Imperial Homes is requesting that a lot identified as Lot 1, Block 4, Lochland Meadows Sub#2 be re-zoned from R-1 Urban Single Family Residential to R-2 Mixed Density Residential. The intent is build a duplex of similar construction to the existing duplexes that are located north and adjacent to this lot.

Future Land Use City of Hastings, Nebraska

Future Land Use Plan Adopted
Planning Commission: 1-20-2009
City Council: 2-24-2009
Ordinance #4215

Map Last Updated: December 28, 2016

Land Use:

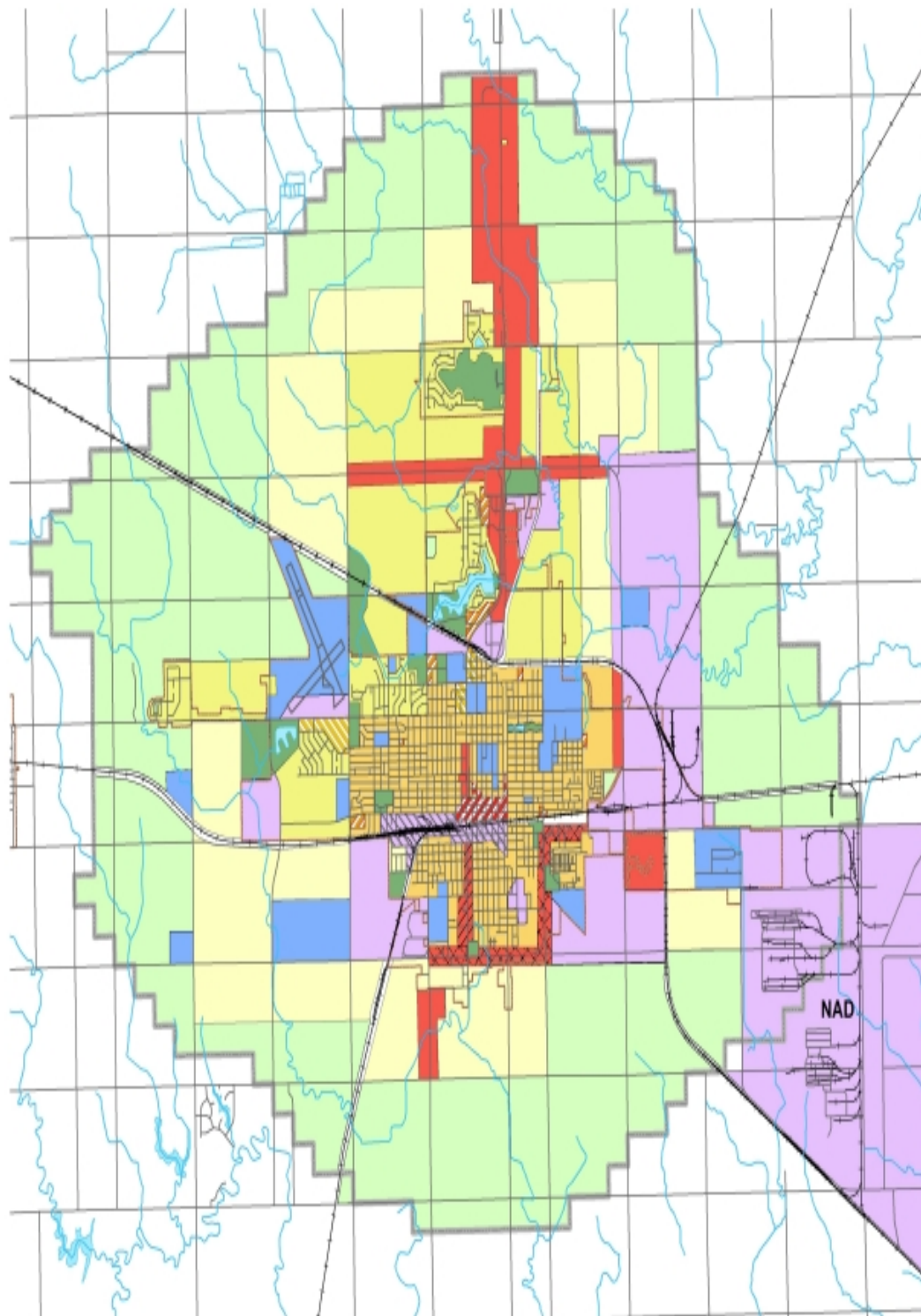
-  Rural Residential
-  Suburban Residential
-  Urban Residential
-  Mixed-Use - Neighborhood
-  Mixed-Use - Community
-  Mixed-Use Downtown
-  Commercial/Retail
-  Employment/Industrial
-  Public / Semi-Public
-  Parks & Recreation
-  Agriculture

Overlay Districts:

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

-  City Boundary
-  ETJ Boundary
-  Education

not to scale



Sec. 34-205. - R-2 Mixed-Density Neighborhood Districts.

- (1) *Intent.* This district is intended as urban and suburban two-family residential area with low population densities. Structures and uses required to serve governmental, educational, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their residential character.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
Single-family dwelling	6,000	50
Two-family dwelling	3,500	35

- (4) *Minimum yard requirements.*
 - (a) *Front yard*—25 ft.
 - (b) *Side yard*—here shall be a side yard on each side of a building not less than five feet, except that semi-attached dwellings may have a 0' setback when platted on lots with a party wall.
Buildings on corner lots shall provide a side yard on the street side of not less than 15 feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than 35 feet.
 - (c) *Rear yard*—The depth of the rear yard shall be at least 20 percent of the depth of the lot, but such depth need not be more than 30 feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).
- (5) *Minimum dwelling size.*
 - (a) 650 square feet of living floor area.
- (6) *Maximum lot coverage by all buildings.*
 - (a) The maximum lot coverage by all buildings shall not exceed 40 percent.
All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise.
- (7) *Maximum height of structures.*

- (a) Except as otherwise provided in this chapter, the maximum height of a principal structure shall be 35 feet above grade.
- (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25 percent.

(Ord. No. 4233-11/2009)

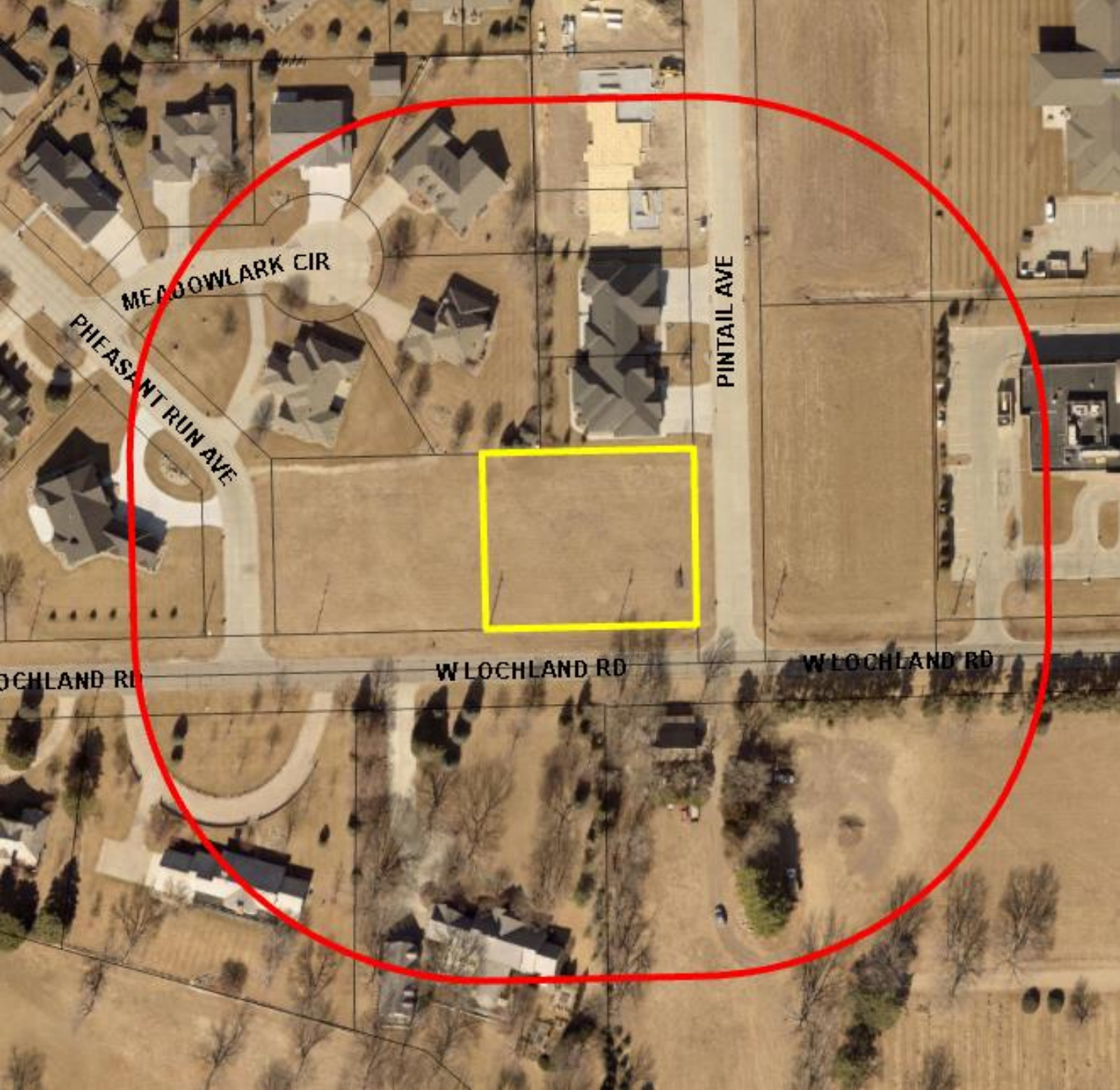


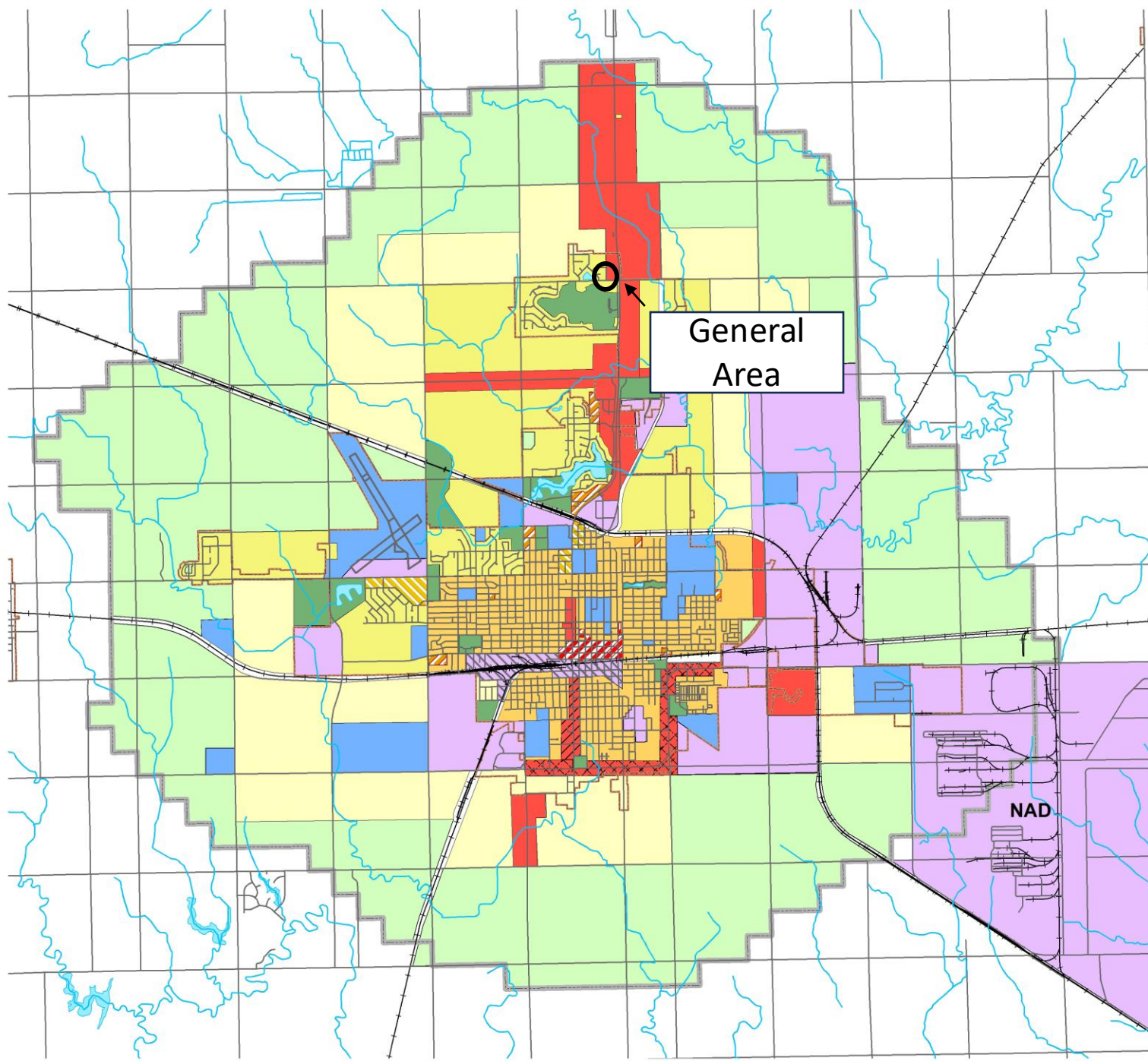
HASTINGS

Nebraska



File No.	2024-394
Project	Public hearing for a change of zoning for Lot 1, Block 4, Lochland Meadows Subdivision #2, generally located to the northwest of the intersection of West Lochland Road and Pintail Avenue, from R-1, Urban Single-Family Residential District to R-2, Mixed Density Neighborhood District, and to amend the Official Zoning District Map.
Applicant	Chris Wissing (Johnson Imperial Homes)





Future Land Use City of Hastings, Nebraska

Future Land Use Plan Adopted
Planning Commission: 1-20-2009
City Council: 2-24-2009
Ordinance #4215

Map Last Updated: December 28, 2016

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
- Education

not to scale





Looking North



Looking East



Looking South



Looking West



Staff Findings Summary

- The property and surrounding area is a mix of single- and two-family residential and highway commercial uses that conforms with the 2009 Comprehensive Plan.
- Adequate public infrastructure is available in the area to serve the development.
- The character of the surrounding neighborhood is primarily residential and a duplex would fit the character of the area.
- The rezoning of the property to R-2 would be compatible with the existing zoning districts in the area.

Staff Recommendation

City staff recommends to the Planning Commission to **recommend approval** for an ordinance and the amendment to the Official Zoning District Map to rezone Lot 1, Block 4, Lochland Meadows Subdivision #2, generally located northwest of the intersection of West Lochland Road and Pintail Avenue, from R-1, Urban Single-Family Residential District to R-2, Mixed-density Neighborhood District.



HASTINGS

Nebraska

Department: Development Services
Staff Contact: Chad Bunger, Ember Batelaan
Planning Commission Meeting Date: 10/15/2024
File No: 2024-407
Prepared By: Chad Bunger, Director of Development Services

AGENDA ITEM SUMMARY SHEET

Description of Item:

The Hastings Community Redevelopment Authority, on behalf of Hoppe Development, have applied for a Redevelopment Plan Modification 2024-8 in Redevelopment Area #5 for the Cedar Park Redevelopment Project. The Redevelopment Plan Modification is for a mixed-income multi-family housing development project.

Names of People/Business affected by this action:

The applicant, the people of Hastings, the Community Redevelopment Authority, and the City

Why Planning Commission action is required:

Pursuant to Nebraska State Statutes 18-2112, prior to recommending a redevelopment plan to the governing body for approval, an authority shall submit such plan to the planning commission or board of the city in which the redevelopment project area is located for review and recommendations as to its conformity with the general plan for the development of the city as a whole. The planning commission or board shall submit its written recommendations with respect to the proposed redevelopment plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission or board or, if no recommendations are received within such thirty days, then without such recommendations, an authority may recommend the redevelopment plan to the governing body of the city for approval.

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

The City Council is scheduled to review this Redevelopment Plan Modification on November 12, 2024.

Department head comments:

Development Services staff have reviewed the application for the Cedar Park Redevelopment Project and Redevelopment Plan Modification of Area #5. The complete details of the staff review and recommendation are in the attached staff report.

Recommendation:

Staff recommends the Planning Commission recommend APPROVAL to the City Council for the request for a REDEVELOPMENT PLAN MODIFICATION for the Cedar Park Redevelopment Project, generally located southeast of the intersection of East D Street and South Cedar Avenue, based on the findings in the staff report and Redevelopment Plan Modification materials.



City of Hastings Planning Commission

STAFF REPORT

Request to Modify Redevelopment Plan:	Cedar Park Redevelopment Plan (Plan Modification No. 2024-8)
Case No.	2024-407
Applicant	Hastings Community Redevelopment Authority, on behalf of Hoppe Development
Property Location:	Southeast of the intersection of East D Street and South Cedar Avenue, on the east side of South Cedar Avenue.
Lot Size:	3.67 acres
Date of Public Hearing:	October 15, 2024
Current Zoning	R-3, Multiple Family Residential District
Adjacent Zoning:	North: R-3, Multiple Family Residential District East: I-1, Light Industrial District South: I-2, Heavy Industrial District West: R-3, I-1, and I-2 Districts



DESCRIPTION OF PROPOSED REDEVELOPMENT PLAN MODIFICATION REQUESTS:

The Hastings Community Redevelopment Authority (CRA) has made an application for the Redevelopment Plan Modification of Area #5 for the site acquisition and development of a mixed-income multi-family housing development project. Hoppe Development has requested the use of tax increment financing (TIF) to pay for eligible expenses for the development, which can include, site acquisition, site preparation and grading, building enhancements, and infrastructure improvements.

The property is within Redevelopment Area #5. The Blight and Substandard Determination and General Redevelopment Plan were approved in May 1992. The redevelopment plan, proposes the following planning and redevelopment actions:

- Reclassify land use and zoning districts to produce an acceptable land use pattern;
- Systematic removal of substandard and dilapidated structures within the area;
- Rehabilitation of both owner and renter occupied single family structures in areas experiencing stable, low density residential conditions;
- Consideration for planned open space, in the form of small-scale neighborhood parks;
- Improved, planned off-street parking;
- Scattered street development and improvements within the area, accompanied with storm sewer, curbing, street lighting and sidewalk improvements;
- Public assemblage of land to allow for planned multi-family residential and commercial development;
- Increased density for residential areas;
- Consideration for screening and/or buffering of commercial areas from residential uses;
- Improved planned streetscapes within the area;
- Code enforcement program for the clean-up of areas in violation and detrimental to health, safety and general welfare of the community; and
- Public assemblage of the Union Pacific Rail Line proposed for abandonment for the development of passive recreation uses.

The proposed redevelopment, named Cedar Park Redevelopment Project, would redevelop the property generally located southeast of East D Street and South Cedar Avenue.

Property Description:

The property consists of 3.67 acres and currently has one vacant single-family structure. Hoppe Development proposes to redevelop the property into a mixed-income multi-family housing development with 58 total residential units. No details of the building design or lot configuration have been submitted for approval. The site will need a Preliminary Plat and Final Plat to prepare the land for development.

STANDARDS TO PROPOSED REDEVELOPMENT PLAN MODIFICATION:

The provisions of N.R.E 18-2116 regulate the process of modifying a redevelopment plan within the City and its extraterritorial jurisdiction for a proposed development.

The City Council, by recommendation from the City Planning Commission, will base its decision on the following:

- a) Is the proposed Redevelopment Plan Modification feasible and in conformity with the Comprehensive Plan (general plan) for the development of the City of Hastings, as a whole, and is it in conformity with the legislation declarations and determinations?**

Based on the application materials provided by the Hastings CRA, the proposed redevelopment project appears to be feasible.

The proforma documented in the application appears to be reasonable, using appropriate expenses and revenue for the development.

The City of Hastings “Imagine Hastings” Comprehensive Plan, adopted in 2009, shows the site as the Urban Residential land use category. The policy statement for this use designation is:

The urban residential category allows higher density residential development, typically in the 4 to 10 units per acre range with lots ranging in size from 7,000 to 10,750 square feet in size. The original development areas of the city consisting of smaller lots and blocks, defined by a gridded street network, are good examples of this type of residential development. This category may include a mixture of housing styles and types including single family, duplexes, townhomes, and multi-family of both rental and ownership types. Such residential uses may be integrated into neighborhoods or neighborhood centers, community centers, and regional centers per specified location guidelines outlines. To maintain the viability of these types of neighborhoods community services such as churches, schools and parks are also allowed in this land use category.

The existing zoning of the property is R-3, Multiple Family Residential District, which permits attached dwellings (townhouse) and multi-dwelling buildings.

Based on the City staff’s review, the proposed redevelopment plan modification is feasible and conforms with the City’s Comprehensive Plan.

b) If the proposed redevelopment plan is to use tax increment financing (TIF):

i. Would the redevelopment project in the plan be economically feasible without the use of tax-increment financing?

Based on the information in the Cedar Park Redevelopment Plan Modification application materials, the proposed development would not be economically feasible without the use of tax-increment financing.

The developer's project financial plan shows the total expenses to be \$10,238,041. The project consists of two co-located housing developments (Project "A" and Project "B"). The sources of funds used to pay for Project "A" include Low-Income Housing Tax Credits (LIHTC), State Affordable Housing Tax Credit (AHTC), HOME Funds, Deferred Developer Fee, First Mortgage Loan, Developer Equity, and a TIF Loan. The sources of funds used to pay for Project "B" include Nebraska Affordable Housing Trust Funds (NAHTF), First Mortgage Loan, Develop Equity, and a TIF Loan.

The developer is seeking a total of \$1,000,803 in TIF funding, which will be in the form of a loan amortized over 15 years. These funds will cover the gap in financing and other funding sources for the development.

As stated on page 8 of the plan modification documents, "in order to qualify for Low-Income Housing Tax Credits, the project's Debt Service Coverage Ratio must be 1.15% or greater. Without TIF funding, the Debt Service Coverage Ratios are less than 1.15%."

ii. Would the redevelopment project not occur in the community redevelopment area without the use of tax-increment financing?

The redevelopment of this property would bring 58 units of affordable and market rate housing to the community.

As previously stated, the proposed development needs the financial support from TIF to make the development feasible. Without the TIF funding, the Debt Service Coverage Ratio would not be sufficient to qualify for Low Income Housing Tax Credits (LIHTC). The project would not be feasible without the use of TIF and would most likely not occur.

- iii. **Is the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services in the long-term best interest of the community impacted by the redevelopment project?**

Based on the information in the redevelopment plan modification documentation, the proposed development will be in the long-term best interest of the community.

The proposed redevelopment creates new valuation from the redevelopment of a property, which currently has a vacant single-family house. This redevelopment project will provide 58 units of mixed-income multi-family housing. Additionally, while the project includes paving a public street, the site is currently served by municipal services and should not negatively impact fire and police protection. The project will not have a negative impact on employers and employees of businesses located within the boundaries of the redevelopment area and will provide affordable and workforce housing. Project “A” is intended for 55+ residents and will not impact the local school districts. Project “B” will consist of 24 two-bed units that are unsuitable for larger families and is not anticipated to have an adverse impact on local school districts.

- c) **Is the proposed redevelopment plan within a designated enhanced employment area? If so, will the new investments proposed with the redevelopment plan modification increase employment in the area by five new employees and new investment of \$250,000?** This standard does not apply, as the area is not in a designated enhanced employment area.

STAFF COMMENTS: Staff recommends the Planning Commission recommend **APPROVAL** to the City Council for the request for a **REDEVELOPMENT PLAN MODIFICATION** for the Cedar Park Redevelopment Project, generally located southeast of the intersection of East D Street and South Cedar Avenue, on the east side of South Cedar Avenue, based on the findings in the staff report and the Redevelopment Plan Modification materials.

PREPARED BY: Ember Batelaan, City Planner

DATE: September 24, 2024

ATTACHMENTS:

1. Redevelopment Plan Modification materials
2. 1992 Redevelopment Area Number 5 Blight and Substandard Determination Study
3. 1992 Redevelopment Area Number 5 Redevelopment Plan

**PLAN MODIFICATION NO. 2024-8
TO REDEVELOPMENT AREA #5
(Hoppe Development – Cedar Park Redevelopment Project)**

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #5 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for a specific redevelopment project involving a multifamily development to be located southeast of the intersection of Cedar Avenue and East “D” Street.

Executive Summary:

Project Description

The Project consists of the redevelopment of a parcel of land located east of Cedar Avenue and south of East “D” Street. Hoppe Development proposes a mixed income multifamily housing development project that will include the acquisition of the project site and development of two co-located projects consisting of up to 58 total residential units and a shared amenity package. Project A, a 55+ focused Low-Income Housing Tax Credit (LIHTC) project will include 10 two-bed townhome units and 24 two-bed stacked rowhome flat units for a total of 34 residential units. Project B, a workforce housing project funded partially by Nebraska Affordable Housing Trust Funds (NAHTF) will consist of an additional 24 two-bed stacked rowhome flat units of which ten households will be making at or below 120% of the Area Median Income and will do so for 10 years. The project site will consist of a shared amenity package including a clubhouse with a community room, kitchen, and gym, and an outdoor recreation space.

The Project shall utilize the benefits of the Nebraska Community Development Law, including the use of tax increment financing for eligible costs which shall include, but not be limited to:

- Site acquisition costs
- Site preparation and site grading
- Building enhancements including façade improvements to assist in the prevention of future blight conditions and energy enhancements to make the structures more energy efficient
- Infrastructure improvements including street, water, sewer, gas and electric costs

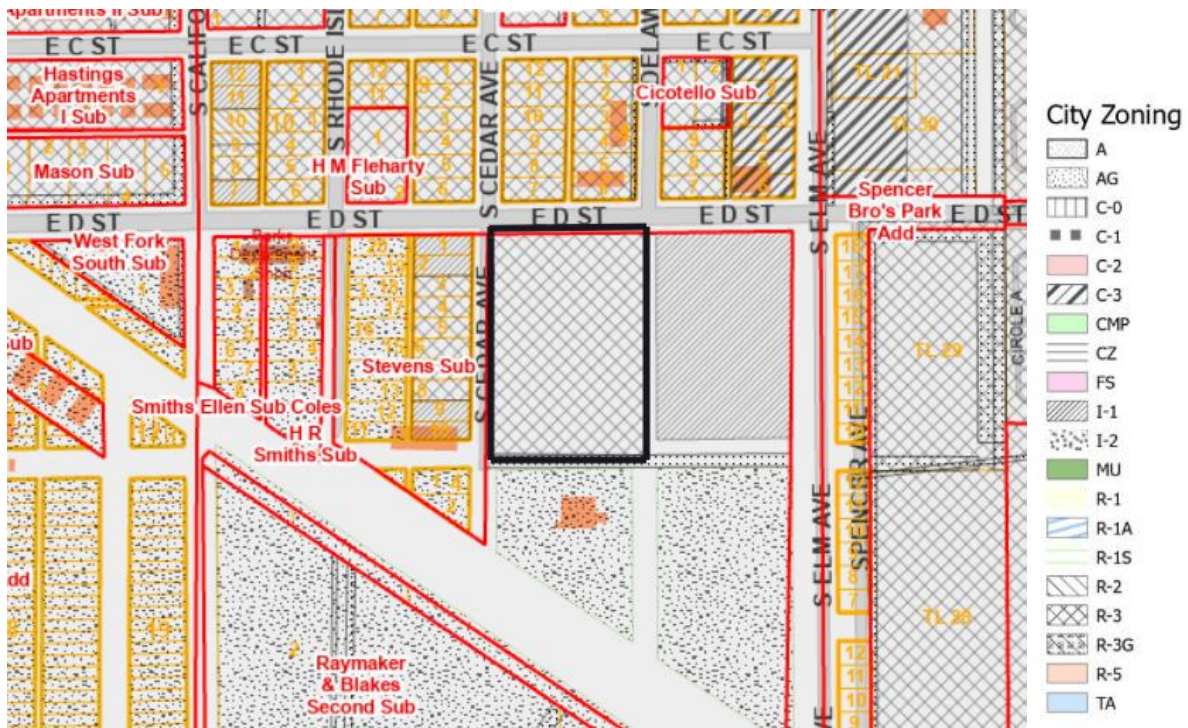
The Cedar Park Redevelopment Project will encounter these costs at this Redevelopment Area and the Project is not financially feasible without the use of tax increment financing.

Property Description (the "Redevelopment Project Area")

A parcel of land located east of Cedar Avenue and south of East “D” Street.

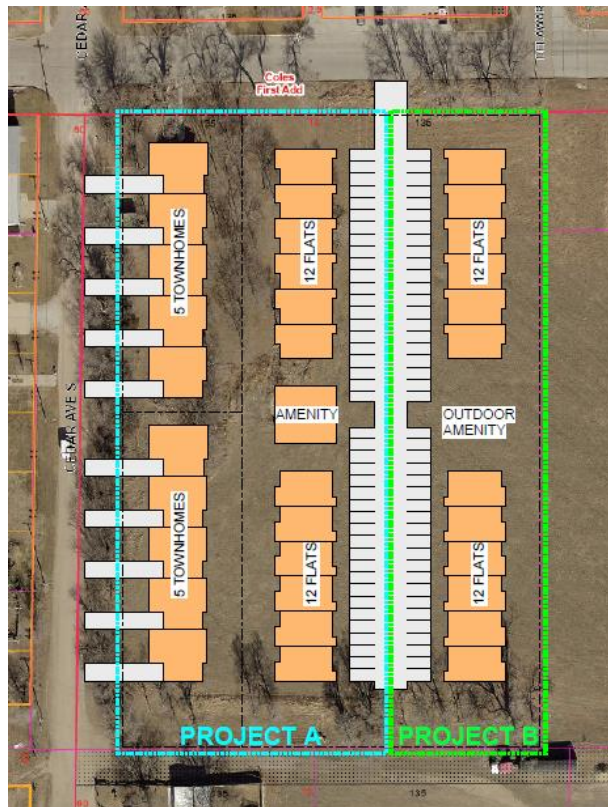
Legal Descriptions: Beginning at a point on the South line of “D” Street in Cole’s Addition to the City of Hastings, Adams County, Nebraska, 346 feet East of the Northeast corner of Lot Nine (9), in H.R. Smith’s Sub-division in the City of Hastings, Adams County, Nebraska, running thence East 338 feet along the South line of said “D” Street, thence South 470 feet, thence West 338 feet, thence North 470 feet to the point of beginning; being what was formerly known as Block Two (2), Steven’s Subdivision of a part of Block Thirteen (13), in Cole’s Addition in Hastings, Adams County, Nebraska, together with one-half the vacated street on the East, South and West sides of said block as they existed before vacation.

Map of Existing Land Use and Proposed Redevelopment Site



Site Plan: Attached below is the conceptual Site Plan prepared by the Project Engineers which depicts the location of the two co-located projects consisting of up to 58 total residential units.

Cedar Park Site Plan



The real property ad valorem taxes on the base valuation will continue to be paid to the other taxing entities. The increase in value will come from the redevelopment of the Cedar Park Project Site to add approximately 58 dwelling units of multifamily housing in the R-3 Multi-family zoning district. The tax

increment will be captured for the tax years 2025 through 2039 inclusive. Provided, however, if there is no increase in valuation for the 2025 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years later. Total project costs for the Cedar Park Project are estimated to be approximately \$15,000,000 which includes the costs of development of the two co-located projects consisting of up to 58 total residential units.

Project costs for the acquisition, preparation of the site and the installation of water, sewer and paving are estimated to be in excess of \$1,397,275. The developer intends to construct up to 58 residential units and a shared amenity package. Project A, includes 10 two-bed townhome units and 24 two-bed stacked rowhome flat units for a total of 34 residential units. Project B, will consist of an additional 24 two-bed stacked rowhome flat units. When site improvements and the 58 residential units are completed the total project costs are anticipated to be \$14,771,579. The project valuation when completed is estimated to be \$5,140,000 and the developer projects an incremental valuation increase of approximately \$5,026,117. The final assessed value is significantly less than the construction cost which is due to the way County Assessors are required to value Low Income Housing Tax Credit (LIHTC) projects. By statute, the county assessor is required to value these types of housing projects by the income method rather than cost or sales comparison approach to value.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Cedar Park Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan. Said taxes shall be divided as follows:

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was first declared blighted and substandard by action of the Hastings City Council on the 27th of May, 1992. Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.**
- 2. Conformation to the General Plan for the Municipality as a whole. (§18-2103 /13) (a) and §18-**

2110)

The property is designated as Urban Residential in the 2009 Imagine Hastings Comprehensive Plan Future Land Use Map. The urban residential category allows higher density residential development and this category may include a mixture of housing styles and types including single family, duplexes, townhomes and multi-family of both rental and ownership types. In May of 2024, the Site was rezoned from I-1 Industrial to R-3, Multiple-family Residential District. This district would generally have a more intense residential use compared to other residential zoning districts. This redevelopment plan amendment and project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. This plan merely provides funding for the developer to construct affordable housing for residential uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission will hold a public hearing at their meeting on October 15, 2024 to review and approve Plan Modification No. 2024-8 to Redevelopment Area #5 confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings.

3. The Redevelopment Plan must be sufficiently complete to address the following items: (§18-2103/13) (b)

a. Land Acquisition:

The Redevelopment Plan for Area #5 provides for real property acquisition and this plan amendment does not prohibit such acquisition. The Community Redevelopment Authority is the current owner of the property on which the Project will be constructed and the developer plans to acquire the property.

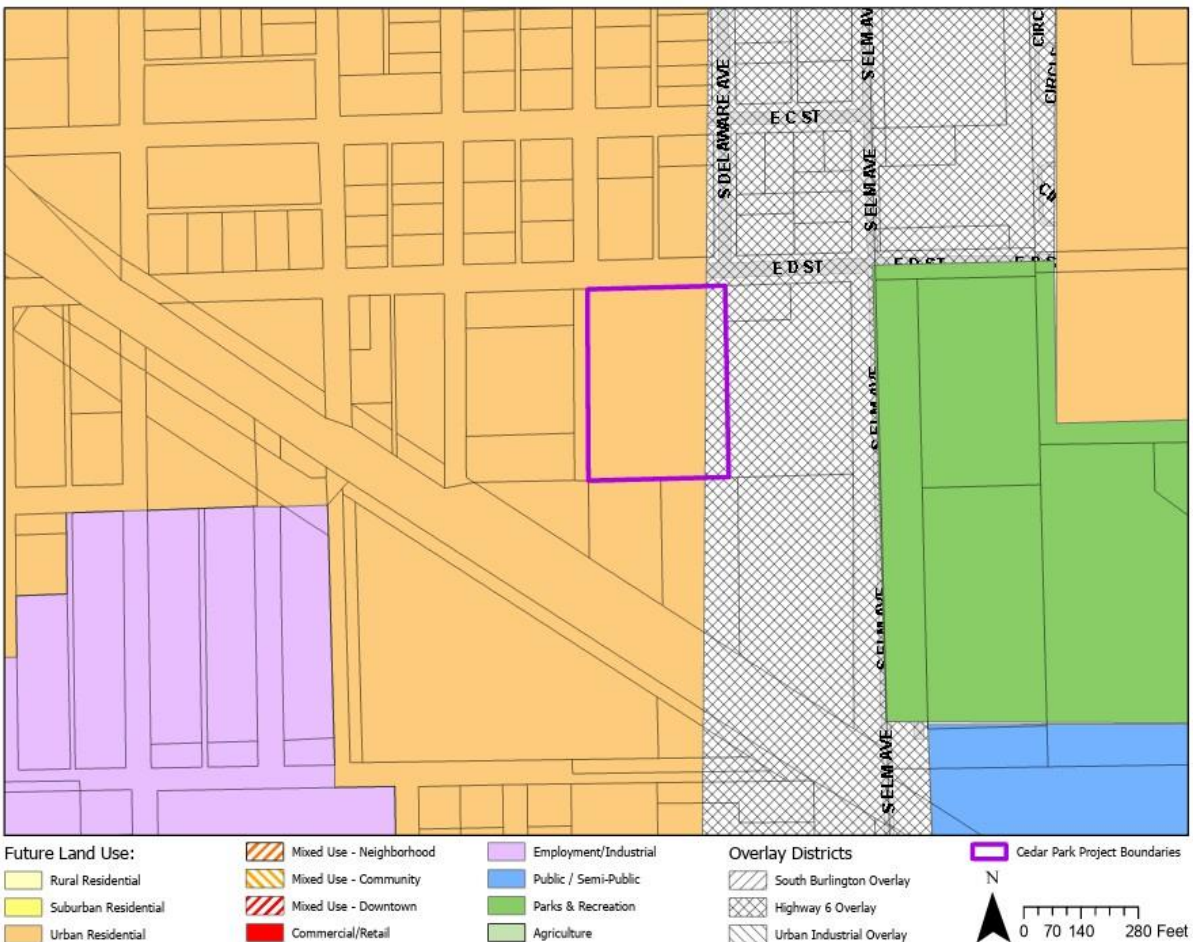
b. Demolition and Removal of Structures:

The site has a vacant single-family home which will be demolished to accommodate the project site development. The home has been vacant for over one year and no relocation costs are included as a part of this project.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. The Project Site is identified as “Urban Residential” in the Comprehensive Development Plan which use is consistent with this Amendment. The site is planned for residential development and ancillary uses of the area after redevelopment as required by Section 18-2111(5) of the Nebraska Community Development Law. The Cedar Park Project will add 58 dwelling units to the site.

Future Land Use Map



d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

The project area is currently zoned for residential use under the R-3 Multi Family district. The Project Site Plan reflects the paving of Cedar Avenue which will be constructed in conjunction with the project. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated. [§18-2103(b) and §18-2111] other than as described herein.

e. Site Coverage and intensity of Use

The developer intends to construct multifamily housing to provide much needed additional affordable and workforce housing to the City of Hastings. The Cedar Park Redevelopment Project will contain 58 dwelling units which density is approved for this Mixed-Use Development.

f. Additional Public Facilities or Utilities

Sewer, water and street paving already exist to support this redevelopment of the site. Sufficient electric utilities and gas lines also exist which currently serve the existing site. The redeveloper will be responsible for installing any sidewalks or paving required for the project. No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]. The redeveloper intends to construct a new parking lot to serve the occupants of the Project.

4. **The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation.** The residential structure located on the site is vacant. There are no individuals or families who will be displaced by the Project.

5. **No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106].** No members of the authority or staff of the CRA have any interest in this property.

6. **Section 18-2114 of the Act requires that the Authority consider:**

1. **Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.**

The developer intends to purchase the property from the Authority for \$145,000 and acquisition is part of the request for tax increment financing. The CRA has been asked to provide \$1,000,803 in TIF funding to this project to offset the cost of TIF eligible expenditures. The CRA has identified the following TIF eligible expenses for the developers' proposed improvements;

- a) site acquisition - \$145,000
- b) site preparation - \$112,350
- c) infrastructure including sewer, water, paving, electric and gas - \$775,950
- d) planning related & engineering services - \$363,975

The total TIF eligible expenses for this project are \$1,397,275. The property will be transferred to the redevelopers by the Authority and the developer will provide and secure all necessary financing.

2. **Statement of proposed method of financing the redevelopment project.**

The Developer anticipates that the sources of financing for Project "A" shall be structured as follows:

• Low Income Housing Tax Credits:	\$4,328,496
• State Affordable Housing Tax Credits:	\$2,200,000
• National Housing Trust Funds	\$ 800,000
• Owner Equity	\$ 150,000
• ARPA Rural Community Recovery Funds	\$ 300,000
• Active Solar Tax Credits	\$ 42,330
• Permanent Financing:	\$1,968,068
• Deferred Developer Fee:	\$ 250,000
• TIF Loan:	<u>\$ 490,437</u>

Total \$10,238,041

The Developer anticipates that the sources of financing for Project "B" shall be structured as follows:

• Developer Equity:	\$ 559,100
• NE Affordable Housing Trust Funds	\$ 750,000
• Permanent Financing:	\$2,514,072
• CRA Loan	\$ 200,000
• TIF Loan:	<u>\$ 510,366</u>

Total \$4,533,538

The actual cost of development shall be determined following the completion of design and bidding of the Project.

3. **Statement of feasible method of relocating displaced families.**

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Hastings Comprehensive Development Plan by providing the following benefits;

- Increasing the housing opportunities available for a growing population of the city; and
- The redevelopment of the blighted and substandard parcel existing on the Project site.

8. Time Frame for Development

Development of the Cedar Park Project is anticipated to be commenced in the first quarter of 2025 and construction is anticipated to be complete in the second quarter of 2026. Excess valuation should be available for this project for 15 years beginning with the 2025 tax year, provided, however, if there is no increase in valuation for the 2026 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture.

9. Justification of Project

Extension of utilities, site grading, and improvement of a street are necessary to facilitate redevelopment of this site. The redevelopment of this property will result in increased housing opportunities and increased sales tax and is another step in the creation of affordable housing opportunities for the Hastings community. The Community Redevelopment Authority and the Hastings City Council have made it clear with previous decisions that they support development that will increase additional housing opportunities.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the Plan Modification in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, Neb. Rev. Stat. (2012), the City of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

Project Sources and Uses.

Approximately \$1,000,803 in public funds from tax increment financing will be required to complete the two co-located housing developments in the Cedar Park Redevelopment Project. This investment by the Authority will leverage approximately \$13,770,776 in private and public sector financing; an investment of \$13.76 for every TIF dollar investment.

	PROJECT "A"		
USES OF FUNDS		SOURCES OF FUNDS	
Site acquisition	\$ 145,000	LIHTC	\$ 4,328,496
Site preparation	\$ 112,350	State AHTC	\$ 2,200,000
Utility Infrastructure	\$ 775,950	HOME Funds	\$ 800,000
Engineering/Architecture/Planning/Legal	\$ 313,975	Deferred Developer Fee	\$ 250,000
Construction Costs	\$ 8,890,766	First Mortgage Loan	\$ 1,968,068
		Developer Equity/Other	\$ 201,040
		TIF	\$ 490,437
TOTAL USES	\$ 10,238,041	TOTAL SOURCES	\$ 10,238,041

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project "A":

A large financial gap exists on Project "A" after conventional financing, tax credits and other state incentives are utilized. A combination of federal and state incentives and TIF are needed to make the project feasible. The developer is contributing developer equity and other soft financing of \$201,040, a deferred developer fee of \$250,000, bank financing of \$1,968,068 and TIF funding of \$490,437 is intended to fill the remaining gap, making this project feasible. Without the availability of TIF funding for the project, it would not be feasible for the developer to proceed with this redevelopment. **In order to qualify for Low Income Housing Tax Credits, the projects Debt Service Coverage Ratio must be 1.15% or greater. Please see the table below which shows the debt coverage ratios are less than 1.15% without TIF and are not sufficient to meet LIHTC qualifications.**

Proforma Operating Statement w/o TIF	PROJECT "A"			
	Year 1	Year 2	Year 3	Year 4
Rent Revenue	\$ 392,545	\$400,396	\$408,404	\$416,572
Expenses	\$ (232,546)	(\$239,165)	(\$245,983)	(\$253,005)
NOI Without TIF	\$ 159,999	\$161,231	\$162,421	\$163,567
Debt Service	\$ (173,801)	\$(173,801)	\$(173,801)	\$(173,801)
Cash Flow Without TIF	\$ (13,802)	\$ (12,570)	\$ (11,380)	\$ (10,234)
Debt Service Coverage Ratio	0.9206%	0.9256%	0.9304%	0.9348%
Proforma Operating Statement with TIF	PROJECT "A"			
	Year 1	Year 2	Year 3	Year 4
Rent Revenue	\$ 392,545	\$ 400,396	\$ 408,404	\$ 416,572
Expenses	\$ (232,546)	\$(239,165)	\$(245,983)	\$(253,005)
NOI Without TIF	\$ 159,999	\$ 161,231	\$ 162,421	\$ 163,567
Debt Service	\$ (139,130)	\$(139,130)	\$(139,130)	\$(139,130)
Cash Flow Without TIF	\$ 20,869	\$ 22,101	\$ 23,291	\$ 24,437
Debt Service Coverage Ratio	1.15%	1.1589%	1.1674%	1.176%

	PROJECT "B"		
USES OF FUNDS		SOURCES OF FUNDS	
Site acquisition	\$ 50,000	Developer Equity	\$ 759,100
Site preparation	\$ 50,000	NAHTF	\$ 750,000
Utility Infrastructure	\$ 194,000	First Mortgage Loan	\$ 2,514,072
Engineering/Architecture/Planning/Legal	\$ 110,000	TIF	\$ 510,366
Construction Costs	\$ 4,129,538		
TOTAL USES	\$ 4,533,538	TOTAL SOURCES	\$ 4,533,538

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project "B":

A large financial gap exists on Project "B" after conventional financing, Nebraska Affordable Housing Trust Funds (NAHTF) and developer equity are utilized. The developer is contributing equity of \$759,100, bank financing of \$2,514,072 and TIF funding of \$510,366 is intended to fill the remaining gap, making this project feasible. **Without the availability of TIF funding for the project, it would not be feasible for the developer to proceed with this redevelopment. The table below shows rate of returns from 0% to 3.65% without TIF funding which is an unacceptable return on investment in today's market.**

Proforma Operating Statement w/o TIF	PROJECT "B"			
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Rent Revenue	\$ 400,464	\$ 412,478	\$ 424,852	\$ 437,598
Expenses	\$ (148,594)	\$ (151,565)	\$ (154,597)	\$ (157,689)
NOI Without TIF	\$ 251,870	260,913	270,255	279,909
Additional Debt Service	\$ (50,763)	-50,763	-50,763	-50,763
Debt Service	\$ (201,668)	\$ (201,603)	\$ (201,533)	\$ (201,459)
Cash Flow Without TIF	\$ (561)	8,547	17,959	27,687
Cash on Cash ROI	0%	1.12%	2.36%	3.65%
Developer Equity - \$759,100				
Proforma Operating Statement with TIF	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Rent Revenue	\$ 400,464	\$ 412,478	\$ 424,852	\$ 437,598
Expenses	\$ (148,594)	\$ (151,565)	\$ (154,597)	\$ (157,689)
Net Operating Income	\$ 251,870	\$ 260,913	\$ 270,255	\$ 279,909
Debt Service	\$ (201,668)	\$ (201,603)	\$ (201,533)	\$ (201,459)
Cash Flow With TIF	\$ 50,202	\$ 59,310	\$ 68,722	\$ 78,450
Cash on Cash ROI	6.61%	7.81%	9.05%	10.33%
Developer Equity - \$759,100				

Tax Revenue. The land to be redeveloped has a 2024 valuation of \$113,883. Based on the 2023 levy rate of 2.174723, this valuation would result in real property taxes of approximately \$2,477 which will be paid out to all the existing taxing entities. It is anticipated that the assessed value will increase by approximately \$5,026,117 upon full completion, as a result of the site redevelopment of the Cedar Park projects. This development will result in an additional estimated tax increase of over \$109,304 annually. This tax increment gained from the Project Area would not be available for use

as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible redevelopment costs to enable this project to be realized.

Estimated 2024 assessed value:	\$113,883
Estimated value after completion	\$5,140,000
Increment value	\$5,026,117
Annual TIF generated (estimated)	\$109,304
TIF bond issue	\$1,000,803

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The proposed redevelopment will create additional valuation of \$5,026,117. No additional tax shifts are anticipated from the project. The project creates new valuation from the construction of 58 dwelling units of multifamily housing that will support taxing entities long after the project tax increment financing indebtedness is paid off.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

The overall Redevelopment Project includes the paving of a public street to improve access to the housing units contemplated for the Project. The site is currently served by municipal services including water and sanitary sewer. Those services will continue following the completion of the Project. Fire and police protection are available and should not be negatively impacted by this development.

(c.) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on employers and employees of firms locating within the boundaries of Redevelopment Area #5. The Project will provide additional workforce and affordable housing opportunities for the residents of Hastings which will attract additional residents for employment. Workforce and affordable housing are a driver for economic development.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project will have a positive impact on local employers as many local companies have indicated that over 50% of their workforce lives outside the city and commutes daily from surrounding communities. The addition of new affordable and workforce housing should open up other housing in the community and be a benefit to local employees by providing more housing options.

(e) Impacts on student populations of school districts within the City or Village:

This development should not have an impact on the Hastings school systems as the target tenant for the 34-unit Project “A” is a 55+ age group focused project. Project “B” will consist of an additional 24 two-bed units are not suitable for larger families. The Community Redevelopment Authority has reviewed this development with the District #18 school superintendent and it is anticipated that there will be no adverse impact on the local school districts.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This project is consistent with the goals of the City Council, and the Community Redevelopment Authority to create additional housing units. The project will create additional housing opportunities for Hastings' area residents. This project is consistent with the goals of the City's Comprehensive Plan, and the Hastings Housing Needs Assessment Study of 2021.

Time Frame for Development

The Cedar Park Redevelopment Project is anticipated to be developed commencing in the first quarter of 2025 and be substantially completed and the new housing units should be ready for occupancy by the 2nd quarter of 2026.

**PLAN MODIFICATION NO. 2024-8
TO REDEVELOPMENT AREA #5
(Hoppe Development – Cedar Park Redevelopment Project)**

The Community Redevelopment Authority (CRA) of the City of Hastings intends to amend the Redevelopment Plan for Area #5 within the city, pursuant to the Nebraska Community Development Law (the "Act") and provide for a specific redevelopment project involving a multifamily development to be located southeast of the intersection of Cedar Avenue and West "D" Street.

Executive Summary:

Project Description

The Project consists of the redevelopment of a parcel of land located east of Cedar Avenue and south of West "D" Street. Hoppe Development proposes a mixed income multifamily housing development project that will include the acquisition of the project site and development of two co-located projects consisting of up to 58 total residential units and a shared amenity package. Project A, a 55+ focused Low-Income Housing Tax Credit (LIHTC) project will include 10 two-bed townhome units and 24 two-bed stacked rowhome flat units for a total of 34 residential units. Project B, a workforce housing project funded partially by Nebraska Affordable Housing Trust Funds (NAHTF) will consist of an additional 24 two-bed stacked rowhome flat units of which ten households will be making at or below 120% of the Area Median Income and will do so for 10 years. The project site will consist of a shared amenity package including a clubhouse with a community room, kitchen, and gym, and an outdoor recreation space.

The Project shall utilize the benefits of the Nebraska Community Development Law, including the use of tax increment financing for eligible costs which shall include, but not be limited to:

- Site acquisition costs
- Site preparation and site grading
- Building enhancements including façade improvements to assist in the prevention of future blight conditions and energy enhancements to make the structures more energy efficient, and
- infrastructure improvements including street, water, sewer, gas and electric costs

The Cedar Park Redevelopment Project will encounter these costs at this Redevelopment Area and the Project is not financially feasible without the use of tax increment financing.

Property Description (the "Redevelopment Project Area")

A parcel of land located east of Cedar Avenue and south of West "D" Street.

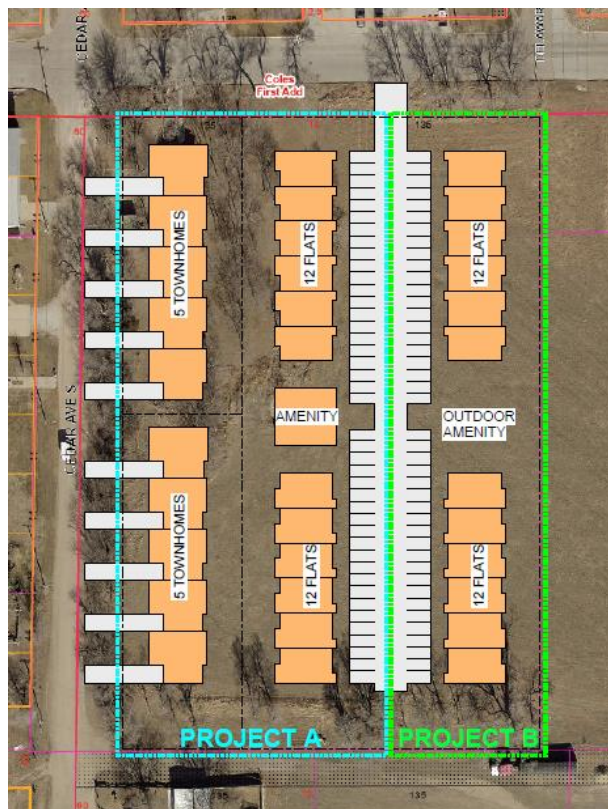
Legal Descriptions: Beginning at a point on the South line of "D" Street in Cole's Addition to the City of Hastings, Adams County, Nebraska, 346 feet East of the Northeast corner of Lot Nine (9), in H.R. Smith's Sub-division in the City of Hastings, Adams County, Nebraska, running thence East 338 feet along the South line of said "D" Street, thence South 470 feet, thence West 338 feet, thence North 470 feet to the point of beginning; being what was formerly known as Block Two (2), Steven's Subdivision of a part of Block Thirteen (13), in Cole's Addition in Hastings, Adams County, Nebraska, together with one-half the vacated street on the East, South and West sides of said block as they existed before vacation.

Map of Existing Land Use and Proposed Redevelopment Site



Site Plan: Attached below is the conceptual Site Plan prepared by the Project Engineers which depicts the location of the two co-located projects consisting of up to 58 total residential units.

Cedar Park Site Plan



The real property ad valorem taxes on the base valuation will continue to be paid to the other taxing entities. The increase in value will come from the redevelopment of the Cedar Park Project Site to add approximately 58 dwelling units of multifamily housing in the R-3 Multi-family zoning district. The tax increment will be captured for the tax years 2025 through 2039 inclusive. Provided, however, if there is no increase in valuation for the 2025 tax year, the increment will be captured beginning in the year when an increase in value is available for capture and ending fifteen years later. Total project costs for the Cedar Park Project are estimated to be approximately \$15,000,000 which includes the costs of development of the two co-located projects consisting of up to 58 total residential units.

Project costs for the acquisition, preparation of the site and the installation of water, sewer and paving are estimated to be in excess of \$1,397,275. The developer intends to construct up to 58 residential units and a shared amenity package. Project A, includes (10) two-bed townhome units and (24) two-bed stacked rowhome flat units for a total of 34 residential units. Project B, will consist of an additional (24) two-bed stacked rowhome flat units. When site improvements and the 58 residential units are completed the total project costs are anticipated to be \$14,771,579. The project valuation when completed is estimated to be \$5,140,000 and the developer projects an incremental valuation increase of approximately \$5,026,117. The final assessed value is significantly less than the construction cost which is due to the way County Assessors are required to value Low Income Housing Tax Credit (LIHTC) projects. By statute, the county assessor is required to value these types of housing projects by the income method rather than cost or sales comparison approach to value.

Statutory Pledge of Taxes.

In accordance with Section 18-2147 of the Act and the terms providing for the issuance of the TIF Note, the Authority hereby provides that any ad valorem tax on the Cedar Park Redevelopment Project Area for the benefit of any public body be divided for a period of fifteen years after the effective date of this provision as set forth in the Redevelopment Contract, consistent with this Redevelopment Plan. Said taxes shall be divided as follows:

- a) That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and
- b) That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

- 1. The Redevelopment Project Area was first declared blighted and substandard by action of the Hastings City Council on the 27th of May, 1992. Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.**
- 2. Conformation to the General Plan for the Municipality as a whole. (§18-2103 /13) (a) and §18-2110)**

The property is designated as Urban Residential in the 2009 Imagine Hastings Comprehensive Plan Future Land Use Map. The urban residential category allows higher density residential development and this category may include a mixture of housing styles and types including single family, duplexes, townhomes and multi-family of both rental and ownership types. In May of 2024, the Site was rezoned from I-1 Industrial to R-3, Multiple-family Residential District. This district would generally have a more intense residential use compared to other residential zoning districts. This redevelopment plan amendment and project are consistent with the Comprehensive Development Plan, in that no changes in the Comprehensive Development Plan elements are intended. This plan merely provides funding for the developer to construct affordable housing for residential uses on this property as defined by the current and effective zoning regulations. The Hastings Planning Commission will hold a public hearing on October 15, 2024 to review and approve Plan Modification No. 2024-8 to Redevelopment Area #5 confirming that this project is consistent with the Comprehensive Development Plan for the City of Hastings.

- 3. The Redevelopment Plan must be sufficiently complete to address the following items: (§18-2103/13) (b)**

a. Land Acquisition:

The Redevelopment Plan for Area #5 provides for real property acquisition and this plan amendment does not prohibit such acquisition. The Community Redevelopment Authority is the current owner of the property on which the Project will be constructed and the developer plans to acquire the property.

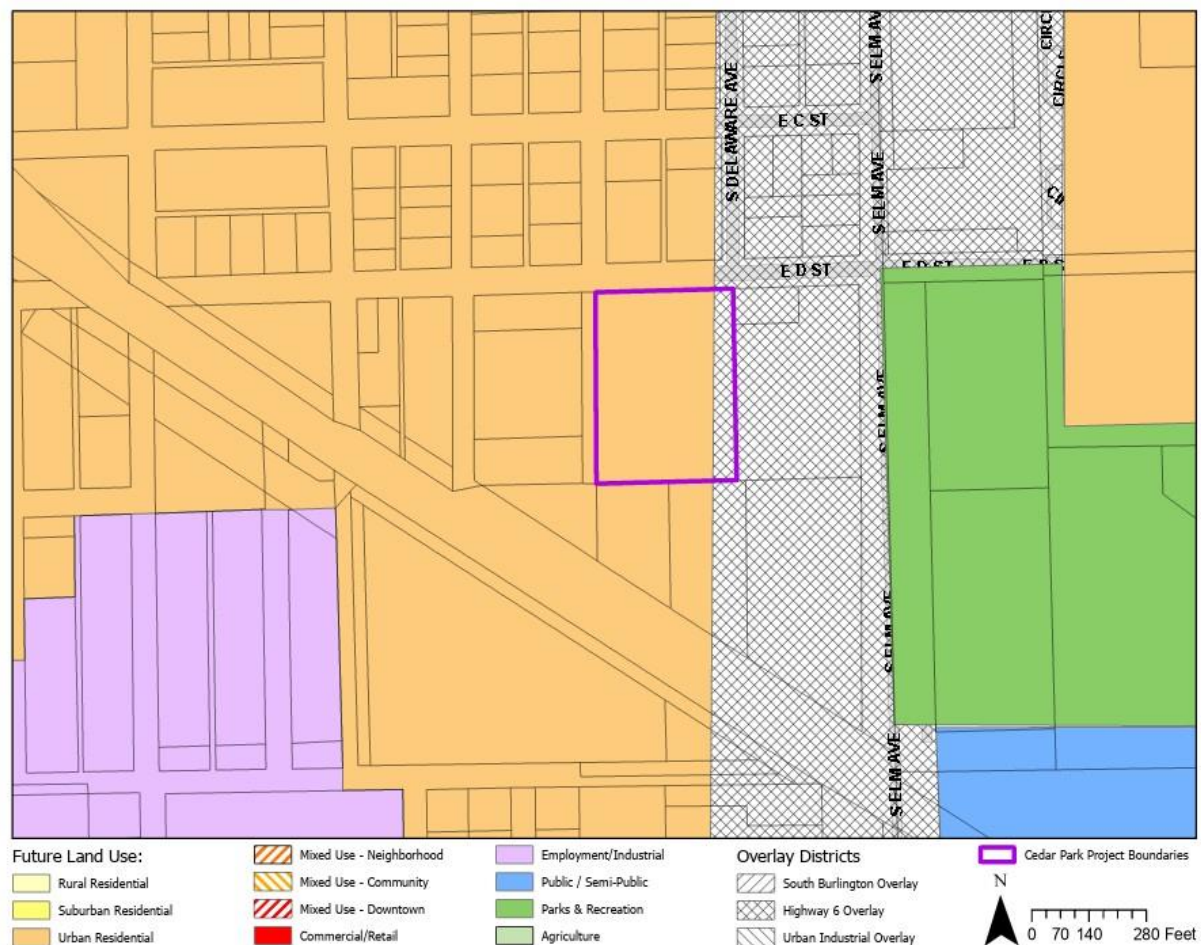
b. Demolition and Removal of Structures:

The site has a vacant single-family home which will be demolished to accommodate the project site development. The home has been vacant for over one year and no relocation costs are included as a part of this project.

c. Future Land Use Plan

See the attached map from the 2009 Hastings Comprehensive Development Plan. The Project Site is identified as “Urban Residential” in the Comprehensive Development Plan which use is consistent with this Amendment. The site is planned for residential development and ancillary uses of the area after redevelopment as required by Section 18-2111(5) of the Nebraska Community Development Law. The Cedar Park Project will add 58 dwelling units to the site.

Future Land Use Map



d. Changes to zoning, street layouts and grades or building codes or ordinances or other planning changes

The project area is currently zoned for residential use under the R-3 Multi Family district. The Project Site Plan reflects the paving of Cedar Avenue which will be constructed in conjunction with the project. No changes are anticipated in building codes or ordinances, nor are any other planning changes contemplated. [§18-2103(b) and §18-2111] other than as described herein.

e. Site Coverage and intensity of Use

The developer intends to construct multifamily housing to provide much needed additional affordable and workforce housing to the City of Hastings. The Cedar Park Redevelopment Project will contain 58 dwelling units which density is approved for this Mixed-Use Development.

f. Additional Public Facilities or Utilities

Sewer, water and street paving already exist to support this redevelopment of the site. Sufficient electric utilities and gas lines also exist which currently serve the existing site. The redeveloper will be responsible for installing any sidewalks or paving required for the project. No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]. The redeveloper intends to construct a new parking lot to serve the occupants of the Project.

4. **The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation.** The residential structure located on the site is vacant. There are no individuals or families who will be displaced by the Project.
5. **No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106].** No members of the authority or staff of the CRA have any interest in this property.
6. **Section 18-2114 of the Act requires that the Authority consider:**
 1. **Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.**

The developer intends to purchase the property from the Authority for \$145,000 and acquisition is part of the request for tax increment financing. The CRA has been asked to provide \$1,000,803 in TIF funding to this project to offset the cost of TIF eligible expenditures. The CRA has identified the following TIF eligible expenses for the developers' proposed improvements;

- a) site acquisition - \$145,000
- b) site preparation - \$112,350
- c) infrastructure including sewer, water, paving, electric and gas - \$775,950
- d) planning related & engineering services - \$363,975

The total TIF eligible expenses for this project are \$1,397,275. The property will be transferred to the redevelopers by the Authority and the developer will provide and secure all necessary financing.

2. Statement of proposed method of financing the redevelopment project.

The Developer anticipates that the sources of financing for **Project "A"** shall be structured as follows:

• Low Income Housing Tax Credits:	\$4,328,496
• State Affordable Housing Tax Credits:	\$2,200,000
• National Housing Trust Funds	\$ 800,000
• Owner Equity	\$ 150,000
• ARPA Rural Community Recovery Funds	\$ 300,000
• Active Solar Tax Credits	\$ 42,330
• Permanent Financing:	\$1,968,068
• Deferred Developer Fee:	\$ 250,000
• TIF Loan:	<u>\$ 490,437</u>
Total	\$10,238,041

The Developer anticipates that the sources of financing for **Project "B"** shall be structured as follows:

• Developer Equity:	\$ 759,100
• NE Affordable Housing Trust Funds	\$ 750,000
• Permanent Financing:	\$2,514,072
• TIF Loan:	<u>\$ 510,366</u>
Total	\$4,533,538

3. Statement of feasible method of relocating displaced families.

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Hastings Comprehensive Development Plan by providing the following benefits;

- Increasing the housing opportunities available for a growing population of the city; and
- The redevelopment of the blighted and substandard parcel existing on the Project site.

8. Time Frame for Development

Development of the Cedar Park Project is anticipated to be commenced in the first quarter of 2025 and construction is anticipated to be complete in the second quarter of 2026. Excess valuation should be available for this project for 15 years beginning with the 2025 tax year, provided, however, if there is no increase in valuation for the 2026 tax year, the excess valuation will be available beginning in the year when an increase in value is available for capture.

9. Justification of Project

Extension of utilities, site grading, and improvement of a street are necessary to facilitate redevelopment of this site. The redevelopment of this property will result in increased housing opportunities and increased sales tax and is another step in the creation of affordable housing opportunities for the Hastings community. The Community Redevelopment Authority and the Hastings City Council have made it clear with previous decisions that they support development that will increase additional housing opportunities.

10. Cost Benefit Analysis

Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the Plan Modification in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, Neb. Rev. Stat. (2012), the City of Hastings has analyzed the costs and benefits of the proposed Redevelopment Project, including:

TOTAL PROJECT SOURCES AND USES

Approximately \$1,000,803 in public funds from tax increment financing will be required to complete the two co-located housing developments (Project “A” and Project “B”) in the Cedar Park Redevelopment Project. This investment by the Authority will leverage approximately \$13,770,776 in private and public sector financing; an investment of \$13.76 for every TIF dollar investment.

	PROJECT "A"		
USES OF FUNDS		SOURCES OF FUNDS	
Site acquisition	\$ 145,000	LIHTC	\$ 4,328,496
Site preparation	\$ 112,350	State AHTC	\$ 2,200,000
Utility Infrastructure	\$ 775,950	HOME Funds	\$ 800,000
Engineering/Architecture/Planning/Legal	\$ 313,975	Deferred Developer Fee	\$ 250,000
Construction Costs	\$ 8,890,766	First Mortgage Loan	\$ 1,968,068
		Developer Equity/Other	\$ 201,040
		TIF	\$ 490,437
TOTAL USES	\$ 10,238,041	TOTAL SOURCES	\$ 10,238,041

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project "A":

A large financial gap exists on **Project "A"** after conventional financing, tax credits and other state incentives are utilized. A combination of federal and state incentives and TIF are needed to make the project feasible. The developer is contributing developer equity and other soft financing of \$201,040, a deferred developer fee of \$250,000, bank financing of \$1,968,068 and TIF funding of \$490,437 is intended to fill the remaining gap, making this project feasible. Without the availability of TIF funding for the project, it would not be feasible for the developer to proceed with this redevelopment. **In order to qualify for Low Income Housing Tax Credits, the projects Debt Service Coverage Ratio must be 1.15% or greater. Please see the table below which shows the debt coverage ratios are sufficient with TIF funding. Without TIF funding the debt service Coverage Ratios are less than 1.15%**

Proforma Operating Statement with TIF	Year 1	Year 2	Year 3	Year 4
Rent Revenue	\$ 392,545	\$ 400,396	\$ 408,404	\$ 416,572
Expenses	\$ (232,546)	\$ (239,165)	\$ (245,983)	\$ (253,005)
NOI Without TIF	\$ 159,999	\$ 161,231	\$ 162,421	\$ 163,567
Debt Service	\$ (139,130)	\$ (139,130)	\$ (139,130)	\$ (139,130)
Cash Flow Without TIF	\$ 20,869	\$ 22,101	\$ 23,291	\$ 24,437
Debt Service Coverage Ratio	1.15%	1.1589%	1.1674%	1.176%

	PROJECT "B"		
USES OF FUNDS		SOURCES OF FUNDS	
Site acquisition	\$ 50,000	Developer Equity	\$ 759,100
Site preparation	\$ 50,000	NAHTF	\$ 750,000
Utility Infrastructure	\$ 194,000	First Mortgage Loan	\$ 2,514,072
Engineering/Architecture/Planning/Legal	\$ 110,000	TIF	\$ 510,366
Construction Costs	\$ 4,129,538		
TOTAL USES	\$ 4,533,538	TOTAL SOURCES	\$ 4,533,538

Statement Identifying Financial Gap and Necessity for use of Tax Increment Financing for proposed Project "B":

A large financial gap exists on **Project "B"** after conventional financing, Nebraska Affordable Housing Trust Funds (NAHTF) and developer equity are utilized. The developer is contributing equity of \$759,100, bank financing of \$2,514,072 and TIF funding of \$510,366 is intended to fill the remaining gap, making this project feasible. Without the availability of TIF funding for the project, it would not be feasible for the developer to proceed with this redevelopment. The table below shows rate of returns from 0% to 3.65% without TIF funding which is an unacceptable return on investment in today's market.

Proforma Operating Statement w/o TIF	PROJECT "B"			
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Rent Revenue	\$ 400,464	\$ 412,478	\$ 424,852	\$ 437,598
Expenses	\$ (148,594)	\$ (151,565)	\$ (154,597)	\$ (157,689)
NOI Without TIF	\$ 251,870	260,913	270,255	279,909
Additional Debt Service	\$ (50,763)	-50,763	-50,763	-50,763
Debt Service	\$ (201,668)	\$ (201,603)	\$ (201,533)	\$ (201,459)
Cash Flow Without TIF	\$ (561)	8,547	17,959	27,687
Cash on Cash ROI	0%	1.12%	2.36%	3.65%
Developer Equity - \$759,100				
Proforma Operating Statement with TIF	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Rent Revenue	\$ 400,464	\$ 412,478	\$ 424,852	\$ 437,598
Expenses	\$ (148,594)	\$ (151,565)	\$ (154,597)	\$ (157,689)
Net Operating Income	\$ 251,870	\$ 260,913	\$ 270,255	\$ 279,909
Debt Service	\$ (201,668)	\$ (201,603)	\$ (201,533)	\$ (201,459)
Cash Flow With TIF	\$ 50,202	\$ 59,310	\$ 68,722	\$ 78,450
Cash on Cash ROI	6.61%	7.81%	9.05%	10.33%
Developer Equity - \$759,100				

Tax Revenue. The land to be redeveloped has a 2024 valuation of \$113,883. Based on the 2023 levy rate of 2.174723, this valuation would result in real property taxes of approximately \$2,477 which will be paid out to all the existing taxing entities. It is anticipated that the assessed value will increase by approximately \$5,026,117 upon full completion, as a result of the site redevelopment. This development will result in an additional estimated tax increase of over \$109,304 annually. This tax increment gained from the Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible redevelopment costs to enable this project to be realized.

Estimated 2024 assessed value:	\$113,883
Estimated value after completion	\$5,100,000
Increment value	\$5,026,117
Annual TIF generated (estimated)	\$109,304
TIF bond issue	\$1,000,803

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The proposed redevelopment will create additional valuation of \$5,026,117. No additional tax shifts are anticipated from the project. The project creates new valuation from the construction of 58 dwelling units of multifamily housing that will support taxing entities long after the project tax increment financing indebtedness is paid off.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

The overall Redevelopment Project includes the paving of a public street to improve access to the housing units contemplated for the Project. The site is currently served by municipal services including water and sanitary sewer. Those services will continue following the completion of the Project. Fire and police protection are available and should not be negatively impacted by this development.

(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project; and

This project will not have a negative impact on employers and employees of firms locating within the boundaries of Redevelopment Area #5. The Project will provide additional workforce and affordable housing opportunities for the residents of Hastings which will attract additional residents for employment. Workforce and affordable housing are a driver for economic development.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This project will have a positive impact on local employers as many local companies have indicated that over 50% of their workforce lives outside the city and commutes daily from surrounding communities. The addition of new affordable and workforce housing should open up other housing in the community and be a benefit to local employees by providing more housing options.

(e) Impacts on student populations of school districts within the City or Village:

This development should not have an impact on the Hastings school systems as the target tenant for the

34-unit Project “A” is a 55+ age group focused project. Project “B” will consist of an additional 24 two-bed units that are not suitable for larger families. The Community Redevelopment Authority has reviewed this development with the Hastings Public School District #18 school superintendent and it is anticipated that there will be no adverse impact on the local school districts.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This project is consistent with the goals of the City Council, and the Community Redevelopment Authority to create additional housing units. The project will create additional affordable housing opportunities for Hastings’ area residents. This project is consistent with the goals of the City’s Comprehensive Plan, and the Hastings Housing Needs Assessment Study of 2021.

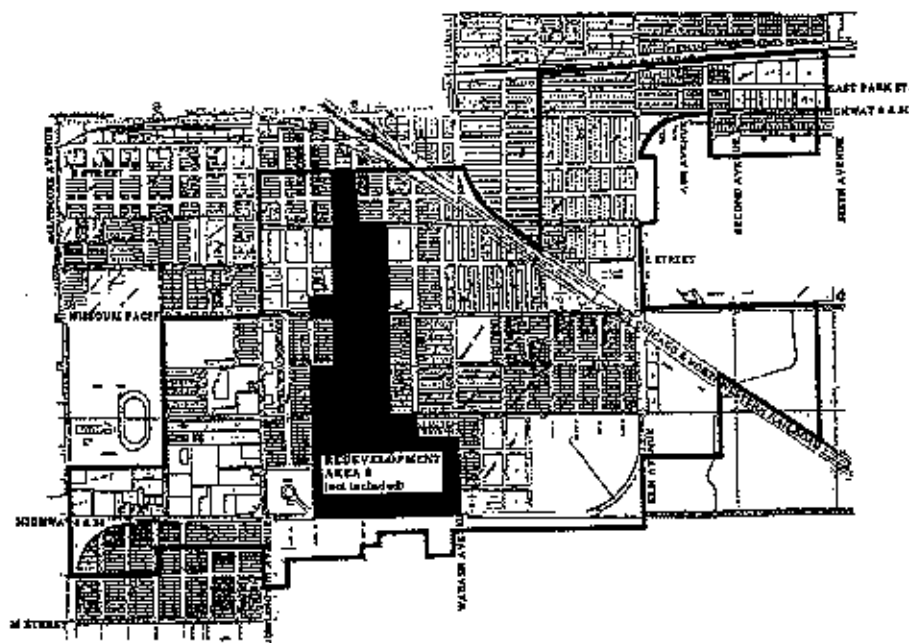
Time Frame for Development

The Cedar Park Redevelopment Project is anticipated to be developed commencing in the first quarter of 2025 and be substantially completed and the new housing units should be ready for occupancy by the 2nd quarter of 2026.

HASTINGS REDEVELOPMENT AREA NUMBER 5

BLIGHT AND SUBSTANDARD DETERMINATION STUDY

MAY 1992



HANNA-KEELAN ASSOCIATES, P.C.

HANNA:KEELAN ASSOCIATES, P.C.

COMMUNITY PLANNING & RESEARCH

PRINCIPALS:

Becky J. Hanna
Timothy M. Keelan

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BLIGHT AND SUBSTANDARD DETERMINATION STUDY

EXECUTIVE SUMMARY

Purpose of Study/Conclusion

The purpose of this Study is to determine whether all or part of the designated project area in Hastings, Nebraska qualifies as a blighted and substandard area within the definition set forth in the Nebraska Community Development Law, Section 18-2103.

The findings presented in this Study are based on surveys and analysis conducted for an area referred to as the "Study Area" bounded as follows: North on Baltimore Avenue from "L" Street approximately 610 feet north of Highway 6/34; East to Franklin Avenue; thence North to "F" Street; East on "F" Street to Burlington Avenue; thence North to "B" Street; thence East on "B" Street to approximately Wabash Avenue; thence Southeasterly to California Avenue; North on California Avenue to the Southern edge of the Burlington Northern Railroad Right-of-Way; thence East along the B.N.R.R. to Sixth Avenue; South on Sixth Avenue to Highway 6/34; thence West to Fifth Avenue; South on Fifth Avenue to "B" Street; thence West on "B" Street to First Avenue; North on First Avenue to Highway 6/34; thence West to Southwesterly along Highway 6/34 to "B" Street; thence East approximately 250 feet; South to "D" Street; thence West to Highway 6/34 (Elm Street); South on Highway 6/34 (Elm Street) to "F" Street; thence East approximately 2,681 feet; thence South to the Union Pacific Railroad Right-of-Way; Northwesterly along the U.P.R.R. approximately 1,600 feet; thence South approximately 1,050 feet; thence West to Highway 6/34 (Elm Street) to Corporate Limits; thence Westerly along the Corporate Limits to Burlington Avenue; North on Burlington Avenue to "K" Street; thence West on "K" Street to Garfield Avenue; South on Garfield Avenue to "L" Street; and West on "L" Street to Baltimore Avenue.

Substandard Area

As set forth in the Nebraska legislation, a substandard area shall mean one which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of:

1. Dilapidated/deterioration;
2. Age or obsolescence;
3. Inadequate provision for ventilation, light, air, sanitation, or open spaces;

4. (a) High density of population and overcrowding; or
- (b) The existence of conditions which endanger life or property by fire and other causes; or
- (c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, and is detrimental to the public health, safety, morals or welfare.

This evaluation included a detailed exterior structural survey of 909 structures within the Study Area; a parcel-by-parcel land use inventory; a field reconnaissance of the entire area, conversations with city department staff members and a review of pertinent reports and documents containing information which could substantiate the existence of blight and substandard conditions.

Blighted Area

As set forth in the Section 18-2103(11) Nebraska Revised Statutes (reissue 1991), a blighted area shall mean "an area, which by reason of the presence of:

1. A substantial number of deteriorated or deteriorating structures;
2. Existence of defective or inadequate street layout;
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. Insanitary or unsafe conditions;
5. Deterioration of site or other improvements;
6. Diversity of ownership;
7. Tax or special assessment delinquency exceeding the fair value of the land;
8. Defective or unusual conditions of title;
9. Improper subdivision or obsolete platting;
10. The existence of conditions which endanger life or property by fire or other causes;

11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;

is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one or more of the following conditions;

1. Unemployment in the study or designated blighted area is at least one hundred twenty percent of the state or national average;
2. The average age of the residential or commercial units in the area is at least forty years;
3. More than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time;
4. The per capita income of the study or designated blighted area is lower than the average per capita income of the city or village in which the area is designated; or
5. The area has had either stable or decreasing population based on the last two decennial censuses."

The mere presence of a majority of the stated factors may be sufficient to make a finding of blighted and substandard, however, this evaluation was made on the basis existing blighted and substandard factors must be present to an extent which would lead reasonable persons to conclude public intervention is appropriate or necessary to assist with any redevelopment activities. Secondly, the distribution of blighted and substandard factors throughout the Study Area must be reasonable so basically good areas are not arbitrarily found to be blighted simply because of proximity to areas which are blighted.

On the basis of this approach, the Study Area is found to be eligible as "blighted" and "substandard" within the definition set forth in the legislation. Specifically:

Substandard Factors

Of the four factors set forth in the Nebraska Community Development, one (1) is present to a significant/predominant extent and three (3) are present to a reasonable, but more limited extent.

The substandard factors which are present are reasonably distributed throughout the Study Area. The significant/predominant factor is the existence of conditions which endanger life or property by fire and other causes.

Strong Presence of Factor

The conditions which endanger life or property by fire and other causes were strong in presence and were sufficiently distributed throughout the Study Area to warrant a classification as a predominant factor.

The prevailing conditions evident in the buildings from the field survey included:

1. Inadequate provisions for or lack of means of egress;
2. Excessive debris;
3. Frame buildings; and
4. Vacant and partially vacant buildings.

Reasonable Presence of Factor

Age and obsolescence is prevalent throughout the Study Area. A total of 75.4 percent of the structures were built over twenty (20) years ago, and of these structures 67.5 percent were built over forty (40) years ago.

Dilapidated and deteriorating structures were present to a reasonable extent throughout the Study Area. A total of 16.8 percent of the structures were deteriorating with major deficiencies and 4.7 percent were deteriorated/dilapidated.

The conditions which provide inadequate provisions for ventilation, light, air, sanitation, or open spaces were present to a reasonable extent throughout the Study Area. The prevailing conditions evident during the field survey indicated over 21 percent of the structures were dilapidated or deteriorating.

Blighted Factors

Of the twelve factors set forth in the Nebraska Community Development Law, five (5) are present to a significant extent and five (5) are present to a reasonable, but more limited extent. The factors, tax or special assessment exceeding the fair value of land and defective or unusual condition of title had little or no presence.

The blighting factors which are present are reasonably distributed throughout the Study Area.

Strong Presence of Factor

Deteriorating or deteriorated structures are evident to a significant extent throughout the Study Area. A total of 87.1 percent of the structures inspected were found to be blighted and substandard.

Existence of defective or inadequate street layout is present to a significant extent throughout the Study Area. The street system presently limits the development potential of the available land. The remainder of the land is "land locked", devoted to streets and railroad right-of-ways. This condition limits development for commercial, industrial and residential land uses.

Diversity of ownership is present throughout the Study Area. This condition complicates land assembly and can substantially arrest potential for sound growth and development. The total number of owners in the Study Area is 453, more or less.

Improper subdivision or obsolete platting is strongly present throughout the Study Area. Conditions contributing to this factor include: resubdivided lots, lots of irregular size and lot sizes incompatible to desired land uses.

Conditions which endanger life or property by fire and other causes are present to some extent throughout the Study Area. Conditions contributing to this factor include: lack of adequate egress, excessive debris, inappropriate frame construction (buildings) and vacant/partially vacant buildings.

Reasonable Presence of Factor

Faulty lot layout exists to a reasonable extent throughout the Study Area. Conditions contributing to the presence of this factor include: underutilization of land and lack of accessibility/usefulness.

Insanitary and unsafe conditions exist throughout the Study Area. Conditions contributing to this factor include: vacant buildings, surface of parking lots, excessive debris, and evidence of vagrants.

Deterioration of site improvements is present to a reasonable extent throughout the Study Area. Contributing conditions include: absence of sidewalks, excessive debris, and unpaved and poorly maintained parking lots.

The Nebraska Community Development Law includes in its statement of purpose¹ an additional criterion for a finding of blight, viz., "economically or socially undesirable land-uses". Conditions which are considered to be economically and/or socially undesirable include (a) functional obsolescence, (b) economic obsolescence, (c) incompatible uses or mixed-use relationships, and (d) excessive dwelling unit density. Economically and/or socially undesirable land-uses are present to a significant extent throughout the Study Area.

In addition, one (1) of the required five (5) additional blight factors has a reasonable presence in the Study Area.

Conclusion

It is the conclusion of the Consultant retained by the City of Hastings C.R.A., the number, degree and distribution of blighting factors as documented in this report are beyond remedy and control solely by regulatory processes in the exercise of the police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided in the Nebraska Community Development Law. It is also the opinion of the Consultant, the findings of this Blight and Substandard Determination Study warrant designating the Study Area both "substandard" and "blighted".

The conclusions presented in this report are those of the Consultant to examine whether conditions of blight/substandard exist. The local governing body should review this report and, if satisfied with the summary of findings contained herein, may adopt a resolution making a finding of blight/substandard and this report a part of the public record.

¹Community Development Law, Nebraska Revised Statutes Reissue, 1991 Section 18-2101.

TABLE 1
CITY OF HASTINGS
SUBSTANDARD FACTORS
COMMUNITY REDEVELOPMENT AUTHORITY
STUDY AREA

SUBSTANDARD FACTORS

- | | | |
|----|--|---|
| 1. | Dilapidated/deterioration. | ■ |
| 2. | Age or obsolescence. | ■ |
| 3. | Inadequate provision for ventilation, light, air,
sanitation, or open spaces. | ■ |
| 4. | Existence of conditions which endanger life or
property by fire and other causes. | ■ |
| | Strong Presence of Factor | ■ |
| | Reasonable Presence of Factor | ■ |
| | No Presence of Factor | ○ |

TABLE 2
CITY OF HASTINGS
BLIGHT FACTORS
COMMUNITY REDEVELOPMENT AUTHORITY
STUDY AREA

BLIGHT FACTORS

- | | | |
|-----|--|---|
| 1. | A substantial number of deteriorated or deteriorating structures. | ■ |
| 2. | Existence of defective or inadequate layout. | ■ |
| 3. | Faulty lot layout in relation to size, adequacy, accessibility or usefulness. | ■ |
| 4. | Insanitary or unsafe conditions. | ■ |
| 5. | Deterioration of site or other improvements. | ■ |
| 6. | Diversity of Ownership. | ■ |
| 7. | Tax or special assessment exceeding the fair value of land. | ○ |
| 8. | Defective or unusual condition of title. | ○ |
| 9. | Improper subdivision or obsolete platting. | ■ |
| 10. | The existence of conditions which endanger life or property by fire or other causes. | ■ |
| 11. | Other environmental and blighting factors. | ■ |
| 12. | One of the other five conditions. | ■ |
| | Strong Presence of Factor | ■ |
| | Reasonable Presence of Factor | ■ |
| | No Presence of Factor | ○ |

1. BASIS FOR REDEVELOPMENT

For a project in Hastings to be eligible for redevelopment under the Nebraska Community Development Law, the area must first qualify as a "substandard area" or as a "blighted area" within the definition set forth in the law. This study has been undertaken to determine whether conditions exist which would warrant designation of the Study Area as a "blighted and substandard area" in accordance with provisions of the law.

As set forth in Section 18-2103 (10) Neb. Rev. Stat. (reissue 1991), substandard area shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which by reason of the following:

1. Dilapidation/deterioration;
2. Age or obsolescence;
3. Inadequate provision for ventilation, light, air, sanitation, or open spaces;
4.
 - (a) High density of population and overcrowding; or
 - (b) The existence of conditions which endanger life or property by fire and other causes; or
 - (c) Any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime;

is detrimental to the public health, safety, morales or welfare.

As set forth in the Nebraska legislation, a blighted area shall mean an area, which by reason of the presence of:

1. A substantial number of deteriorated or deteriorating structures;
2. Existence of defective or inadequate street layout;
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. Insanitary or unsafe conditions;
5. Deterioration of site or other improvements;
6. Diversity of ownership;
7. Tax or special assessment delinquency exceeding the fair value of the land;

8. Defective or unusual conditions of title;
9. Improper subdivision or obsolete platting;
10. The existence of conditions which endanger life or property by fire or other causes;
11. Any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability;

is detrimental to the public health, safety, morals, or welfare in its present condition and use; and in which there is at least one of the following conditions:

1. Unemployment in the designated blighted area is at least one hundred twenty percent of the state or national average;
2. The average age of the residential or commercial units in the area is at least forty years;
3. More than half of the plotted and subdivided property in the area is unimproved land that has been within the city for forty years and has remained unimproved during that time;
4. The per capita income of the designated blighted area is lower than the average per capita income of the city or village in which the area is designated; or
5. The area has had either stable or decreasing population based on the last two decennial censuses."

The Consultant for the Hastings Redevelopment Area Five Blight and Substandard Determination Study was guided by the premise a finding of blight and substandard must be defensible and sufficient evidence of the presence of blighting factors should exist so members of the Hastings City Council (local governing body), acting as reasonable and prudent persons, could conclude public intervention is necessary or appropriate. Therefore, each factor was evaluated in the context of the extent of its presence, and the collective impact of all factors found to be present.

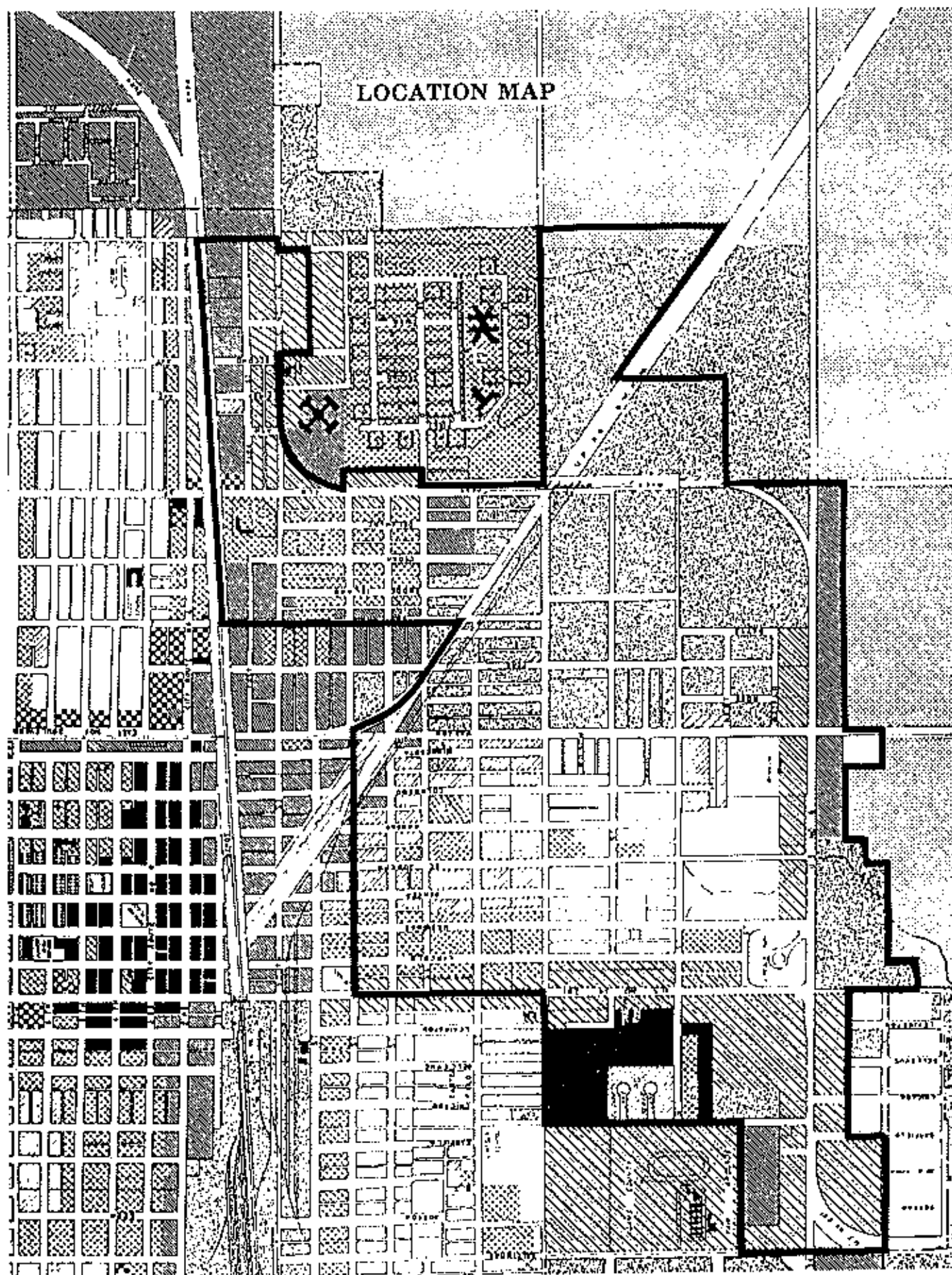
Also, these deficiencies should be reasonably distributed throughout the Study Area. Such a "reasonable distribution of deficiencies test" would preclude localities from taking concentrated areas of blight and expanding them arbitrarily into non-blighted areas for planning or other reasons. The only exception which should be made to this rule is where projects must be brought to a logical boundary to accommodate new

development and ensure accessibility, but even in this instance, inclusion of such areas should be minimal and related to an area otherwise meeting the reasonable distribution of deficiencies test.

2. THE STUDY AREA

The blight and substandard determination Study Area is comprised of 719.93 acres, more or less. As identified in Illustration 1 (Location Map), the Study Area is bounded as follows: North on Baltimore Avenue from "L" Street approximately 610 feet north of Highway 6/34; East to Franklin Avenue; thence North to "F" Street; East on "F" Street to Burlington Avenue; thence North to "B" Street; thence East on "B" Street to approximately Wabash Avenue; thence Southeasterly to California Avenue; North on California Avenue to the Southern edge of the Burlington Northern Railroad Right-of-Way; thence East along the B.N.R.R. to Sixth Avenue; South on Sixth Avenue to Highway 6/34; thence West to Fifth Avenue; South on Fifth Avenue to "B" Street; thence West on "B" Street to First Avenue; North on First Avenue to Highway 6/34; thence West to Southwesterly along Highway 6/34 to "B" Street; thence East approximately 250 feet; South to "D" Street; thence West to Highway 6/34 (Elm Street); South on Highway 6/34 (Elm Street) to "F" Street; thence East approximately 2,681 feet; thence South to the Union Pacific Railroad Right-of-Way; Northwesterly along the U.P.R.R. approximately 1,600 feet; thence South approximately 1,050 feet; thence West to Highway 6/34 (Elm Street); South on Highway 6/34 (Elm Street) to Corporate Limits; thence Westerly along the Corporate Limits to Burlington Avenue; North on Burlington Avenue to "K" Street; thence West on "K" Street to Garfield Avenue; South on Garfield Avenue to "L" Street; and West on "L" Street to Baltimore Avenue.

Illustration 2 identifies the existing land uses within the Study Area. The Study Area consist of five land uses: residential, commercial, industrial, public/semi-public, and vacant land. The most predominant uses are vacant and residential land.



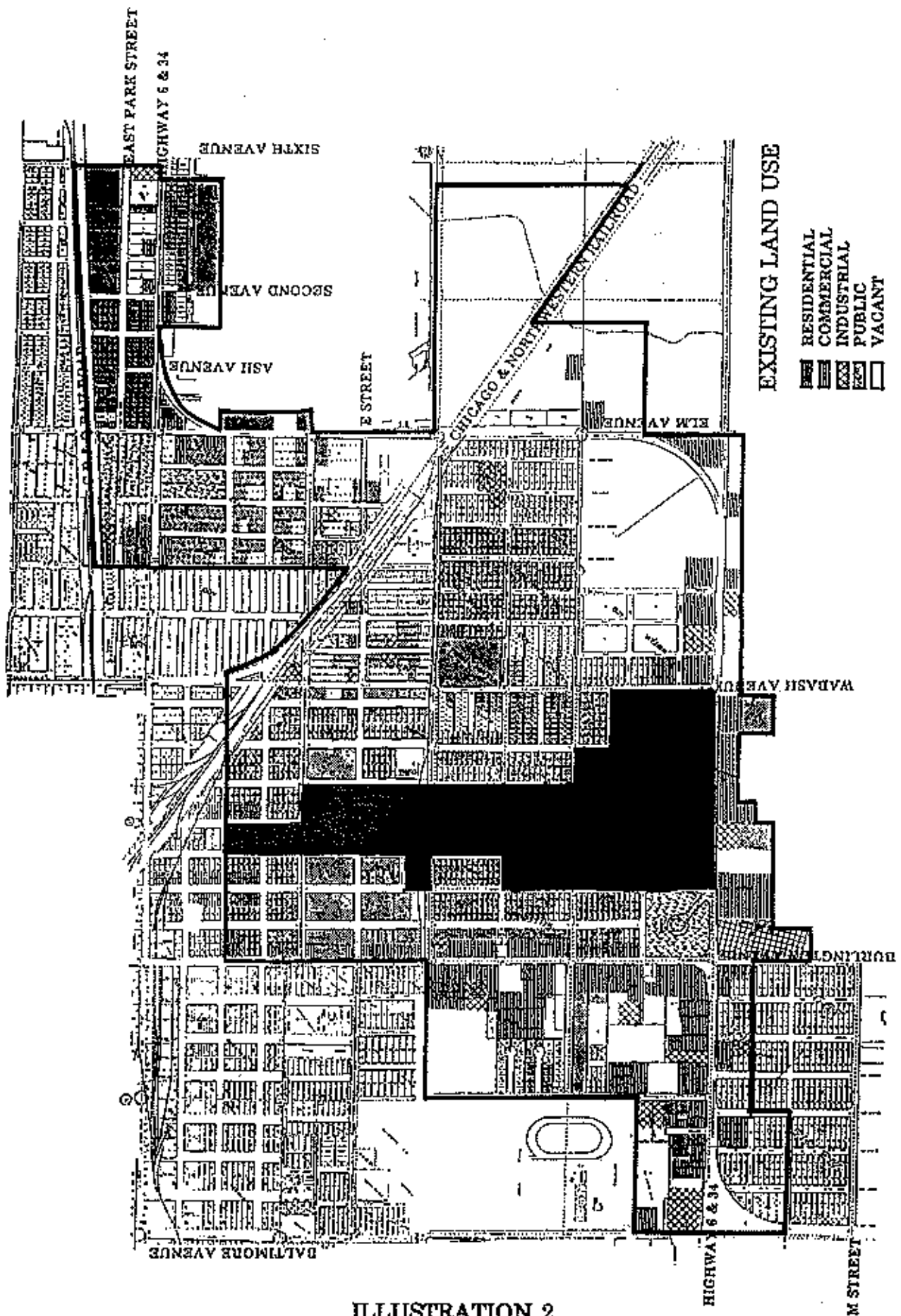


ILLUSTRATION 2

Residential land usage, as identified in Illustration 2, is located throughout the Study Area. The residential properties are predominantly single family. The housing stock is comprised of masonry, brick, and frame construction, with the majority of structures ranging in age from 40 to 100 years.

The commercial land use and building types, as identified in Illustration 2, exists primarily along both sides of Highway 6-34 and Burlington Avenue. These commercial uses tend to be the type of use associated with Highway Commercial Districts. The commercial buildings are predominantly over 20 years of age (72.2%) and are constructed from brick, steel and frame.

Industrial land use and building types exist on either side of the Railroad Right-of-Ways and along Highway 6-34 located in the southern portion of the Study Area. Over 73.9 percent of these buildings are over 20 years of age.

The Study Area contains both new and refurbished buildings. A high percentage of the structures in the Study Area (30.9%) have major structural deficiencies, functional and economic obsolescence and problems difficult to correct related to current code requirements.

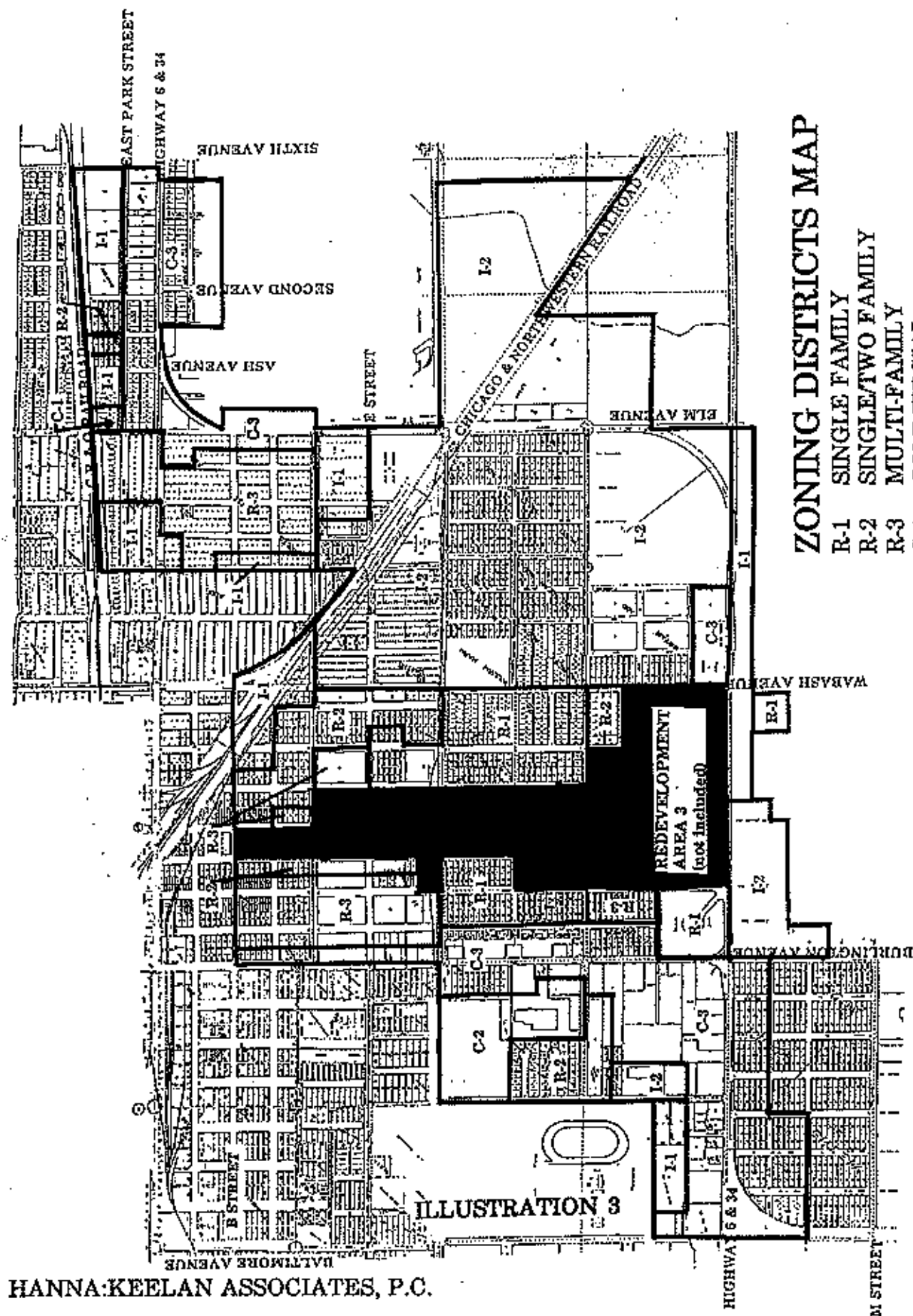
Table 3 statistically identifies the existing land use patterns within the Study Area, in terms of number of acres and percentage of total for all existing land uses.

**TABLE 3
CITY OF HASTINGS
EXISTING LAND USE
COMMUNITY REDEVELOPMENT AUTHORITY
STUDY AREA**

<u>Land Use</u>	<u>Acres/Percent</u>
Residential	164.96/22.9%
Commercial	78.87/11.0%
Industrial	53.73/7.5%
Public/Quasi Public	10.44/1.5%
Streets and Alleys	171.51/23.8%
Total Developed	479.51/66.6%
Vacant	240.42/33.4%
Total Acreage	719.93/100.0%

Source: Hanna:Keelan Associates, P.C., 1991

Illustration 3 identifies the existing zoning districts within the Study Area. The present zoning classification is compatible to existing uses.



ZONING DISTRICTS MAP

- R-1 SINGLE FAMILY
- R-2 SINGLE/TWO FAMILY
- R-3 MULTI-FAMILY
- C-1 COMMERCIAL
- C-2 COMMERCIAL
- C-3 COMMERCIAL
- I-1 INDUSTRIAL
- I-2 INDUSTRIAL

HANNA-KEELAN ASSOCIATES, P.C.

3. THE RESEARCH APPROACH

The research approach implemented for the Hastings Redevelopment Area Five Blight and Substandard Determination Study included an assessment of the blight and substandard determination factors identified in the Nebraska Community Development Law. In brief, factors which were general in nature and existed in a continuous fashion, area wide, such as streets, alleys, sidewalks, driveways and other transportation systems, open spaces, parking areas, exterior structural condition, individual structures and properties and property ownership were investigated on an area-wide basis. Taxation status was investigated on a random-sampling basis excluding tax exempt properties.

The assessment of the aforementioned factors, excluding taxation status, was implemented utilizing an area-wide examination process as opposed to a random-sampling process, in an attempt to reduce errors associated with conducting a random-sampling method. In addition, an area-wide assessment provides the consultant with a more accurate understanding of the Study Area and allows for more informed conclusions and recommendations about the area.

4. ELIGIBILITY SURVEY AND ANALYSIS FINDINGS

An analysis was made of each of the blighted and substandard factors listed in the legislation to determine whether each or any are present in the Study Area, and if so, to what extent and in what locations.

The following represents a summary evaluation of each blight and substandard factor presented in the order of their listing in the law.

SUBSTANDARD FACTORS

(1) Dilapidation/Deterioration of Structures

The rating of building conditions is a critical step in determining the eligibility of a substandard area for redevelopment. The system for classifying buildings must be based on established evaluation standards and criteria and result in an accurate and consistent description of existing conditions.

This section summarizes the process used for assessing building conditions in the Study Area, the standards and criteria used for evaluation, and the findings as to the existence of dilapidation/deterioration of structures.

The building condition analysis is based on exterior inspections of all 909 structures within the Study Area, to note structural deficiencies in individual buildings and to identify related environmental deficiencies for individual sites or parcels within the Study Area. The Structural Site Condition Survey Form is identified in Appendix 1.

1. Building Components Evaluated

During the field survey, each component of a subject building was examined to determine whether it was in sound condition or had minor, major, or critical defects. Building components examined were of two types:

Primary Components. These include the basic elements of any building: foundation walls and girders, load bearing walls and columns, roof and roof structure, and floor structure.

Secondary Components. These are components generally added to the primary structural components and are necessary parts of the building, including exterior curtain walls, non-bearing walls and ceilings, interior stairs, porches and steps, fire escapes, etc.

2. Criteria for Classifying Defects for Building Components

Primary and secondary components were evaluated separately as a basis for determining the overall condition of individual structures. This evaluation considered the relative importance of specific components on the exterior of the building, and the effect that deficiencies in components will have on the remainder of the structure.

3. Building Component Classifications

The four categories used in classifying building components and systems and the criteria used in evaluating structural deficiencies are described below.

Sound. Building components which contain no defects, are adequately maintained, and require no treatment outside of normal ongoing maintenance.

Minor - Requiring Minor Repair. Building components which contain defects (loose or missing material or holes and cracks over a limited area) which often can be corrected through the course of normal maintenance. Minor defects have no real effects on either structural or architectural components and the correction of such defects may be accomplished by the owner or occupants, such as pointing masonry joints over a limited area or replacement of less complicated components. Minor defects are not considered in rating a building as structurally substandard.

Major - Requiring Major Repair (Deteriorating). Building components which contain major defects over a widespread area and would be difficult to correct through normal maintenance. Buildings in the major deficient category would require replacement or rebuilding of components by people skilled in the building trades.

Substandard (Dilapidated/Deteriorated). Building components which contain major defects (bowing, sagging, or settling to any or all exterior components causing the structure to be out-of-plumb, or broken, loose or missing material and deterioration over a widespread area) so extensive the cost of repairs would be excessive in relation to the value returned on the investment.

4. Final Building Rating

After completion of the building condition surveys, each individual building was placed in one of four categories based on the combination of defects found in various structural and architectural building components, each final rating is described below.

Sound. Sound buildings can be kept in a standard condition with normal maintenance. Buildings so classified have less than four minor defects.

Deficient-Minor. Buildings classified as deficient - requiring minor repairs- have more than three minor defects, but less than one critical defect.

Deficient-Major (Deteriorating). Buildings classified as deficient - requiring major repairs - have at least one critical defect, but less than two critical defects.

Substandard (Dilapidated/Deteriorated). Structurally substandard buildings contain defects which are so serious and so extensive the building must be removed. Buildings classified as structurally substandard have two or more critical defects. Critical defects are as follows:

Structural. Each of four primary structural components can receive a rating of one critical defect. Two primary structural components, each receiving a rating of major defects, equals one critical defect.

Building Systems. Two building systems, each receiving a rating of a major defect, equals one critical defect.

Architectural. Four architectural components, each receiving a rating of a major defect, equals one critical defect.

The following combinations of major defects is equivalent to one critical defect.

One major defect in the structural components plus one major defect in the building systems equals one critical defect.

Two major defects in the architectural components plus one major defect in either structural components or the building systems equals one critical defect.

Major deficient buildings are considered to be the same as deteriorating buildings as referenced in the Nebraska legislation; substandard buildings are the same as dilapidated buildings. The words building and structure are presumed to be interchangeable.

5. Field Survey Conclusions

The condition of the 909 primary buildings within the Study Area was determined based on the findings of detailed surveys. These surveys indicated the following:

- Ninety-eight (98) structures are classified as structurally sound;
- Six Hundred and Fifteen (615) structures are classified as minor defects;
- One Hundred and Fifty-Three (153) structures are classified as deteriorating major defects; and
- Forty-Three (43) structures are classified as substandard, dilapidated/deteriorated critical defects.

The survey indicates 196 (21.6%) of the 909 structures in the Study Area are either deteriorating or dilapidated.

Conclusion

The results of the structural condition survey for the study indicates deteriorating structures are present to a reasonable extent throughout the Study Area. Table 4 identifies the results of the structural rating process per building type.

TABLE 4
CITY OF HASTINGS
EXTERIOR SURVEY FINDINGS
COMMUNITY REDEVELOPMENT AUTHORITY
STUDY AREA

<u>Activity</u>	<u>Sound</u>	<u>Deficient (Minor)</u>	<u>Structural Rating</u>		<u>Structures</u>	<u>Substandard</u>
			<u>Deficient Deteriorating (Major)</u>	<u>Sub standard Dilapidated</u>		
Residential	72	512	129	27	740	156/21.1%
Commercial	21	77	13	3	114	16/14.0%
Public/Semi Public	2	6	2	0	10	2/20.0%
Industrial	3	20	9	13	45	22/48.9%
Total	98	615	153	43	909	196/21.6%
Percent	10.8%	67.7%	16.8%	4.7%	100.0%	

Source: Hanna/Keelan Associates, P.C., 1991

(2) Age or Obsolescence

According to the field survey conducted by the Consultant in November and December of 1991, 71.1 percent of the structures within the Study Area were built over twenty (20) years ago. Of these structures 45.9 percent were built over forty (40) years ago.

Conclusion

The result of the field surveys indicated the age and obsolescence of the structures in the Study Area is reasonably sufficient to constitute a substandard factor.

(3) Inadequate Provision for Ventilation, Light, Air, Sanitation or Open Spaces

The results from the exterior structural survey, along with other field data, provided the basis for the identification of insanitary and unsafe conditions. Factors contributing to insanitary and unsafe conditions are discussed below.

Over twenty-one percent (21%) of the structures in the Study Area are deteriorating or dilapidated. When not adequately maintained or upgraded to present day occupancy standards, buildings which are deteriorating or dilapidated pose special safety and sanitary problems. There is a significant number (156) of wood framed single and two-story residential buildings which are in need of structural repair or fire protection. The field analysis indicated thirty-eight (38) commercial and industrial buildings or 23.9 percent were substandard.

Within the Study Area, there are forty (40) parking lots on commercial, industrial and public/semi-public land parcels which are unpaved. These are characterized by irregular gravel and dirt surfaces with many depressions. The lack of maintenance and the ambient dust conditions of these areas are detrimental to abutting properties and represent an insanitary and unsafe condition.

Evidence of vagrants was found in 117 (11.8%) of the 992 land parcels in the Study Area, especially in areas in close proximity to railroads or industrial docks. Vagrants have created problems through vandalism, breaking into vacant structures and leaving debris strewn about.

Conclusion

The inadequate provision for ventilation, light, air, sanitation or open spaces is predominantly distributed throughout the Study Area.

(4) The Existence of Conditions Which Endanger Life or Property by Fire and Other Causes

1. Inadequate Provisions for or Lack of Means of Egress.

Potential life threatening conditions exist in some buildings which lack adequate means of egress.

2. Excessive Debris.

Debris located on several sites poses as a fire hazard as well as an area to harbor pest which are detrimental to the public's safety.

3. Frame Buildings.

There are wood framed buildings throughout the Study Area which are in need of structural repair or fire protection. In several cases, industrial and commercial building framing has been left exposed and should be protected by a sprinkler system or covered with proper fire-resistive materials. There are significant wood framed single and two-story residential buildings which are in need of structural repair or fire protection. These buildings have been determined to be deteriorating or dilapidated.

4. Vacant Buildings and Partially Vacant Buildings.

The Study Area contains a minimal amount of vacant and partially vacant buildings as determined by the visual field inspection. Many of the conditions cited in this section are prevalent in these structures. These structures also promote vandalism, vermin, insect infestation, and other hazards which, because of the lack of proper maintenance, endanger adjacent properties.

Conclusion

The conditions which endanger life or property by fire and other causes, while strong in presence, is predominantly distributed throughout the Study Area.

BLIGHT FACTORS

(1) Deteriorated or Deteriorating Structures

The rating of building conditions is a critical step in determining the eligibility of an area for redevelopment. It is important the system for classifying buildings be based on established evaluation standards and criteria, and result in an accurate and consistent description of existing conditions.

This section summarizes the process used for assessing building conditions in the Study Area, the standards and criteria used for evaluation, and the findings as to the existence of deteriorating or deteriorated structures.

The building condition analysis is based on the exterior inspections of 909 structures within the Study Area, to note structural deficiencies in individual buildings and to identify related environmental deficiencies for individual sites or parcels within the Study Area. The Structural Site Conditions Survey Form is identified in Appendix I.

1. Building Components Evaluated

Each component of a subject building was examined to determine whether it was in sound condition or had minor, major, or critical defects. Building components examined were of two types:

Primary Components. These include the basic elements of any building: foundation walls and girders, load bearing walls and columns, roof and roof structure, and floor structure.

Secondary Components. These are components generally added to the primary structural components and are necessary parts of the building, including exterior curtain walls, non-bearing walls and ceilings, interior stairs, porches and steps, fire escapes, etc.

2. Criteria for Classifying Defects for Building Components

Primary and secondary components were evaluated separately as a basis for determining the overall condition of individual structures. This evaluation considered the relative importance of specific components on the exterior of the building, and the effect that deficiencies in components will have on the remainder of the structure.

3. Building Component Classifications

The four categories used in classifying building components and systems and the criteria used in evaluating structural deficiencies are described below.

Sound. Building components which contain no defects, are adequately maintained, and require no treatment outside of normal ongoing maintenance.

Minor - Requiring Minor Repair. Building components which contain defects (loose or missing material or holes and cracks over a limited area) which often can be corrected through the course of normal maintenance. Minor defects have no real effects on either structural or architectural components and the correction of such defects may be accomplished by the owner or occupants, such as pointing masonry joints over a limited area or replacement of less complicated components. Minor defects are not considered in rating a building as structurally substandard.

Major - Requiring Major Repair. Building components which contain major defects over a widespread area and would be difficult to correct through normal maintenance. Buildings in the major deficient category would require replacement or rebuilding of components by people skilled in the building trades.

Substandard - (Dilapidated/Deteriorated). Building components which contain major defects (bowing, sagging, or settling to any or all exterior components causing the structure to be out-of-plumb, or broken, loose or missing material and deterioration over a widespread area) so extensive the cost of repairs would be excessive in relation to the value returned on the investment.

4. Final Building Rating

After completion of the building condition surveys, each individual building was placed in one of four categories based on the combination of defects found in various structural and architectural building components, each final rating is described below.

Sound. Sound buildings can be kept in a standard condition with normal maintenance. Buildings so classified have less than four minor defects.

Deficient-Minor. Buildings classified as deficient - requiring minor repairs - have more than three minor defects, but less than one critical defect.

Deficient-Major. Buildings classified as deficient - requiring major repairs - have at least one critical defect, but less than two critical defects.

Substandard. Structurally substandard buildings contain defects which are so serious and so extensive the building must be removed. Buildings classified as structurally substandard have two or more critical defects. Critical defects are as follows:

Structural. Each of four primary structural components can receive a rating of one critical defect. Two primary structural components, each receiving a rating of major defects, equals one critical defect.

Building Systems. Two buildingsystems, each receiving a rating of a major defect, equals one critical defect.

Architectural. Four architectural components, each receiving a rating of a major defect, equals one critical defect.

The following combinations of major defects is equivalent to one critical defect.

One major defect in the structural components plus one major defect in the building systems equals one critical defect.

Two major defects in the architectural components plus one major defect in either structural components or the building systems equals one critical defect.

Minor deficient and major deficient buildings are considered to be the same as deteriorating buildings as referenced in the Nebraska legislation; substandard buildings are the same as deteriorated buildings. The words building and structure are presumed to be interchangeable.

5. Field Survey Conclusions

The condition of the 909 primary buildings within the Study Area was determined based on the findings of detailed survey of each building. These surveys indicated the following:

- Ninety-Eight (98) structures are classified as structurally sound;
- Six Hundred Fifteen (615) structures are classified as deteriorating minor defects;
- One Hundred Fifty Three (153) structures are classified as deteriorating major defects; and
- Forty-Three (43) structures are classified as substandard, dilapidated/deteriorated critical defects.

The survey clearly indicates 811 of 909 (89.2%), of the structures throughout the Study Area are either deteriorating or dilapidated.

Conclusion

The results of the structural condition survey indicates deteriorating or deteriorated structures are evident to a significant extent throughout the Study Area. Table 5 identifies the results of the structural rating process per building type.

TABLE 5
CITY OF HASTINGS
EXTERIOR SURVEY FINDINGS
COMMUNITY REDEVELOPMENT AUTHORITY
STUDY AREA

<u>Activity</u>	<u>Sound</u>	<u>Deficient (Minor)</u>	<u>Structural Rating</u>		<u>Structures</u>	<u>Blighted</u>
			<u>Deficient (Major)</u>	<u>Sub standard Dilapidated</u>		
Residential	75	512	129	27	740	668/90.3%
Commercial	21	77	13	3	114	93/81.6%
Public/Semi Public	2	6	2	0	10	8/80.0%
Industrial	3	20	9	13	45	42/93.3%
Total	98	615	153	43	909	811/89.2%
Percent	10.8%	67.7%	16.8%	4.7%	100.0%	

Source: Hanna-Keelan Associates, P.C., 1991

(2) Existence of Defective or Inadequate Street Layout

The street pattern within the Study Area consists of a grid system which is used throughout the City of Hastings. Street Right-of-Way widths range from 60 to 80 feet within and bordering the Study Area.

Existing streets provide a high level of accessibility to the majority of the Study Area. However, problem conditions exist in the Study Area. The western and southwestern portions of the Study Area lack appropriate access and street development. Basic problem conditions include:

1. Limited Vehicular Accessibility

The principle vehicular circulation system linkage of the Study Area with the majority of other points in Hastings are Baltimore Avenue, Burlington Avenue, Wabash Avenue and Elm Street all of which are north-south arterials dissecting the Study Area from west to east. In addition, Highway 6-34 traffic travels through the southern and eastern areas of the Study Area. Other streets in the Study Area provide less direct linkages to other parts of the City due to existing barriers.

The northeast portion of the Study Area is bisected by railroad lines in an east and west alignment and a southeast and northwest alignment. The existence of these rail lines creates a hazard for vehicular and pedestrian traffic in the Study Area while also disrupting the grid street system used for vehicular circulation throughout Hastings. The existing street layout in this Study Area limits vehicular movement, north and south bound traffic is interrupted periodically by railroad traffic. Two uninterrupted crossings are easily accessed from streets within the Study Area, the Burlington Avenue underpass and the Highway 6-34 (Elm Street) overpass.

An uninterrupted grid street system provides ready access from all directions to specific locations within the City. However, as is evident in the Study Area, where built barriers interrupt the continuity of the grid, or where restrictions are placed upon the direction of traffic flows, accessibility to locations in the vicinity of these constraints can be seriously impaired. Good vehicular accessibility is important for most commercial and industrial enterprises and is desirable for residential development.

The railroad right-of-ways are located approximately 30 feet both sides of the railroad tracks. These railroad right-of-ways serve at least two purposes: (1) act as a safety mechanism; and (2) act as a sound buffer zone to adjacent sites.

Throughout the Study Area, the composition of the railroad right-of-way was considered to be in "fair" to "poor" condition. This area is utilized in several ways, including storage, warehousing and also a place for excessive debris to collect, including numerous abandoned cars.

There appears to be minimal enforcement of the municipal code provisions in these railroad right-of-ways within the industrial districts of the project area.

2. Inadequate Provision of Pedestrian Movement

Sidewalks to provide for pedestrian flow throughout the Study Area are lacking. Since a large portion of land in the Study Area is vacant, sidewalks have not been developed. According to the field survey conducted by the consultant, an estimated 557 (56.1%) land parcels did not have sidewalks. Approximately 269 (27.1%) of the land parcels in the Study Area had sidewalks which were in "excellent" or "good" condition.

3. Lack of Adequate Parking

With the increased use of the automobile as a mode of transportation, a strain has been placed on the urban infrastructure to accommodate not only car movement, but car parking as well. Because street layout and block development in the Study Area preceded this trend toward widespread use of the private automobile, an adequate provision for parking is a major concern, not only for the present time, but also for the future, sound growth of the area.

Available on and off street parking areas are inadequately defined and subject to inconsistent public use.

Conclusion

One or more of the discussed conditions are strongly present throughout the Study Area.

(3) Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness

Building use and condition surveys, property ownership and sub-division records and field surveys have resulted in the identification of several problem conditions associated with faulty lot layout in relation to size, adequacy, accessibility, or usefulness of land within the Study Area. The size and arrangement of lots within the Study Area has resulted in conditions which adversely affect the sound growth and development of the area. These problem conditions include:

1. Underutilization of land.

There are numerous large vacant land parcels in the Study Area as indicated in Illustration 2, existing land use. The vacant land parcels comprise 33.4 percent of the total land area. The underutilization of vacant land does little to contribute to the viability of the Study Area and surrounding areas. In fact, such conditions can result in making the area a liability to the overall economic and social well-being of the entire community.

2. Lack of Accessibility/Usefulness.

The current lot layout and lack of the development has left large vacant parcels "landlocked". Other vacant lots lack interior street systems to provide access throughout the land parcel. Land which is "landlocked" is deprived of economic potential since no reasonable vehicular access is obtainable.

3. Lack of Planned Open Space.

With a shift in land use in portions of the area towards office, commercial and both high and low density residential uses, planning of open space becomes a concern. Because of excessive land use and lot coverage, courtyards, plazas and mini-parks are generally lacking in the area. These spaces provide a retreat from the normal work environment during lunch hours and break periods, and are generally a welcome attraction in the urban environment. Modern planning generally requires certain amounts of open space, addressing both current and future use.

Conclusion

Problems relating to faulty lot layout are present to a reasonable extent in the majority of the Study Area.

(4) Insanitary and Unsafe Conditions

The results of the field survey (structural condition analysis, along with other field data) provided the basis for this identification of insanitary and unsafe conditions in the Study Area. Factors contributing to insanitary and unsafe conditions are discussed below.

1. Residential Buildings.

Over 36.0 percent of the single family residential buildings are 40 to 100 years of age. This results in sub-standard living units in need of rehabilitation services.

2. Commercial and Industrial Buildings.

The majority (64.1%) of the commercial and industrial buildings in the Study Area are over 20 years of age, 31.4 percent are between 40 to 100 years of age. Problem conditions found to exist include lack of egress, natural ventilation and lack of adequate storage of materials. In some cases the lack of maintenance has posed safety hazards for occupants.

3. Vacant Buildings.

Vacant or partially vacant structures exist to a minimal degree throughout the Study Area. Apart from the many structural deficiencies prevalent in the vacant buildings, these properties evidence neglect and deferred maintenance.

Insanitary and unsafe conditions associated with vacant structures are found to exist, including improper means of lack of egress from upper floors; widespread infestation of pigeons and associated debris; and general lack of maintenance. These conditions impact occupied floors of partially vacant buildings due to water seepage, rodents or insects, and dust and dirt accumulation.

4. Surface parking lots.

Within the Study Area there are forty (40) parking lots on commercial, industrial and public/semi-public land parcels which are unpaved. These are characterized by irregular shaped gravel and dirt surfaces with many depressions. The lack of maintenance and the ambient dust conditions of these areas are detrimental to abutting properties and represent an insanitary and unsafe condition.

5. Excessive Debris.

Debris is present in the form of discarded materials in the commercial and industrial areas and abandoned cars along the U.P.R.R. Right-of-Way. The vacant land and other structures contain litter to a lesser degree. The debris is not only unsightly, but also promotes certain safety hazards.

6. Vagrants.

The evidence of vagrants was found in portions of the Study Area, especially in areas in close proximity to railroads or industrial docks. Vagrants have created problems through vandalism, breaking into vacant structures and leaving debris at the properties.

Conclusion

Insanitary and unsafe conditions are present to a reasonable extent in the majority of the Study Area.

(5) Deterioration of Site Improvements

Field observations were performed to determine the condition of site improvements within the Study Area, including streets, alleys, sidewalks, curbs and gutters, traffic control devices and off-street parking. Appendix 2 documents the present condition of these improvements.

There are several unpaved streets in the blocks which are adjacent the north side of the east-west railroad alignment. These streets exists in areas where warehousing and industrial uses are predominate, however, residential areas are interspersed among these uses in areas with unpaved streets. A total of 17.8 percent of the parcels in the Study Area have unpaved and/or substandard or major deficient streets.

The absence of sidewalks contributes significantly to the blighted conditions of the Study Area. The absence of sidewalks is evident throughout the Study Area. The total percentage of parcels within the Study Area having no sidewalks is 56.1 percent.

The total percentage of parcels having debris within the Study Area is 47.1 percent.

A total of four hundred and fourteen (414) or 57.3 percent of the parcels within the Study Area received an overall site condition rating of "fair" or "poor", as per the results of the field survey.

Conclusion

Deterioration of site improvements is present to a reasonable extent in the majority of the Study Area.

(6) Diversity of Ownership

The majority of the Study Area contains blocks which have been platted into smaller lots to originally accommodate residential development. The areas to the southeastern and southwestern portions of the Study Area have been platted into larger lots to accommodate commercial and industrial development.

This diversity of ownership makes redevelopment difficult. The assemblage of larger sites is difficult to accomplish when a number of property owners are involved.

The total number of owners in the Study Area is estimated to be 453. The situation is exacerbated by the fact several of those blocks with only one or two owners are public or institutional users, or are owned by and utilized for activities associated with the railroad systems. The remaining properties, which are privately held and which would be the most likely candidates for redevelopment, rarely have fewer than four owners in one block.

The blocks with unusually large numbers of owners are scattered throughout the residential districts of the Study Area. The majority of the one and two ownerships are generally located within the industrial and commercial district areas adjacent Highway 6-34.

Land assemblage is a necessity for major redevelopment. Without it, only small, individual renovation activities of existing buildings is possible. In order for the kinds of redevelopment to occur which are currently desirable, economically feasible, which will attract financial support and public patronage required to repay such financial support; it is necessary to assemble larger parcels of property. Such assemblage is most difficult without public intervention and constitutes one of the greatest deterrents to significant redevelopment within the Study Area.

Conclusion

Diversity of Ownership in the Study Area is strongly present as a Blight Factor.

(7) Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land

A random sampling of public records was undertaken to determine the status of real estate taxes of properties located within the Study Area.

1. Delinquent Taxes.

Public records have been examined for the purpose of determining the extent of delinquent taxes currently outstanding on parcels within the Study Area. Approximately 9 of 102 (8.8%) of the properties examined had delinquent taxes.

2. Real Estate Taxes.

The tax values within the Study Area generally appear to be appropriate in relation to market values of the properties.

Of the 909 parcels studied, it is estimated 54, or 5.9% are exempt from taxation. The majority of the tax exempt properties are owned by governmental subdivisions.

Conclusion

There are some indications of problems, however, financial burdens upon properties in the overall Study Area would not appear to be sufficient to constitute a blighted factor.

(8) Defective or Unusual Condition of Title

Examination of individual deeds and encumbrances has been undertaken as part of this blight and substandard determination study. The study of property ownership data did not provide any basis for identifying any defective or unusual conditions of title.

Conclusion

Defective or unusually condition of title is not found to be prevalent as a blighting factor within the Study Area.

(9) Improper Subdivision or Obsolete Platting

Improper subdivision and obsolete platting is a constraint throughout the Study Area.

The majority of blocks in the Study Area have experienced some degree of subdividing, since original platting. The present platting of lots or lack of, in these blocks, can be considered improper and obsolete for the type of commercial, industrial and residential land uses desired.

Efforts to overcome problems of inadequate subdivision and obsolete platting and to secure sites of reasonably adequate size and shape for modern development purposes, require the assemblage of adjacent parcels. This assemblage of parcels is complicated due to the numerous subdivisions and property owners within the Study Area. Improper subdivision or obsolete platting exist throughout the Study Area.

Conclusion

Improper subdivision or obsolete platting inhibits sound growth and development in the Study Area. There exists a strong presence of improper subdivision or obsolete platting throughout the Study Area.

(10) The Existence of Conditions Which Endanger Life or Property by Fire and Other Causes

1. Inadequate Provisions for or Lack of Means of Egress.

Potential life threatening conditions exist in some buildings which lack adequate means of egress.

2. Excessive Debris.

Debris located on several sites poses as a fire hazard as well as an area to harbor pest which are detrimental to the public's safety.

3. Frame Buildings.

Some of the commercial, industrial and retail buildings within the area are of wood frame or partial wood frame construction. In many cases, the framing should be protected by a sprinkler system or covered with proper fire-resistive materials. There are significant wood framed single and two-story residential buildings which are in need of structural repair or fire protection, as well. These buildings have been determined to be deficient or substandard, in all instances.

4. Vacant Buildings and Partially Vacant Buildings.

The Study Area contains a minimal amount of vacant and partially vacant buildings as determined by the visual field inspection. Many of the conditions cited in this section are prevalent in these structures. These structures also promote vandalism, vermin, insect infestation, and other hazards which, because of the lack of proper maintenance, endanger adjacent properties.

Conclusion

The conditions which endanger life or property by fire and other causes is strong in presence throughout the Study Area.

(11) Other Environmental and Blighting Factors

The Nebraska Community Development Law includes in its statement of purpose an additional criterion for identifying blight, viz., "economically or socially undesirable land uses." Conditions which are considered to be economically and/or socially undesirable include: (a) incompatible uses or mixed-use relationships, (b) economic obsolescence, and (c) functional obsolescence. For purpose of this analysis, functional obsolescence relates to the physical utility of a structure and economic obsolescence relates to a property's ability to compete in the market place. These two definitions are interrelated and complement each other.

Substantial public improvements have occurred throughout the Study Area over the last ten plus years. A few of these include street and sidewalk improvement, commercial and industrial development and residential development. Private development has been undertaken on a piecemeal basis. The opportunity for redevelopment capable of carrying its own financial weight has already been accomplished within the Study Area. Without some type of public assistance and coordination of effort, a difficult challenge will be rendered for future private projects to be successful ventures. Numerous problems or obstacles exist for comprehensive redevelopment efforts by the private sector in the project area; problems that only public assistance programs can help remedy. These include removal of dilapidated structures, excessive debris and upgrading or development of streets, sidewalks and railroad crossings. These types of programs are proven stimulants to the creation of successful private developments.

1. Incompatible Uses or Mixed Use Relations.

The Study Area is divided into eight (8) zoning districts. These include three (3) residential districts, R-1, R-2, R-3, three (3) commercial districts, C-1, C-2, C-3, and two (2) industrial districts, I-1, I-2.

Within the Study Area, conditions exist in which structures and sites have uses that are incompatible with the zoning district in which they are located. For example, residential zones adjacent industrial zones. This type of incompatible land use is apparent throughout the Study Area.

The Study Area in its entirety contains mixed and incompatible land uses and undesirable mixed uses. The industrial districts include non-compatible commercial establishments and residential properties, whereas the commercial districts include non-compatible industrial and residential uses. This is particularly evident of properties east of Wabash Avenue

2. Economic and Functional Obsolescence

The Study Area contains a significant amount of vacant land as indicated in Illustration 2, Existing Land Use. A total of approximately 33.4 percent of the Study Area consist of vacant land. Vacant land is one of the indications of both functional and economic obsolescence.

Conclusion

Other Environmental, Blighted Factors are present to a reasonable extent throughout the Study Area.

(12) Additional Blighting Conditions

According to the definition set forth in the Nebraska Community Development Law, Section 18-2102, in order for an area to be determined "blighted" it must (1) meet the eleven criteria by reason of presence and (2) contain at least one of the five conditions identified below:

1. Unemployment in the designated blighted and substandard area is at least one hundred twenty percent of the state or national average;
2. The average age of the residential or commercial units in the area is at least forty years;
3. More than half of the plotted and subdivided property in the area is unimproved land that has been within the City for forty years and has remained unimproved during that time;
4. The per capita income of the designated blighted and substandard area is lower than the average per capita income of the City or Village in which the area is designated; or
5. The area has had either stable or decreasing population based on the last two decennial censuses.

One of the aforementioned criteria is prevalent within the designated blighted area.

A. The average age of the residential or commercial units in the area is at least forty (40) years.

According to the field survey conducted by the consultant in November and December of 1991, 34.6 percent of the residential structures within the Study Area were identified as being built prior to 1950.

An age estimation for all structures in the study area revealed 71.7 percent of the structures were constructed 20+ years ago and of these 46.0 percent were built 40+ years ago.

The average age of the residential and commercial structures within the Study Area meets and exceeds the forty (40) years average age requirement set forth for blight determination eligibility.

Conclusion

One of the five blight determination criteria is prevalent within the Study Area.

5. DETERMINATION OF STUDY AREA ELIGIBILITY

The Study Area meets the requirements of the Nebraska Community Development Law for designation as both a "blighted and substandard area". There is a reasonable distribution of at least ten of the twelve factors present in the 720 acre Study Area to constitute a blighted area and a predominance of one of the four factors to constitute substandard.

Substandard Factors

1. Inadequate provision for ventilation, light, air, sanitation, or open spaces; and
2. Existence of conditions which endanger life or property by fire and other causes.

Blighted Factors

1. A substantial number of deteriorated or deteriorating structures;
2. Existence of defective or inadequate street layout;
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
4. Insanitary or unsafe conditions;
5. Deterioration of site or other improvements;
6. Diversity of ownership;
7. Improper subdivision or obsolete platting;
8. Existence of conditions which endanger life or property by fire or other causes;
9. Other environmental and blighting factors; and
10. The average age of the residential and commercial units in the area is at least forty years.

Although all of the previously listed factors are reasonably present within the Study Area, the conclusion of the Consultant is the substantial number and distribution of deteriorated and deteriorating structures and the average age of buildings, as documented in this report, is in itself a sufficient basis for designation of the area as a blighted and substandard area.

In addition to the above, other environmental, blighting and substandard factors were found to be present throughout the 720 acre Study Area.

The extent of blight and substandard for each of the factors addressed in this study are presented in Tables 1 and 2. The eligibility findings indicate the Study Area is in need of revitalization and strengthening to ensure it will contribute to the physical, economic and social well-being of the City of Hastings. Indications are, the area, on the whole, has not been subject to comprehensive, sufficient growth and development through investment by the private sector nor would the areas be reasonably anticipated to be developed without public action or public intervention.

It is also the conclusion of the Consultant, after careful study of the Study Area, the entire area is appropriate for inclusion into one continuous area contiguous with other approved blighted and substandard areas.

APPENDICES I AND II

Parcel # _____
 Address _____

STRUCTURAL/SITE CONDITIONS SURVEY FORM

Section I:

1. Type of Unit: _____ SF _____ MF _____ Mixed Use _____ Duplex _____ No. of Units _____
2. Unit: _____ Under construction/rehab _____ For Sale _____ Both _____
3. Vacant Unit: _____ Inhabitable _____ Uninhabitable _____
4. Vacant Parcel: _____ Developable _____ Undevelopable _____
5. Non-residential Use: _____ Commercial _____ Industrial _____ Public _____
 _____ Other/Specify _____

Section II: Structural Components

	(Substandard)	(Major)		
Primary Components	Critical	Substandard	Minor	None (sound)
1. Roof	C	S	M	N
2. Wall Foundation	C	S	M	N
3. Foundation	C	S	M	N
_____ Concrete _____ Stone _____ Rolled Asphalt _____ Brick _____ Other				

Secondary Components	Critical	Substandard	Minor	None (sound)
4. Roof	C	S	M	N
_____ Asphalt Shingles _____ Rolled Asphalt _____ Cedar _____ Combination				
_____ Other _____				
5. Chimney	C	S	M	N
6. Gutters, Downspouts	C	S	M	N
7. Wall Surface	C	S	M	N
_____ Frame _____ Masonry _____ Siding _____ Combination _____ Stucco				
_____ Other _____				
8. Paint	C	S	M	N
9. Doors	C	S	M	N
10. Windows	C	S	M	N
11. Porches, Steps, Fire Escapes	C	S	M	N
12. Driveway, Side Condition	C	S	M	N

Final Rating

_____ Sound _____ Deficient-Minor _____ Deficient-Major _____ Substandard

Built Within: _____ 1 year _____ 1-5 years _____ 5-10 years _____ 10-20 years _____ 20-40 years

_____ 40-100 years _____ 100+ years

Section III: Revitalization Area

1. Adjacent Land Usage _____
2. Street Surface Type _____
3. Street Condition _____ E _____ G _____ F _____ P
4. Sidewalk Condition _____ N _____ E _____ G _____ F _____ P
5. Parking (Off-Street) _____ N _____ # of Spaces _____ Surface _____
6. Railroad Track/Right-of-Way Composition _____ N _____ E _____ G _____ F _____ P
7. Existence of Debris _____ MA _____ MI _____ N
8. Existence of Vagrants _____ MA _____ MI _____ N
9. Overall Site Condition _____ E _____ G _____ F _____ P

NOTE: E=Excellent, G=Good, F=Fair, P=Poor, N=None or No, Y=Yes, MA=Major, MI=Minor

CITY OF HASTINGS
FIELD SURVEY RESULTS
COMMUNITY REDEVELOPMENT AUTHORITY STUDY AREA

	<u>Total</u>	<u>Residential*</u>	<u>Commercial</u>	<u>Industrial</u>	<u>Public/ Quasi-Public</u>	<u>Vacant</u>
<u>Age of Structure</u>						
1 - 5 years	12	7	2	2	1	NA
5 - 10 years	50	34	15	1	0	NA
10 - 20 years	201	166	24	9	2	NA
20 - 40 years	349	288	44	13	4	NA
40 - 100 years	290	238	29	21	2	NA
100+ years	7	7	0	0	0	NA
<u>Final Structural Rating</u>						
Sound	918	72	21	3	2	NA
Deficient Minor	615	512	77	20	6	NA
Deficient Major	153	129	13	9	2	NA
Sub-Standard	43	27	3	13	0	NA
<u>Street Condition</u>						
None	0	0	0	0	0	0
Excellent	66	39	16	6	0	5
Good	536	402	61	20	7	46
Fair	265	198	31	11	2	23
Poor	119	101	3	7	1	7
<u>Sidewalk Condition</u>						
None	583	416	67	35	5	60
Excellent	87	73	2	1	0	11
Good	163	119	30	4	3	7
Fair	132	113	11	4	2	2
Poor	22	19	2	0	0	1
<u>Debris</u>						
Major	141	93	12	22	0	14
Minor	459	377	42	16	1	23
None	389	270	60	6	9	44
<u>Vagrants</u>						
Yes	31	14	2	7	0	8
Probable	86	50	7	19	0	10
No	875	680	105	17	10	62
<u>Overall Site Condition</u>						
Excellent	49	26	0	0	2	21
Good	256	156	58	6	4	32
Fair	502	426	41	15	4	16
Poor	181	131	15	23	0	12
<u>Developable (Vacant Only)</u>						80
<u>Nondevelopable (Vacant Only)</u>						3
<u>Parking Spaces (Ranges)</u>		0-70	1-150	0-20	5-15	NA

*Includes Multi-Family Residential

Source: Hanna:Keelan Associates, P.C., Field Survey, 1992

REDEVELOPMENT PLAN

EXECUTIVE SUMMARY

Purpose of Plan/Conclusion

The purpose of this Plan is to serve as a redevelopment guide for implementation, by the Community Redevelopment Authority (CRA), of the previously designated Study Area. All Community Development Law State Statutes, 18-2101 thru 18-2154, and any to follow in this general section, should be utilized to promote the general welfare, the enhancement of the tax base, the economic and social well being, the development of any public activities and promotion of public events in the Study Area, along with any and all other purposes, as outlined in the Community Development Law.

A CRA Redevelopment Plan must contain the general planning elements required by Nebraska State Revised Statutes, Section 18-211 re-issue 1991 items (1) through (6). A description of these items are as follows:

- (1) The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein; (2) a land-use plan showing proposed uses of the area; (3) information showing the standards of population densities, land coverage, and building intensities in the area after redevelopment; (4) a statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinances; (5) a site plan of the area; and (6) a statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment.

Furthermore, the CRA redevelopment plan must further address the items required under Section 18-2113, "Plan; considerations", which the CRA must consider prior to recommending a redevelopment plan to the City Council for adoption. These "considerations" are defined as follows:

"... whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the

promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewage, and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or conditions of blight."

Conclusion

The planning process for the CRA Study Area has resulted in a comprehensive listing of planning recommendations. As previously discussed in the blight and substandard determination study, there are many existing land uses, structural and substandard conditions which are nonconforming in nature, detrimental to the health, safety and general welfare of the community and generally obsolete in respect to the development and living environment norms of today's Nebraska community and the City of Hastings. To eliminate these conditions and enhance private development activities within the Study Area, the City of Hastings will need to consider the following planning and redevelopment actions:

- * an official reclassification of both land use and zoning districts to produce an appropriate, acceptable land use pattern, whereby each land use composition is complementary and is not detrimental to the next;
- * systematic removal of substandard and dilapidated structures within the area;
- * rehabilitation of both owner and renter occupied single family structures in areas experiencing stable, low density residential conditions;
- * consideration for planned open space, in the form of small scale neighborhood parks;
- * improved, planned off-street parking;
- * scattered street development and improvements within the area, accompanied with storm sewer, curbing, street lighting and sidewalk improvements;
- * public assemblage of land to allow for both planned multi-family residential and commercial development;
- * increased density development for residential areas;

- * consideration for screening and/or buffering of commercial areas from residential uses;
- * improved planned streetscapes within the area; and
- * code enforcement program for the clean up of areas in violation and detrimental to the health, safety and general welfare of the community.
- * public assemblage of the Union Pacific Rail Line proposed for abandonment for the development of passive recreation uses.

Both a timeline and budget should be developed for the Redevelopment Plan. Each of these processes should be designed in conformance with the resources and time available with the City. A reasonable timeline to complete those redevelopment activities identified in the plan would be seven (7) to ten (10) years.

Various funding sources exist for the preparation and implementation of a capital improvement budget designed to meet the funding needs of proposed redevelopment activities. These include, in addition to city and federal funds commonly utilized to finance street improvement funding, community development grant funding, special assessments and general obligation bonds.

1. Future Land Use Patterns

The existing land use patterns within the Study Area were described in detail in the blight and substandard determination study portion of this document. In general, the 720 acre Study Area, more or less, consists of five (5) land uses. The primary land uses are streets and alleys, vacant land, industrial, commercial and residential. It appeared from the field survey incompatible land uses exist in the Study Area.

Illustration 4, Future Land Use, represents a long term effort to remedy the problem of incompatible land uses within the Study Area as well as provide for future business and residential opportunities of the area.

It can be observed in Illustration 4, primary medium density residential land uses are reserved generally for the following areas: an area between Burlington and Pine Avenue and Highway 6/34 and "B" Street, this area excluding previous redevelopment area 3; area between the Union Pacific and Burlington Rail Lines between California and Second Avenue; and a small area adjacent to the east of the Adams County Fairgrounds. The existing residential types in these areas is predominately single family homes and multiple family structures generally less than 8 units. High density residential areas are between the Burlington Rail Line and "B" Street and approximately 2nd and 6th Avenues, a block bounded by Cedar and Elm Avenues and "E" and "D" Streets and an area generally bounded by Wabash and Rhode Island Avenues and "F" and "H" Streets. These areas are predominately vacant land and mobile home parks. It is recommended these areas be developed through a transitional process to produce higher density residential uses. In some areas this transitional process can occur as development demand necessitates, in other areas a gradual transition of the area may have to occur for several years. Public involvement by the City of Hastings, assembling and offering the redevelopment, vacant properties and properties having vacant/dilapidated housing and infrastructure development can be first steps in this transitional process. These high density residential areas in close proximity to commercial and industrial nodes of the city including the central business district, where pertinent services exist, should to the public's best interest be developed for high density residential uses.

Future commercial land uses are identified in Illustration 4 as being in close proximity to Highway 6/34 (Elm Street) and Burlington Avenue, arterial streets. The commercial land uses can serve as a buffer between residential and industrial land uses. Special attention should be given for commercial land uses along Elm Street as the U.P.R.R. Rail Line is abandoned and Highway 6/34 west of Burlington Avenue. Commercial redevelopment efforts along Burlington Avenue should focus on improved streetscape, attracting general retail instead of highway commercial/light industry typical uses and creating a corridor commercial plan to facilitate development.

Within the commercial areas, it is recommended, the existing single family dwellings in poor condition be razed and reverted to commercial land uses. This would allow for opportunities of expansion of existing commercial uses as well as the assemblage and offering of land by the City of Hastings for commercial development.

Future industrial land usage within the Study Area should be concentrated in areas adjacent to Highway 6/34. The proposed abandoning of the U.P.R.R. Rail Line which dissects the area, will have a significant influence on the type of future industrial uses which will locate in the area. In comparison to the existing land use pattern, Illustration 4 identifies some future industrial land use areas presently occupied by residential use or vacant properties. The City should give careful consideration to facilitating transitional land use activities in these areas, by assembling properties in capacity large enough in scale to accommodate future industrial park development.

The abandonment of the U.P.R.R. Rail Line in the Study Area creates an opportunity for the City of Hastings to expand recreational activities. The purchase and assemblage of the abandoned railroad is essential for redevelopment and coordination of a long-range recreational trail system in Hastings.

The greatest overall use of the trails facility is for recreational purposes with the majority of its users including walkers, joggers, runners and bicyclists of all ages. The primary function of trail use is to promote recreation and public health while adding to the network of greenspace in Hastings. This is a direct benefit to all citizens. Trails park space is for the enjoyment and education of all users and adds to the general quality of life in Hastings.

Future street usage is discussed in detail in Sections 3 and 4 of the Redevelopment Plan.

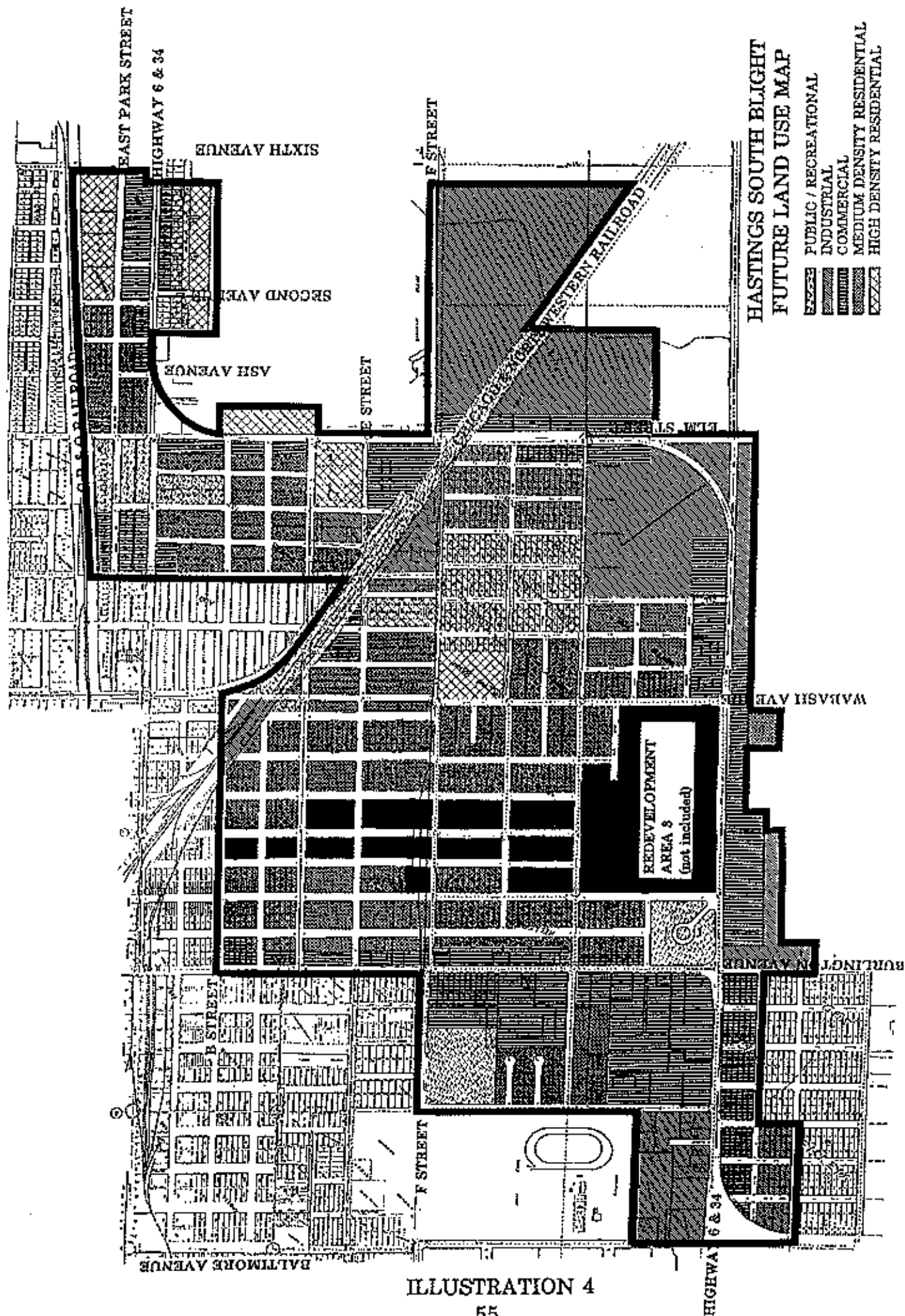


ILLUSTRATION 4

2. Future Zoning Districts

Future zoning districts for the Study Area are identified in Illustration 5. The Consultant utilized the current zoning district classifications available with the City of Hastings in designing future zoning districts. In turn, the permitted uses and development density allowed within the proposed future zoning districts are the same as those currently permitted in the respective zoning classifications identified in the City's official zoning ordinance. In general, future zoning districts overlay related future land use districts.

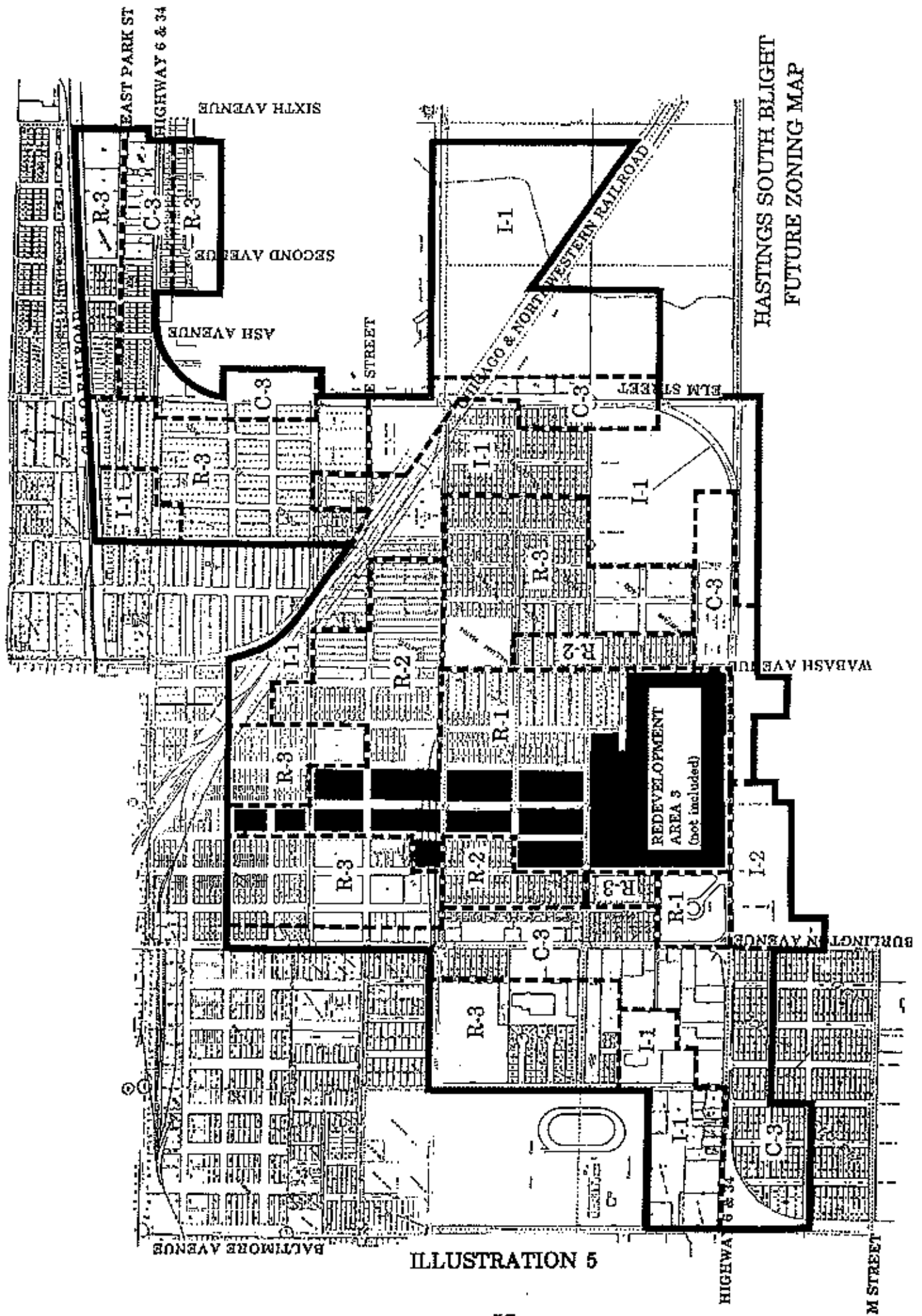
High density residential development has been designated for three parcels which are currently predominantly vacant land. The first parcel is bounded by "D" and "E" Streets and Elm and Cedar Streets, this is almost entirely vacant land. The third parcel is located between "F" and "H" Streets and adjacent to the east of the Adams County Fairgrounds. This parcel is predominately vacant, a few single family residences and multi-family dwellings exist in the southern portion of this area. The Consultant recommends development of multi-family dwellings be limited to the north side of "H" Street as the larger open space to the north should be reserved for recreational purposes. There are several additional high density residential districts throughout the Study Area. These districts represent mobile home parks and primarily high density uses.

The remainder of the residential districts (R-1 and R-2) overlay future residential land uses. The majority of the residential districts in the Study Area exemplify medium density development of vacant lots in established residential areas.

Commercial zoning districts are located on both sides of Highway 6/34, Elm Street and Burlington Avenue. A number of parcels in the C-3 zoning district are in transition. The areas in transition should remain or become commercial uses. The C-3 zoning district does provide a buffer for residential districts from a major arterial as well as including existing commercial uses and providing ample room for future commercial uses.

The proposed industrial zones in the study area reflect what currently exists except for a transition of I-2 industrial uses to a less extensive industrial zoning district of I-1. The majority of the I-1 zoning districts parallel the Union Pacific Rail Line and are located in the southeast and southwest portions of the Study Area. The industrial districts do have ample space for future industrial development.

Special attention was given to increasing the density of residential land usage, providing additional commercial areas and the buffering of proposed graduated land uses when determining future zoning districts for the Study Area. Overall, an estimated sixty-five (65%) of the Study Area has been recommended for a change in zoning classification.



3. Recommended Public Improvements

The primary purpose for the creation of a Redevelopment Plan, accompanied with the preceding blight and substandard determination study, is to allow for the injection of public intervention into a specific area. This public intervention is planned and implemented to serve as a "first step" for redevelopment and encourage private development within the area. The most common form of public intervention is the improvement of the public infrastructure, specifically streets, water and sewer systems and sidewalks. Illustration 6 identifies the recommended public improvements for the area. The following narrative describes these improvements.

- A. Relocation of Union Pacific Rail Line - The Union Pacific Railroad has proposed to construct a new rail line around Hastings, Nebraska and to abandon the present rail line through the city. A portion of the line to be abandoned is located in this redevelopment area. The line is located in the northeast portion of this Study Area. The relocation of this line will result in a net savings of 2 "at grade" crossings of the Union Pacific Mainline located at Pine and Wabash Avenues.

The removal of the rail line provides several options for the future use of the right-of-way. An appropriate use which would benefit the citizens of Hastings is the development of a trails system.

- B. Grade Separation Removal - The relocation of the Union Pacific Rail Line will make the Elm Street overpass obsolete. The overpass is in need of repair. An option which will become available is the removal of the overpass. The removal of the overpass will benefit future improvements to Elm Street/Highway 6/34 for heavy traffic design capacities. The future "on grade" crossing of the abandoned railroad right-of-way will allow for access to land which previously was "land locked" due to the overpass.
- C. Widening and Resurfacing of Elm Street to three lanes between Highway 6/34.
- D. Resurfacing of Highway 6/34 between Sixth Avenue and Elm Street.
- E. Development of interior street network for commercial and industrial uses located between Burlington and Baltimore Avenues and north of Highway 6/34.
- F. Development of east-west local street east of Highway 6/34, "F" Street.

- G. Continuation and Paving Development of grid street system between Wabash and Cedar Avenues and Highway 6/34 and "G" Street.
- H. Resurfacing of Lincoln Avenue from "B" to "E" Street.
- I. Resurfacing of Hastings Avenue from "B" to "F" Street.
- J. Resurfacing of South Street from California Street to Elm Avenue.
- K. Gap Paving of East Park Street from First Avenue to Sixth Avenue.
- L. Gap Paving of Second Avenue from East Park Street to Highway 6/34.
- M. Gap Paving of Rhode Island Street south from "D" Street to the railroad right-of-way.
- N. Gap Paving of Ross Street from "F" to "E" Streets.
- O. Gap Paving of "K" Street from Garfield to Burlington Avenues.
- P. Paving Construction of street, curb and gutter of Wabash Avenue from Highway 6 to Kent Street.
- Q. The development and repair of sidewalks in existing residential areas and areas adjacent arterial streets.

Each proposed resurfacing and paving proposal should include the improvement/creation of curbs and gutter, drainage structures, sidewalks and public lighting.

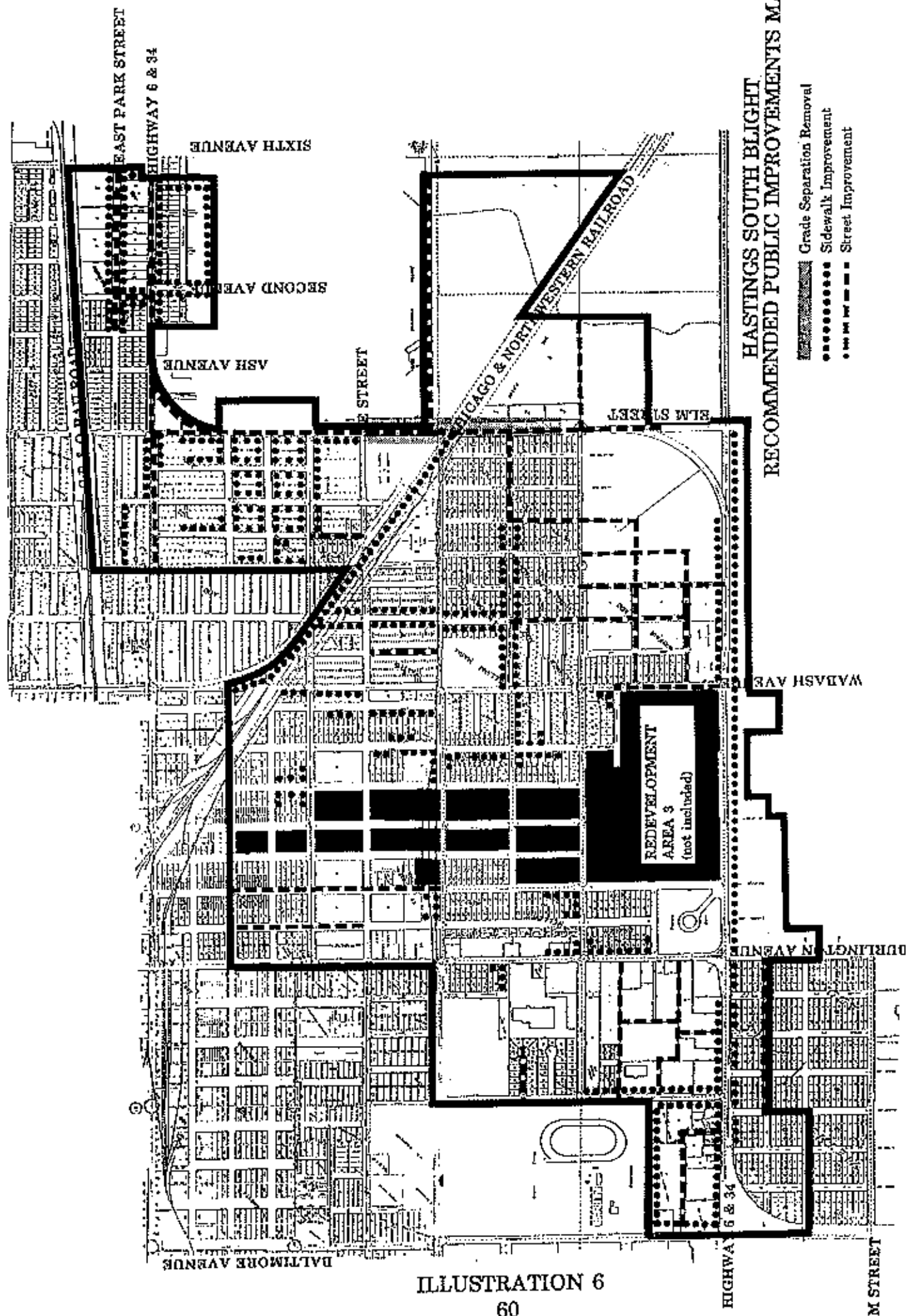


ILLUSTRATION 6

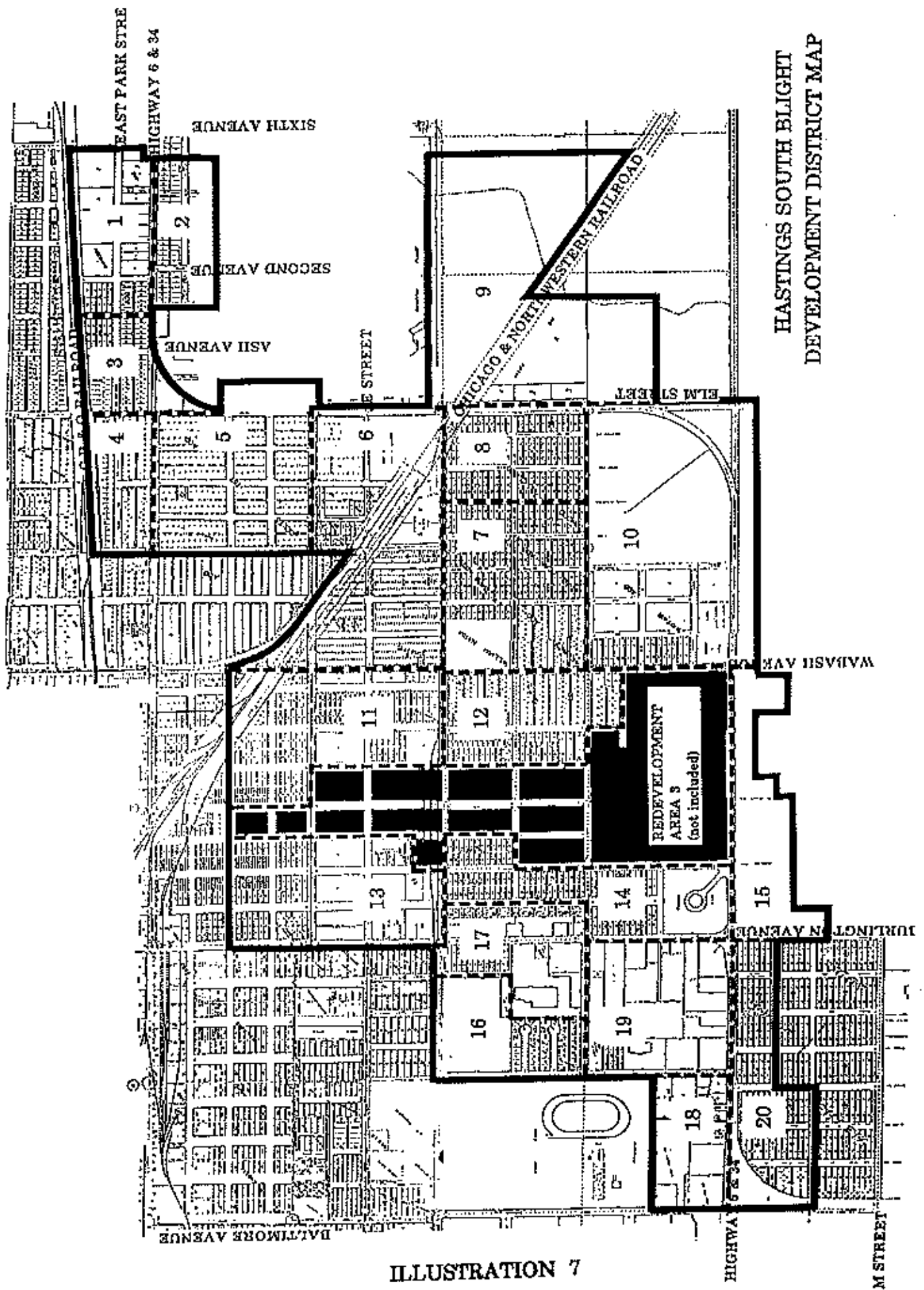


ILLUSTRATION 7

HASTINGS SOUTH BLIGHT
DEVELOPMENT DISTRICT MAP

- District 10 - District should be reserved for mixed commercial and industrial uses and medium to high density residential uses. Currently the district is primarily vacant land. The northwest portion of the district which includes Wayfair Addition should be developed as medium to high residential uses. This would require further development of the adjacent street grid network. The areas adjacent Highway 6/34 should be developed into highway commercial areas to provide services for motorists who will travel Highways 6/34. Consideration should be given to keep ingress and egress locations at a minimum along the highway to reduce traffic hazards created by vehicles turning into and out of the commercial area. Between this district and the residential areas north and northwest, consideration should be given to non-retail uses. Special attention should be given the proper design of the site to allow for adequate off-street parking and screening (vegetation, earth berms, fencing) of the area from adjacent residential land uses.
- District 11 - District should be reserved for medium density residential development. Community development efforts should continue in the area to improve sidewalk network. The City should continue its effort of removing dilapidated structures, provide financial assistance in rehabilitation of homes, and general clean-up activities in the district. A concentrated effort should be made to plat individual lots for residential development consistent with surrounding residential land use. Light industrial uses should continue near the railroad line, the clean-up of debris in these areas is strongly encouraged.
- District 12 - District should be reserved for low to medium density residential development. Community efforts should continue to complete the sidewalk network in the district. The residential units in the southeast portion of the Study Area are relatively new and require few improvements. The City should continue its effort of removing dilapidated structures and general clean-up activities in the district.

A concentrated effort should be made to infill the existing vacant lots with single and two family residential units.

- District 13 - District should be reserved for medium density residential uses and strip commercial development along Burlington Avenue. The city should continue its effort of removing dilapidated structures, provide financial assistance in rehabilitation of homes and general clean-up activities in the district. A concentrated effort should be made to plat individual lots for residential development consistent with surrounding residential land use. Residential uses along Burlington Avenue should be removed as residences become substandard. The residential uses should be replaced with commercial uses. Future public improvement efforts in the district include resurfacing of Lincoln Avenue from "E" to "B" Street and Hastings Avenue from "F" to "B" Street.

- District 14 - District should be reserved for medium density residential development, mixed commercial and industrial uses and Taylor Park. The mixed commercial and industrial uses should be located adjacent Burlington Avenue and provide off-street parking for vehicles to increase safety by reducing blind spots and limiting pedestrian and motor vehicle interaction, especially adjacent Taylor Park. Residential areas exist throughout the area. The city should continue its efforts of removing dilapidated structures and general clean-up activities in the district. Community development efforts should include continual maintenance and upgrading of facilities in Taylor Park, general clean-up activities, removal of dilapidated structures and continual improvement of streets and sidewalks.
- District 15 - District should remain commercial and light industry. The City should encourage the paving of driveways and parking lots and general clean-up of the existing uses.
- District 16 - This district should be reserved for medium density residential uses and park space. Residential development should occur on platted lots. The development of the north cul-de-sac would open up several more developable lots. The large open space to the north would make an excellent location for playing fields and other recreational facilities if land assemblage can be accomplished.
- District 17 - District should be transitioned into future strip commercial uses. The City should make a concentrated effort to relocate existing residential uses and assemblage of the land for commercial redevelopment. Special attention should be given the proper design of the sites to allow for adequate off-street parking and buffering of the area from adjacent industrial and residential land usage. Public improvement efforts should encourage the proper circulation system for maximum safety along Burlington Avenue.
- District 18 - District should remain commercial to industrial with future emphasis on light industrial land usage. The opportunity exists for the City to systematically acquire vacant and dilapidated properties for assemblage and resale for appropriate redevelopment. The district is in need of clean-up of debris and the removal of substandard buildings. Consideration should also be given the planned development of off-street parking areas and hard-surfaced streets to improve vehicular accessibility in the district;
- District 19 - District should remain commercial to industrial land uses. The opportunity exists for the city to systematically acquire vacant land for assemblage and resale for appropriate redevelopment. The district is in need of an interior street system, off-street parking, landscaping and general clean-up of debris. These public improvements will provide greater accessibility and increase usage of the property.

- District 20 - This area should be reserved for future commercial development. The City should concentrate on the securement, assemblage of vacant properties in the area for the resale of properties for commercial development. Consideration should be given to keep ingress and egress locations at a minimum along the highway to reduce traffic hazards created by vehicles turning into and out of commercial areas. Recommended public improvements would include hard surfacing of local streets as the area develops.

APPENDIX III

AUTHORIZATION

1. Purpose of Plan. This Redevelopment Plan has been adopted for the purpose of promoting the general welfare, the economic and social well being of the Hastings community, the development of any public activities and public events in the Hastings community, the enhancement of the tax base, and for any and all other purposes as otherwise described in this plan, and in the community development laws of the State of Nebraska, Neb. Rev. Stat. Sec. 18-2101 et seq., as amended from time to time.
2. Powers of Authority. In order to carry out the purposes and goals of this Redevelopment Plan, the Authority shall have the specific authority within the Community Redevelopment Area to clear areas and install public improvements, sell or retain land for public use, dispose of both real and personal property for fair value, acquire real property, and rehabilitate and resell it for dwelling purposes, and to provide grants, loans, or other means of financing to public or private parties in order to accomplish the rehabilitation or redevelopment in accordance with this Redevelopment Plan, subject however, to the provisions of Paragraph 4 which follows.
3. Activities Consistent With Plan. Any of the activities described in this Plan, when undertaken within the boundaries of the Community Redevelopment Area, and for one or more of the purposes set forth in this Plan, shall be deemed to be in accordance with the Redevelopment Plan notwithstanding the fact that the activities may not be entirely consistent with the Redevelopment Plan description of activities for any particular redevelopment project area. It is the understanding and intention of the Authority that the detailed description of activities in the Redevelopment Plan is included for the purpose of indicating the types of activities which are considered appropriate within the entire Community Redevelopment Area. The detail in the Redevelopment Plan description is conceptual only, and is not intended to establish or fix the specific type of redevelopment activities for any particular redevelopment project area. Accordingly, all powers afforded to community redevelopment authorities under Neb. Rev. Stat. Sec. 18-2101 et seq., as amended from time to time, may be exercised by the Authority without further amendment to the Redevelopment Plan, so long as the exercise of those powers is carried on within the Community Redevelopment Area, and is consistent with the concepts for redevelopment as shown in the Redevelopment Plan, subject however, to the provisions of Paragraph 4. The specific type of redevelopment activities for any particular redevelopment project area shall be established in the redevelopment contract between the Authority and the Redeveloper, or where there is no contract, then such specific activities shall be described in a resolution adopted by the Authority.

4. The powers of the CRA described herein are subject to the following:

- a) Prior to incurring any debt, the CRA shall furnish details of the transaction to the City Administrator for review.

If such debt will be considered as "qualified tax exempt obligations" under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, the CRA shall also submit to the City the following:

- (i) a request for allocation of qualified tax exempt obligation pursuant to Section 148(f)(4)(C)(iv) of the Internal Revenue Code stating the principal amount of said qualified tax exempt obligation, and the calendar year the transaction will be accomplished; and
- (ii) Any and all documentation requested by the governing body, the City Administrator, or the City Attorney pertaining to said transaction.

The CRA will incur no qualified tax exempt obligations without first obtaining the approval of the Hastings City Council, and the City's allocation of the obligation pursuant to Section 148(f)(4)(C)(iv) of the Internal Revenue Code.

- b) The CRA will not enter into any transaction or group of transactions with respect to a redevelopment project, totaling \$125,000.00 in the aggregate, or more, without first obtaining the approval of the Hastings City Council. For the purposes of this subparagraph, the term "transaction" shall mean any purchase, sale or lease of real or personal property by the CRA; any grant, loan or other means of financing provided by the CRA to a public or private party; or expenditure of any CRA funds for improvements to be made upon any property owned by the City; provided, the limitations of this subsection (b) shall apply only to transactions to the extent they are funded by revenues derived by the CRA's certification of a tax levy pursuant to Neb. Rev. Stat. § 18-2107(11).

5. In order to expedite the City's consideration of any requests made pursuant to paragraph 4 above, all staff reviews and City Council meetings shall be conducted as soon as its practical, and the City Council will call special meetings where appropriate.





File Nos.

2024-407

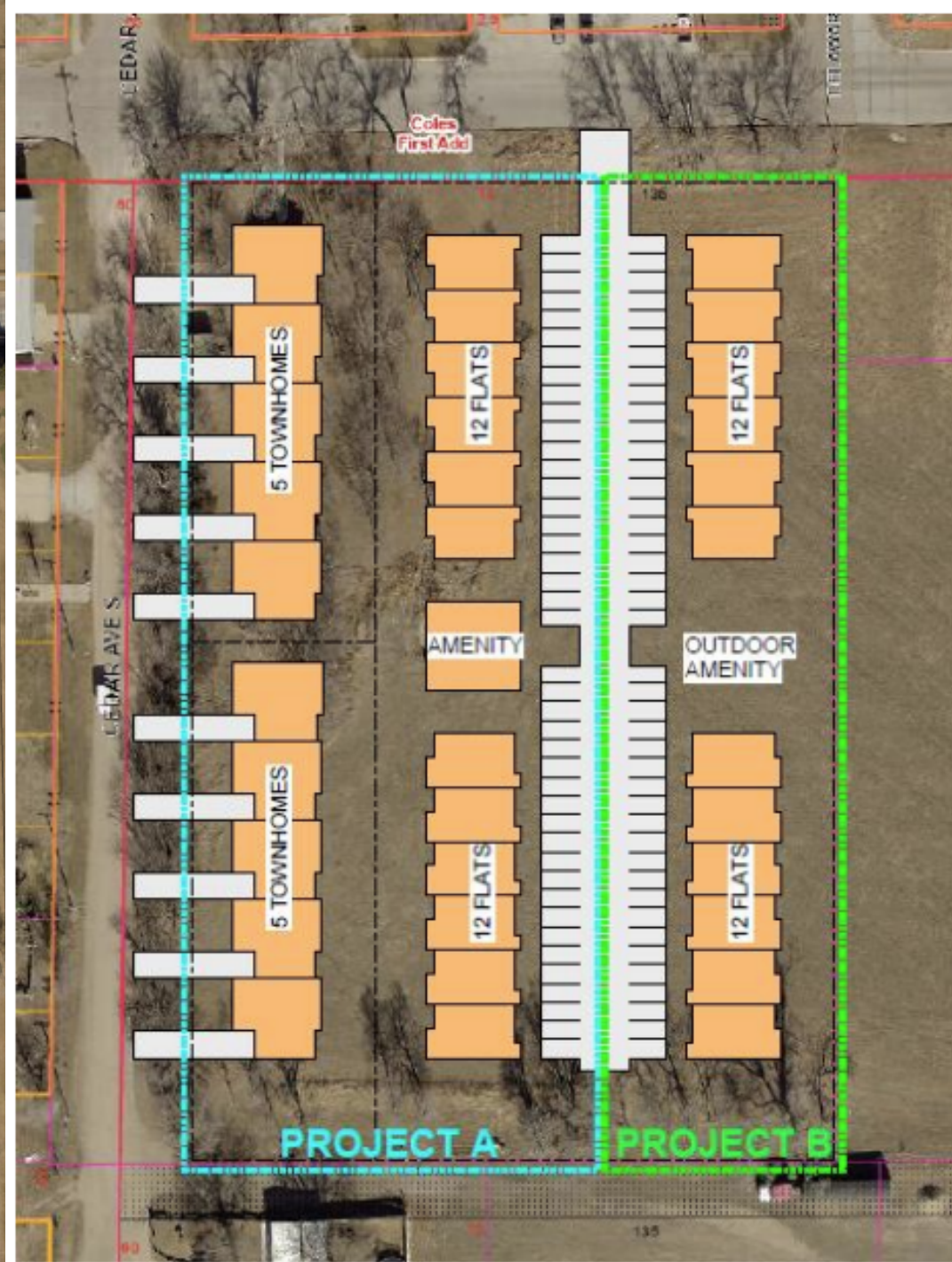
Projects

Cedar Park Redevelopment Project

A public hearing to consider a request for a Plan Modification No. 2024-8 to Redevelopment Area #5 for the Cedar Park Redevelopment Project.

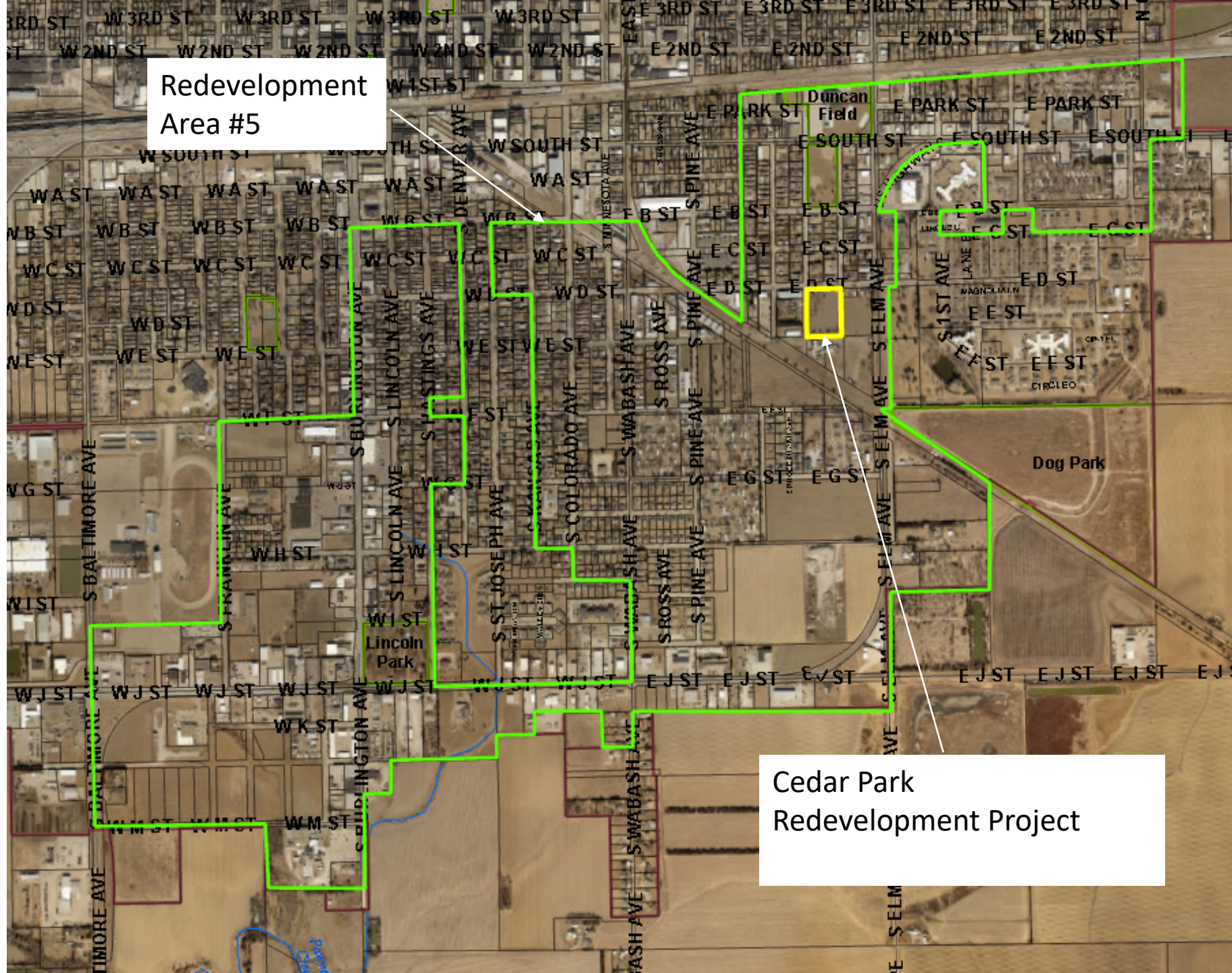
Applicant

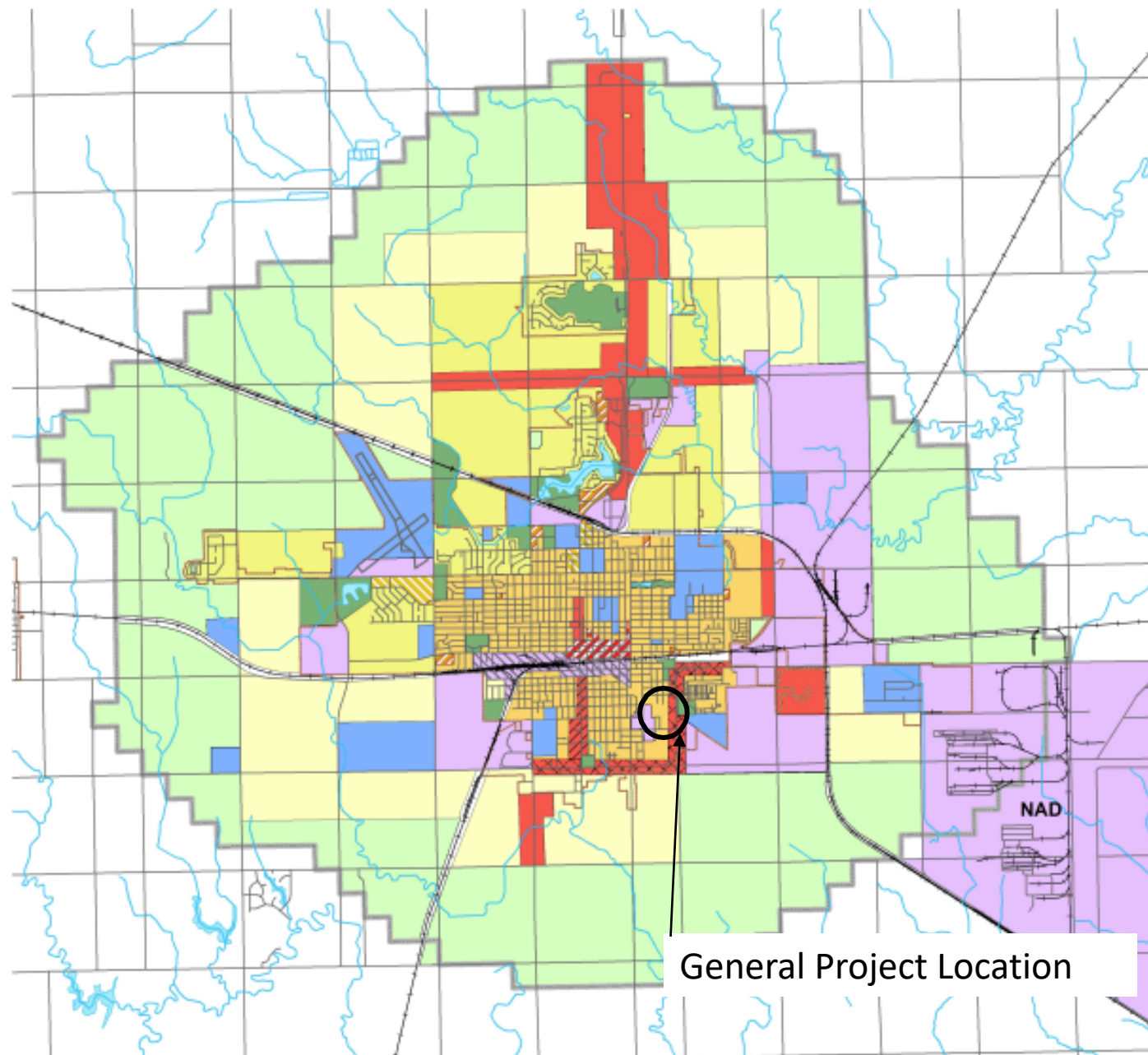
CRA on behalf of Hoppe Development



Redevelopment
Area #5

Cedar Park
Redevelopment Project





Future Land Use City of Hastings, Nebraska

Future Land Use Plan Adopted
Planning Commission: 1-20-2009
City Council: 2-24-2009
Ordinance #4215

Map Last Updated: December 28, 2016

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:

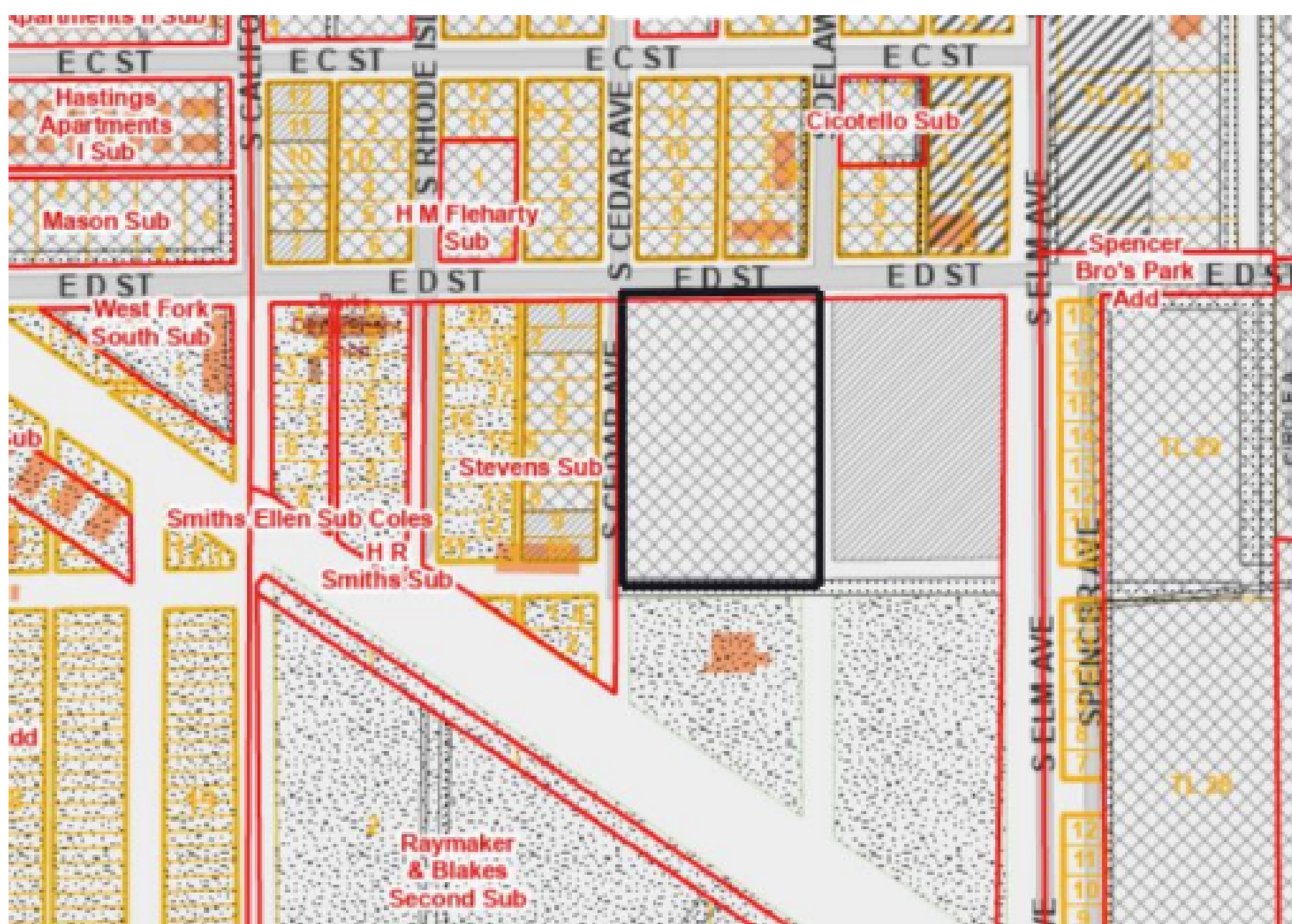
- South Burlington Overlay
- Highway 6 Overlay
- Urban Industrial Overlay
- Floodplain

- City Boundary
- ETJ Boundary
- Education

not to scale



General Project Location



City Zoning

- A
- AG
- C-0
- C-1
- C-2
- C-3
- CMP
- CZ
- FS
- I-1
- I-2
- MU
- R-1
- R-1A
- R-1S
- R-2
- R-3
- R-3G
- R-5
- TA

Project "A" Costs and Funding Sources

	PROJECT "A"		
USES OF FUNDS		SOURCES OF FUNDS	
Site acquisition	\$ 145,000	LIHTC	\$ 4,328,496
Site preparation	\$ 112,350	State AHTC	\$ 2,200,000
Utility Infrastructure	\$ 775,950	HOME Funds	\$ 800,000
Engineering/Architecture/Planning/Legal	\$ 313,975	Deferred Developer Fee	\$ 250,000
Construction Costs	\$ 8,890,766	First Mortgage Loan	\$ 1,968,068
		Developer Equity/Other	\$ 201,040
		TIF	\$ 490,437
TOTAL USES	\$ 10,238,041	TOTAL SOURCES	\$ 10,238,041

Project "A" Proforma

Proforma Operating Statement w/o TIF	PROJECT "A"			
	Year 1	Year 2	Year 3	Year 4
Rent Revenue	\$ 392,545	\$400,396	\$408,404	\$416,572
Expenses	<u>\$ (232,546)</u>	<u>(\$239,165)</u>	<u>(\$245,983)</u>	<u>(\$253,005)</u>
NOI Without TIF	\$ 159,999	\$161,231	\$162,421	\$163,567
Debt Service	<u>\$ (173,801)</u>	<u>\$ (173,801)</u>	<u>\$ (173,801)</u>	<u>\$ (173,801)</u>
Cash Flow Without TIF	<u>\$ (13,802)</u>	<u>\$ (12,570)</u>	<u>\$ (11,380)</u>	<u>\$ (10,234)</u>
Debt Service Coverage Ratio	0.9206%	0.9256%	0.9304%	0.9348%
Proforma Operating Statement with TIF	PROJECT "A"			
	Year 1	Year 2	Year 3	Year 4
Rent Revenue	\$ 392,545	\$ 400,396	\$ 408,404	\$ 416,572
Expenses	<u>\$ (232,546)</u>	<u>\$ (239,165)</u>	<u>\$ (245,983)</u>	<u>\$ (253,005)</u>
NOI Without TIF	\$ 159,999	\$ 161,231	\$ 162,421	\$ 163,567
Debt Service	<u>\$ (139,130)</u>	<u>\$ (139,130)</u>	<u>\$ (139,130)</u>	<u>\$ (139,130)</u>
Cash Flow Without TIF	<u>\$ 20,869</u>	<u>\$ 22,101</u>	<u>\$ 23,291</u>	<u>\$ 24,437</u>
Debt Service Coverage Ratio	1.15%	1.1589%	1.1674%	1.176%

Project "B" Costs and Funding Sources

	PROJECT "B"		
USES OF FUNDS		SOURCES OF FUNDS	
Site acquisition	\$ 50,000	Developer Equity	\$ 759,100
Site preparation	\$ 50,000	NAHTF	\$ 750,000
Utility Infrastructure	\$ 194,000	First Mortgage Loan	\$ 2,514,072
Engineering/Architecture/Planning/Legal	\$ 110,000	TIF	\$ 510,366
Construction Costs	\$ 4,129,538		
TOTAL USES	\$ 4,533,538	TOTAL SOURCES	\$ 4,533,538

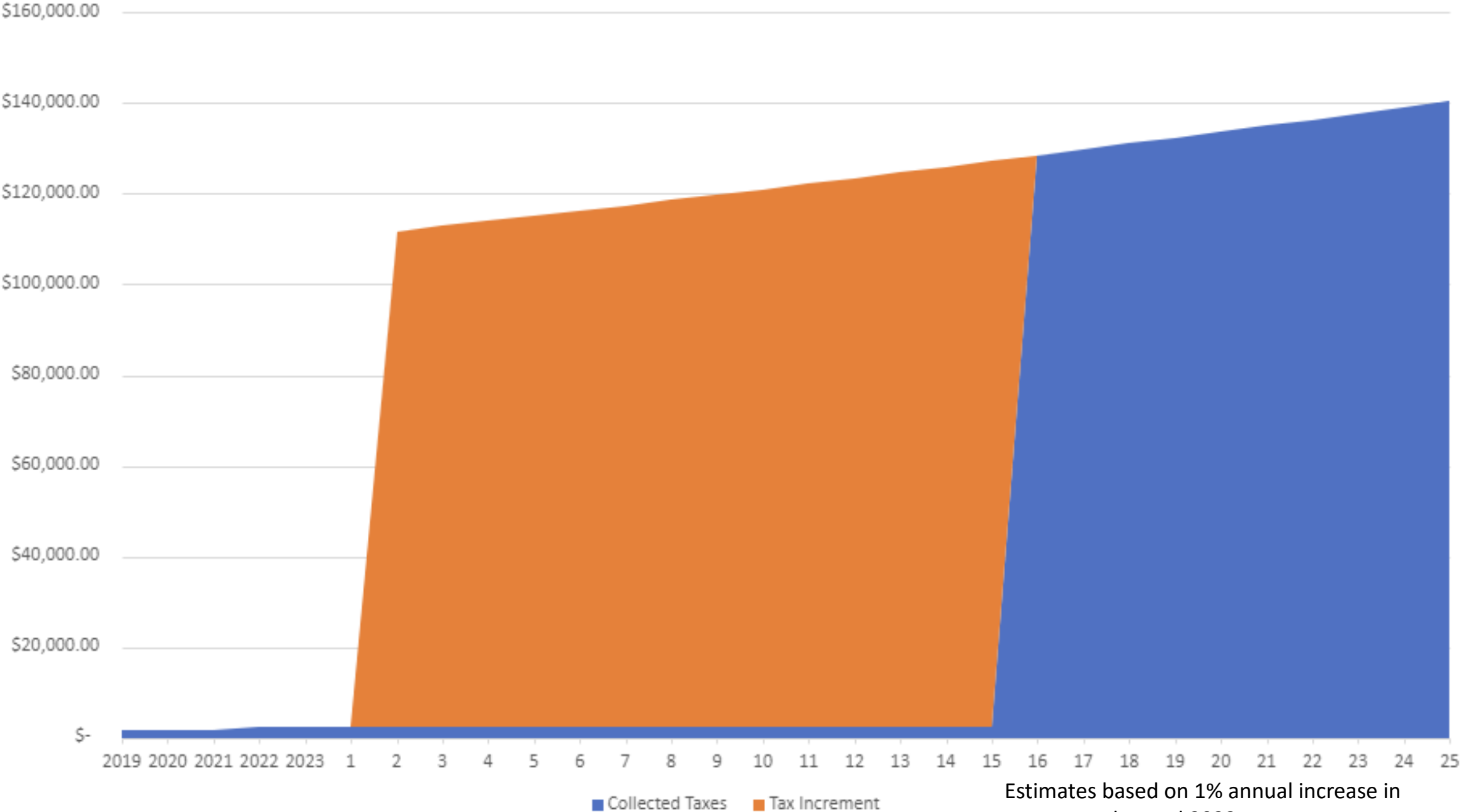
Project "B" Proforma

Proforma Operating Statement w/o TIF	PROJECT "B"			
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Rent Revenue	\$ 400,464	\$ 412,478	\$ 424,852	\$ 437,598
Expenses	\$ (148,594)	\$ (151,565)	\$ (154,597)	\$ (157,689)
NOI Without TIF	\$ 251,870	260,913	270,255	279,909
Additional Debt Service	\$ (50,763)	-50,763	-50,763	-50,763
Debt Service	\$ (201,668)	\$ (201,603)	\$ (201,533)	\$ (201,459)
Cash Flow Without TIF	\$ (561)	8,547	17,959	27,687
Cash on Cash ROI	0%	1.12%	2.36%	3.65%
Developer Equity - \$759,100				
Proforma Operating Statement with TIF				
	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>
Rent Revenue	\$ 400,464	\$ 412,478	\$ 424,852	\$ 437,598
Expenses	\$ (148,594)	\$ (151,565)	\$ (154,597)	\$ (157,689)
Net Operating Income	\$ 251,870	\$ 260,913	\$ 270,255	\$ 279,909
Debt Service	\$ (201,668)	\$ (201,603)	\$ (201,533)	\$ (201,459)
Cash Flow With TIF	\$ 50,202	\$ 59,310	\$ 68,722	\$ 78,450
Cash on Cash ROI	6.61%	7.81%	9.05%	10.33%
Developer Equity - \$759,100				

Anticipated TIF Funding

Estimated 2024 assessed value:	\$113,883
Estimated value after completion	\$5,140,000
Increment value	\$5,026,117
Annual TIF generated (estimated)	\$109,304
TIF bond issue	\$1,000,803

Cedar Park Redevelopment Project Tax Increment Financing



Estimates based on 1% annual increase in value and 2023 tax rate

Staff Findings Summary for Plan Modification

- The project is feasible and conforms with the Comprehensive Plan.
- The project would not be economically feasible without the use of TIF funding. LIHTC funds require a debt service coverage ratio of 1.15%. Without TIF funding, the project is infeasible.
- Because of the infeasibility of the project without TIF funding, the project would most likely not happen without the use of the TIF tool.
- The cost/benefit of the project is in the long-term best interest of the community. The project redevelops a property, which currently has a vacant single-family house into a 58-unit mixed-income multi-family housing development.

Staff Recommendation

Staff recommends the Planning Commission recommend **APPROVAL** to the City Council for the request for a **REDEVELOPMENT PLAN MODIFICATION** for the Cedar Park Redevelopment Project, generally located southeast of the intersection of East D Street and South Cedar Avenue, on the east side of South Cedar Avenue, based on the findings in the staff report and the Redevelopment Plan Modification materials.



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34-901. Definitions

Abandoned sign: A sign, including sign face and supporting structure, which contains no sign copy on all sign faces or is located on a site where a business, profession, or service is no longer operating.

Art: Any painting, picture, drawing, sculpture or graphic engraving that is not a commercial sign.

Building Façade: The exterior wall of a building exposed to public view from the building's exterior, facing a street or parking lot, and measuring the entire width of the building and the height from grade to parapet.

Clearance: The distance from the bottom of a sign face to the grade below.

Eave: The part of a roof that meets or overhangs the walls of a building.

Footcandle: A unit of measurement for a total amount of light cast on a surface (illuminance). One foot-candle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. Vertical footcandle is the measurement on a vertical surface. Horizontal footcandle is a measurement on a horizontal surface.

Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

Halo Lit: Lit from behind, which gives the impression of a glowing halo effect.

Illuminance: The amount of luminous flux per unit area in the English system, equal to one lumen per square foot, and measured in foot candles. The metric system uses the lux. One footcandle equals approximately 0.1 (0.093) lux.

Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

Lumen: A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Luminance: The intensity of light emitted from a surface per unit area in a given direction.

Maximum permitted sign area: The maximum permitted area of a single sign or sign type allowed on a specific property.

Nits: A measure of luminance, measuring how much light an object emits.

Parapet: A low protective wall along the edge of a roof.

Permanent Signs: A sign that is intended to remain in its location for a permanent or indefinite period of time. These signs are typically attached to a building, structure, or the ground, is not easily removed or relocated, and are constructed of durable materials to withstand environmental factors, such as wind.

Premises: A tract of one or more lots or sites which are contiguous and under common ownership or control.

Reverse Channel Lit: Illumination from the back face of a sign that projects onto the wall. In other words, backlit.

Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information.

Sign type: A functional description of the use of an individual sign. Specific sign types are described below:

1. Animated signs: Signs which consist of beacons, strobe lights, or searchlights; or are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted electronic copy signs.
2. Banner sign: A temporary sign composed of lightweight material; often used in a non-permanent setting such as to announce a grand opening, sale, or special event.
3. Billboard sign: A typical type of off-site advertising sign that is a larger than normal pole sign to direct attention to services, products, or information whether or not related to a use or occupant on the same property.
4. Blade sign: A temporary sign available in numerous shapes and sizes but typically in the shape of a feather, teardrop, or rectangular flag.
5. Building marker sign: A plaque or sign board attached to, carved into, or painted on a building face identifying the building, commemorating an event, or providing information to pedestrians on the property.
6. Canopy/Awning sign: A sign painted on, woven in, or attached to a canopy or awning. Canopies and awnings are roof-like covers that project from the wall of a building providing cover over a door, window, or patio or, in the case of canopies, are freestanding for the purposes of shielding from the elements such as over a service station island or sidewalk. Canopies and awnings may be made of fabric, plastic, or metal. The terms canopy and awning signs do not include marquee signs.
7. Double-faced sign: A sign consisting of no more than two parallel or near parallel faces supported by a single structure. Typically, double-faced signs are meant to be viewed from two opposite directions of travel.
8. Drive-thru sign: A permanent sign, whether attached or freestanding, that provides information on products or services or otherwise facilitates a business transaction at a drive-through service location.
9. Electronic Copy sign: A sign that uses computer-generated messages or some other means of changing the words or message. These signs also include lamps, LEDs, LCDs, or flipper matrix
10. Emitting signs: Signs that emit audible sound, odor, or matter, except as specifically approved for Electronic Copy Signs.
11. Flag sign: Signs emblazoned on any type of flag intended to be displayed in a free-flowing manner.

12. Flashing sign: A sign that has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity or color at all times when the sign is in use, usually in a manner intended to draw attention to the viewer.
13. Ground sign: A sign created or painted directly on the ground, including rocks, without a man-made support structure.
14. Island Canopy sign: A sign mounted permanently on or under a gasoline island canopy
 - a. Canopy Fascia sign: A sign mounted flush against the vertical plane of a canopy fascia. In no case may the sign project beyond the perimeter of the fascia it is attached to.
 - b. Spanner Board sign: Signs mounted flush against the vertical plane of a spanner board and in no case projecting beyond the perimeter of the spanner board. A spanner board is a structural member extending between two vertical support poles of the gasoline island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the gasoline island canopy.
 - c. Sign Board sign: Signage located on sign boards that are permanently mounted on the canopy support poles at a height above the gasoline pumps and below the gasoline island canopy.
15. Manual Changeable Copy sign: A permanent sign, or portion of the sign, that has letters or numbers that are manually changed or rearranged without altering the sign's surface or face. This includes reader boards with letters that can be physically moved.
16. Marquee sign: A permanent canopy or roofed structure attached to and supported by a building that projects over an entrance. The sign type is often illuminated and ornate and incorporates a permanent large changeable message center.
17. Monument sign: Any permanent freestanding sign that is detached from a building or structure and sits on the ground on a solid appearing base with no exposed structural supports.
18. Moving sign: A sign that conveys its message through rotating, changing, or animated elements.
19. Nonconforming sign, legal: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
20. Off-Site Advertising sign: A sign directing attention to a specific business, product, service, organization, person, entertainment, event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property where the sign is located. Also known as a billboard, off-site advertising, or outdoor advertising sign
21. Pedestrian sign: A pedestrian sign is wholly dependent upon a canopy, awning, or building projection located above a pedestrian walkway to which it is attached.
22. Pole sign: A freestanding sign visibly supported by one or more poles that are placed on or anchored permanently in the ground or other surface independent from any building or other structure.
23. Portable sign: A freestanding and self-supporting moveable sign normally placed near a public street.
24. Poster sign: A type of portable sign mounted on stakes or spikes intended to be stuck into the ground and used as a freestanding temporary sign.

25. Projecting sign: A sign that is wholly or partly dependent upon a building for support and that projects at an angle away from the building so that the leading edge extends more than six inches beyond the building wall.
26. Roof sign: A building-mounted sign erected upon or completely over the roof of a building or extending above a parapet or cornice.
27. Sidewalk sign: A freestanding and self-supporting moveable sign designed to be displayed on a sidewalk or area outside of and adjacent to a place of business and oriented towards pedestrians and slow-moving traffic
28. Snipe signs: Signs that are attached to a tree or utility pole.
29. Street Banner sign: A temporary banner sign installed by the city over a public street.
30. Vehicular sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits and the sign is not otherwise incidental to the vehicle's primary purpose.
31. Unipole: An advertising sign (usually a billboard) with a frame structure that is mounted atop a single steel pole or column.
32. Wall sign: A building-mounted sign attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, which does not project more than 16 inches from the wall surface.
33. Wayfinding sign: A type of sign that allows users to find their way, using information provided along the travel path.
34. Window sign: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Sign Category Definitions:

1. Attached sign: A sign that is physically attached to a building.
2. Freestanding sign: A sign that is detached from a building and has a support structure made of permanent material.
3. Portable sign: A freestanding and self-supporting moveable sign normally placed near a public street.
4. Temporary sign: Any sign not permanently affixed or attached to a building, structure or ground that can be moved or removed without special handling. Examples include banner signs, blade signs, etc.

Street façade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, a private street, or a court (excluding alleys).

Window Area: Window panels separated by muntins or mullions shall be considered as one (1) continuous window. Separation of window panels by more than six inches shall be determined to be separate windows.

34-902. Purpose and Applicability

A. **Purpose.** The purpose of this article is to promote the public health, safety, and welfare of the city and its extraterritorial jurisdiction through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements that is narrowly drawn to:

1. Ensure that all signs installed in the city are compatible with the character and visual environment of the community and promote the goals, objectives and policies of the comprehensive plan;
2. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
3. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, unsecured, cluttered, distracting, and/or illegible signage;
4. Protect the aesthetic appearance of the city's natural and built environment for its citizens and visitors;
5. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;
6. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide for the placement of temporary signs in limited circumstances, without regard to the communicative content of the sign;
8. Provide consistent design standards that enable the fair and consistent enforcement of these sign regulations; and
9. Enhance the city's ability to maintain its public rights-of-way.

B. Applicability

1. *Where Allowed.* Signs are allowed in the City and the extraterritorial jurisdiction, in accordance with this Section, which applies to all signs that are visible from public property, a public right-of-way, or public travel/access easement. Signs that are not allowed by the Section are prohibited.
2. *Sign Permit Requirement.* No sign, except for normal repair, and signs listed in subsections 34-902(B)(9), *Exemptions* and 34-902(B)(10), *Signs Exempt from Sign Permit Requirements*, shall be painted, constructed, installed, expanded, erected, remodeled, or relocated until a sign permit for such sign has been obtained pursuant to the procedures described in this section.
3. *Sign Permit Application and Fee.* Each application for a sign permit shall be on the written or digital form provided by the City and accompanied by the sign permit fee.

4. *Sign Permit Review Standards.* A sign permit shall be issued for a complete application that complies with all applicable provisions of *Sec. 34-902, Purpose and Applicability.*
5. *Denial or Revocation.* The Director of Development Services, or designee, may deny or revoke a sign permit for any of the following reasons.
 - a. Failure to submit a complete application and/or the required application fee.
 - b. Failure of the sign to comply with this code or the terms of the permit.
 - c. Failure to permit the City access to inspect the sign for compliance.
 - d. Fraud, misrepresentation, or a false statement in the sign permit application.
6. *Notice of Denial or Revocation of a Sign Permit.*
 - a. *Notice.* Any notice shall, at a minimum, state the reason(s) for the denial or revocation and notify the addressee of the right to appeal the denial or revocation pursuant to *Article VII. – Administration, Enforcement and Appeals*
 - b. *Denial.* The Director of Development Services, or designee, shall send the applicant written notice of denial to the applicant at the address provided on the application form.
 - c. *Revocation.* The Director of Development Services shall send a written notice of the revocation of a sign permit to the sign permit holder at the address provided on the application and to the property owner's address according to the records of the county in which the sign is located.
7. *Expiration.* A sign permit expires under any of the following conditions.
 - a. The sign has not been completely attached, changed, constructed, installed, placed, or relocated within 180 days from the date of the issuance of the sign permit.
 - b. The use associated with the sign is abandoned.
 - c. The sign is removed or abandoned, as described in *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment.*
8. *Sign Permit Fee Refund.* The sign permit application fee shall not be refunded if a sign permit expires or is denied or revoked.
9. *Exemptions.* This Section does not apply to the following signs, except for the traffic and maintenance requirements described in *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment,* and *Sec. 34-906, General Provisions.*
 - a. Art, as defined by the City's Code of Ordinance.
 - b. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulations, provided the size of the sign does not exceed the requirements of such law, order, rule, or regulation.
 - c. Noncommercial flags, or emblems displayed on public or private property, as applicable.

- d. Holiday or seasonal decorations.
 - e. Signs placed or authorized by the city, county, state, or federal government, for the protection of public health, safety, and general welfare.
 - f. Scoreboards in athletic stadiums.
 - g. Letters, logos, and/or graphics located on the bottom six inches of an awning, provided they are not more than six inches in height and consist of no more than one line.
 - h. Small permanent signs, not exceeding five square feet in area that are permanently displayed on private property for the convenience of the public, including signs to identify entrances and exit drives, freight entrances, parking areas, one-way drives, restrooms, and the like.
 - i. Any sign displayed within a building. This includes signs affixed to the interior of a window.
 - j. Temporary seed or crop identification signs
 - k. Tablet and monument signs.
 - l. Messages displayed on equipment, such as fuel pumps, vending machines, or collection boxes that do not display off-premise commercial messages, and that are located entirely on the equipment, and do not extend from the surface of the equipment.
10. *Signs Exempt from Sign Permit Requirements.* The following signs shall be exempt from the sign permit requirements of *Subsection 34-907, Specific Sign Type Standards* but shall comply with all of the other requirements of this article and the applicable district regulations.
- a. Temporary Signs.
 - b. Permanent Signs under five square feet.
 - c. Signs located on a property used for agricultural purposes and pertaining to the sale of agricultural products produced on the property.
11. *Substitution of Messages.*
- a. Subject to the consent of the party responsible for the sign, a non-commercial message of any type may be substituted, in whole or in part, in place of any commercial message or non-commercial message, provided that the sign and sign structure otherwise meet the requirements of this Division without consideration of message content. Such a substitution may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Division.
 - b. This provision does not create a right to increase the total amount of signage on a parcel; does not affect the requirement that a sign structure, mounting device, and method or type of display of the message are properly permitted; does not allow a change in the physical structure of a sign, its mounting device, or the method or type of display of the message; and does not allow the substitution of any off-site commercial message in place of an on-site commercial message or a non-commercial message.

12. *Prohibited Signs.*

- a. *Animated Signs.* Signs which consist of beacons, strobe lights, or searchlights; or are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted Electronic Copy signs.
- b. *Misleading Signs or Signs Impacting Traffic Safety.* Signs, including signs located inside a building, which, because of position, size, shape, illumination, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, or device, or which may interfere with, distract, mislead, or confuse traffic. No sign may be installed in a way that obstructs clear vision of persons using the streets or may be confused with any authorized traffic sign, signal, or device. No sign, other than a governmental sign, which makes use of the words “Stop”, “Look”, “Danger”, or any other word, phrase, symbol, or character which may interfere with, distract, mislead, or confuse persons, may be visible from a public street, travel easement or private drive.
- c. *Vehicles and Trailers used as Signs.* Signs that are placed on or painted on a vehicle or trailer whose primary function is to serve as a sign rather than as a vehicle or trailer used in the day-to-day operation of a business. Such vehicles or trailers may not be driven on the city streets and must not be parked to be visible from any public street or private drive in the city.
- d. *Signs in Rights-of-Way.* Signs in the public rights-of-way and/or public travel easements unless otherwise specifically permitted by this Subsection. No sign that is exempt from this Division may be deemed to be permitted within the public rights-of-way and/or public travel easements.
 1. Street Banner Signs are prohibited, except when erected by the City or when authorized by an agreement entered into between the City and the sign owner.
 2. Sidewalk Signs are only allowed upon the public streets and rights-of-way according to and in compliance with the terms and conditions of a currently valid permit for the temporary use of a municipal sidewalk or public plaza issued by the City pursuant to Sec. 34-907(C)(13).
- e. *Emitting Signs.* Signs that emit audible sound, odor, or matter, except as specifically approved for digital animated signs.
- f. *Snipe Signs.* Signs that are attached to a tree or utility pole.
- g. *Prohibited Signs.* Signs that are prohibited or not specifically allowed by or exempted from these regulations.

13. Appeals of Decisions for a Proposed Sign. Any decision made by the Director of Development Services regarding the denial of a sign permit or requirements to address the maintenance, repair, or abandonment of a sign can be appealed to the Board of Adjustment following the procedures outlined in *Art. VII – Administration, Enforcement and Appeals.*

34-903. Enforcement

- A. **Unlawful Signs.** No person may erect, construct, install, place, change, relocate, maintain, or attach, on any premises, any sign in violation of the provisions of this Division, Chapter, or the Code of Ordinances. All signs which do not comply with this Division, and all other codes, ordinances, and regulations of the City, are unlawful and must be immediately removed.
- B. **Inspections.** All signs located within the City are subject to inspection by the City for compliance with this Division and other applicable City codes, ordinances, and regulations.

34-904. Maintenance, Repair, Removal, and Abandonment

- A. **Maintenance and Repair.** All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
- B. **Removal for Repair.** Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, re-lettering, or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - 1. There is no alteration or remodeling to the structure or the mounting of the sign itself.
 - 2. There is no increase in any of the dimensions of the sign or its structure.
 - 3. There is no alteration to the type of illumination or operational characteristics of the sign.
 - 4. The sign is accessory to a legal permitted, conditional, or nonconforming use.
- C. **Removal Due to Damage or Disrepair.** Signs that are deemed unsafe or dangerous as defined in the adopted property maintenance code shall be remedied by the City's procedures.
- D. **Abandoned Signs.** Except as otherwise provided in this Chapter, any sign that is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign that pertains to a time, event, or purpose that no longer applies, shall be deemed to be abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign must be removed in its entirety, including its support structure and base.

34-905. Measurements and Calculations

A. Method of Measurement.

1. *Maximum Permitted Sign Area.* The maximum permitted sign area is set forth as a numerical limit on the size of an individual sign face.
2. *Sign Area.* The sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, and architectural elements of the building.
3. *Height.* The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or structure.
4. *Sign Face.*
 - a. For the purpose of this Section, separate building faces oriented in the same direction or within 45 degrees of one another are considered part of the same street façade.

34-906. General Standards

A. Illumination.

1. *External Illumination.* When installed, the light source must be positioned in such a manner that light does not trespass onto an adjoining property or onto a public street or highway following the lighting provisions of *Section 34-305(5), Lighting.*
2. *Internal Illumination.* The average surface illumination of any sign face from dawn to dusk shall not exceed 3.0-foot candles.
3. *Illumination Curfew.* Illuminated signs shall be equipped with a sensor, timer, or other device to automatically adjust the day/night light intensity levels per these standards. Night time illumination shall not exceed 0.3-foot candles over ambient lighting conditions.

- B. **Vision Triangle.** No sign or sign structure shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be as defined in Hastings City Code *Section 34-305 (4)(d), Visibility at intersections.*

34-907. Specific Sign Type Standards

A. Temporary Signs

1. Temporary signs are intended to be removed or replaced within a period of six consecutive months or less.
2. All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.
3. The Director of Development Services and his/her authorized officers shall order the correction or removal of any sign in violation of the provisions of this section following the notice of violation process established in these regulations.
4. Any sign placed on, in, or over any public property, including public right-of-way and easements, without the written consent of the public authority having jurisdiction over the property, shall be subject to removal and forfeit without notice.

B. Electronic Copy Signs

1. *Location.* Electronic Copy signs are subject to the following location restrictions:
 - a. The sign may be located on a principal building façade.
 - b. The sign may be part of a monument or pole sign for which the electronic copy portion is part of the continuous display of the monument or pole sign.
 - c. The sign cannot be located within 150 linear feet of property located in the A, Agriculture District, R-1, Single-Family Residential District, R-1A, Single-Family Large Lot Residential District, or R-1S, Single-Family Suburban Acreage Residential District.
2. *Duration of Message, Transition, and Animation*
 - a. Electronic copy must be programmed in a way that no sign shall flash or blink. The image, message, or lighting pattern must hold for a minimum of ten seconds between transitions.
 - b. The transition from one image or display to the next must be accomplished in two seconds or less; fading, scrolling, or dissolving effects may be used.
 - c. The animation of the message, like a TV screen, is not permitted with the following exception: with administrative approval, animation of up to five seconds per minute for a maximum of 50 percent of the sign face may be permitted when the primary use on a subject property/parcel is one of the following:
 1. Indoor entertainment or recreation facility;
 2. Performing arts or cultural arts facilities;
 3. Public museums;
 4. Entertainment venues.
3. *Image Characteristics.* The Electronic copy sign may have a pitch of no greater than 20 millimeters between each pixel.
4. *Luminance.* Between sunrise and sunset, the maximum luminance may be 464.5 foot-candles; between sunset and sunrise, the maximum luminance may be 46.45 foot-candles. All signs with a digital display that are illuminated by sources other than natural light must be equipped with an automatic dimmer control or other mechanisms that automatically control the sign's brightness to comply with this requirement.

C. Sidewalk Signs

1. A Sidewalk Sign is a temporary sign to be located in a public sidewalk, public plaza, or other pedestrian walkway.
2. A Permit To Occupy Or Use City Street Right-of-Way must be issued prior to erecting the sign.
3. The sign shall not be more than nine square feet in area.
4. The sign shall be no more than six feet tall, as measured from the sidewalk surface.
5. The sidewalk sign can only be located in front of the adjoining establishment holding the permit, and must not extend into abutting or adjacent properties.
6. The sidewalk sign cannot be placed in, or protrude into, any street or alley. The sign must be movable, supported by its own frame, and not be secured or attached to the ground or surface upon which it is located. The sign must be designed to prevent being blown over or knocked over.

7. The sidewalk sign must not create a fire hazard or interfere with ingress or egress from any building.
8. The sidewalk sign must not interfere with the area's compliance with the Americans with Disabilities Act, as amended. At a minimum, the sidewalk sign must allow five feet of clear and unobstructed passageway on the sidewalk or public plaza between the outermost edge of the permitted sidewalk signs, or other objects and the curb, street lamps, lamp posts, sign posts, or other fixtures or obstructions. The City's Director of Engineering may impose additional requirements to ensure compliance with the Americans with Disabilities Act or to protect traffic safety or pedestrian safety or passage.
9. The sidewalk sign must be located a minimum of five feet from driveways and alleys, and ten feet from intersections of public streets, except the City's Director of Engineering may modify these requirements where the only public entrance to the establishment is on the corner of the building adjoining such intersection and the modification(s) maintain traffic safety and pedestrian safety and passage. The Director of Engineering may impose additional requirements to protect traffic safety or pedestrian safety or passage.
10. The sidewalk sign must be limited to referencing or advertising food, beverages, services, or merchandise that is sold, displayed, or provided inside the permit holder's adjoining establishment.
11. The sidewalk sign may only be placed within the permit area during the normal business hours of the permit holder's establishment, but in no case shall such items be located in the permit area between 11:00 p.m. and 6:00 a.m.
12. Use of the permitted area must conform with applicable laws, city ordinances, and zoning regulations.
13. The city and the permit holder shall execute a temporary use of city property agreement for the use of the sidewalk or public plaza that shall include all conditions of this article and other conditions based upon the particular location and/or use. The agreement shall provide that the temporary use is subordinate to the city's use of the sidewalk or public plaza. The agreement shall provide that the permit holder agrees to at all times save and hold harmless the city from all liability, costs, damages, and expenses of any kind, for the payment of which the city may become liable to any person, firm or corporation by reason of any claim or damages arising from the failure of the permit holder, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk or public plaza.

D. Portable Signs. Portable signs are considered temporary signs, but due to their unique physical and aesthetic characteristics, are subject to the following restrictions:

1. Time limits for the display of portable signs must be specifically stated on the sign permit.
2. Portable signs are permitted in the C-1, C-3, and I-1 Districts.
3. Portable signs may be displayed for a period of up to 30 consecutive days and a total of 60 days per lot in any calendar year.
4. There may be no more than one Portable Sign per lot.

34-908. Signs in the A, Agricultural District

A. **Permitted On-Premises Signs:** Awning, canopy, electronic copy, monument, pole, temporary, wall, and window signs.

B. **Permitted Off-Premises Signs:** See *Sec. 34-919, Off-Premises Advertising Signs*.

C. **Number of Signs Permitted**

1. *Lots under five acres:* No more than two permanent signs.
2. *Lots of five acres or more:* No more than three permanent signs.
3. *Temporary signs:* Two temporary signs per lot.

D. **Maximum Sign Area**

1. *Awning, Canopy, and Wall Signs:* The total surface area of all signs of these types may not exceed 20 percent of the total surface area of the building façade the signs are attached to, provided that no sign may exceed 260 square feet in area.
2. *Electronic Sign:* 32 square feet.
3. *Monument Sign:* 96 square feet.
4. *Pole Sign:* 150 square feet.
5. *Temporary Sign:* 32 square feet.
6. *Window Sign:* 30 percent of the window area that sign is attached to.

E. **Height Standards**

1. *Awning and canopy signs:* Shall not extend above, below, or beyond the awning or canopy it is attached to.
2. *Electronic copy sign:* Must follow the sign height requirements for the most similar sign type (i.e. wall sign or pole sign).
3. *Monument sign and Temporary sign:* Maximum height of six feet.
4. *Pole sign:* Maximum height of 15 feet.
5. *Wall sign:* Shall not project above the building façade it is attached to.
6. *Window sign:* Window signs may only be displayed on the ground floor of the building.

F. **Required Sign Setback:** Five feet from any property line.

G. **Illumination:** All permanent signs may be internally or externally illuminated. Temporary signs cannot be illuminated.

34-909. Signs for Institutional and Conditional Uses in Residential Districts.

A. **Permitted On-Premises Signs:** Electronic copy, manual changeable copy, monument, pole, temporary and wall signs.

B. **Number of Signs Permitted**

1. *Electronic Copy Sign:* One sign per lot.
2. *Monument or Pole Signs:* One sign per street frontage.
3. *Temporary Sign Affixed to a Wall:* One sign per street frontage.
4. *Temporary Sign Affixed to the Ground:* Two signs per street frontage
5. *Wall Sign:* Two signs per street frontage.

C. **Maximum Sign Area**

1. *Electronic Copy or Manual Changeable Copy Signs:* 16 square feet, which must be included in the calculations of the total sign area.
2. *Monument or Pole Signs:* 40 square feet, except that a Bed and Breakfast is limited to a maximum of a 12 square foot sign.
3. *Temporary Sign Affixed to a Wall:* 32 square feet.
4. *Temporary Sign Affixed to the Ground:* Two signs per street frontage.
5. *Wall Sign:* 40 square feet, except that a Bed and Breakfast is limited to a maximum of a 12 square foot sign.

D. **Height Standards**

1. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign height requirements for the most similar sign type (i.e. wall sign or monument sign)
1. *Monument Sign and Temporary Sign Affixed to the Ground:* Maximum height of six feet.
2. *Pole Sign:* Maximum height of 15 feet.
3. *Wall Sign or Temporary Sign Affixed to a Wall*
 - a. Residential uses: Maximum height of 10 feet.
 - b. All other uses: Below the roof eave overhang.

E. **Required Sign Setback**

1. *Electronic Copy or Manual Changeable Copy Signs:* 15 feet from any property line.
2. *Monument or Pole Signs:* 15 feet from any property line.
3. *Temporary Sign Affixed to the Ground:*
 - a. Front Yard: Zero feet.
 - b. Side and Rear Yard: 15 feet
4. *Wall Sign or Temporary Sign Affixed to a Wall:* Shall follow the established setbacks of the principal structure.

F. **Illumination:**

1. All permanent signs associated with residential uses may be externally illuminated.
2. A monument sign associated with all other uses may be internally or externally illuminated.
3. A wall sign associated with all other uses may be externally illuminated, or internally illuminated utilizing halo lit or reverse channel lit signs.
4. A manual changeable copy sign may be internally or externally illuminated.
5. Temporary signs cannot be illuminated.

34-910. Signs in the Residential Districts R-1, R-1A, R-1S, R-2

- A. **Permitted On-Premises Signs:** Monument, wall, and temporary signs.
- B. **Maximum # of Signs:** Four
- C. **Maximum Sign Area**
 - 1. *Wall Signs:* Four square feet.
 - 2. *Monument Sign:* 24 square feet.
 - 3. *Temporary Sign:* Six square feet.
- D. **Height Standards**
 - 1. *Monument and Temporary Signs:* Maximum height of six feet.
 - 2. *Wall Signs:* Shall not project above the building façade it is attached to.
- E. **Required Sign Setback:** Five feet from any property line.
- F. **Illumination:** All permanent signs may be externally illuminated. Temporary signs cannot be illuminated.

34-911. Signs in the R-3, Residential District

A. **Permitted On-Premises Signs:** Awning, canopy, monument, temporary, and wall signs

B. **Number of Signs Permitted**

1. *Awning and Canopy Signs*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
- b. *Multiple-family dwellings within one structure:* One sign per street frontage.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* One sign per street frontage.

2. *Monument Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
- b. *Multiple-family dwellings within one structure:* One sign per street frontage.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* One sign per street frontage and one sign per driveway entrance, not to exceed two signs per street frontage.

3. *Temporary Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
- b. *Multiple-family dwellings:* One sign per street frontage.

4. *Wall Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
- b. *Multiple-family dwellings:* One sign per street frontage.

C. **Maximum Sign Area**

1. *Awning and Canopy Signs*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
- b. *Multiple-family dwellings:* 10 square feet per building.

2. *Monument Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Six square feet.
- b. *Multiple-family dwellings within one structure:* 20 square feet.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* 40 square feet.

3. *Temporary Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Six square feet.
- b. *Multiple-family dwellings within one structure:* 24 square feet.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* 32 square feet.

4. *Wall Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Two square feet.
 - b. *Multiple-family dwellings:* Six square feet per building.

D. Height Standards

1. *Awning and Canopy Signs.*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
 - b. *Multiple-family dwellings:* Minimum height of eight feet.
2. *Monument and Temporary Signs:* Maximum height of six feet.
3. *Wall Sign:* Below the roof eave overhang.

E. Required Sign Setback

1. *Awning and Canopy Signs.*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
 - b. *Multiple-family dwellings:* Shall follow the established setbacks of the principal structure.
2. *Monument Sign:* Five feet from all property lines.
3. *Temporary Sign:*
 - a. *Front yard:* Zero feet
 - b. *Side yard:* Zero feet
 - c. *Rear yard:* 15 feet
4. *Wall Sign:* Shall follow the established setbacks of the principal structure.

- F. Illumination:** Permanent signs may be externally illuminated. Temporary signs cannot be illuminated.

34-912. Signs in the CO, Commercial Office Non-Retail District

A. **Permitted On-Premises Signs:** Awning, canopy, manual changeable copy, monument, pedestrian, pole, projecting, sidewalk, temporary, wall, and window signs.

B. **Number of Signs Permitted**

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Temporary, Wall, and Window Signs:* One sign per business per street frontage
2. *Manual Changeable Copy Sign:* One per lot or parcel, which shall be included in the total number of signs permitted.
3. *Monument or Pole Signs:* One per lot and per street frontage.
4. *Temporary Sign:* Two per lot.

C. **Maximum Sign Area**

1. The total area of all permanent signs on a lot may not exceed one square foot for each one foot of frontage for each separate street frontage. Total allowed sign areas may not be combined and applied in whole or in part to one street frontage on lots or parcels with more than one street frontage. No sign may exceed 200 square feet in area.
2. *Manual Changeable Copy Sign:* No more than 16 square feet.
3. *Temporary Sign:* 32 square feet
4. *Window Sign:* 25 percent of the window area the sign is attached to.

D. **Height Standards**

1. *Manual Changeable Copy Sign:* Must follow sign height requirements for the most similar sign type (i.e. wall sign or monument sign)
Monument and Temporary Signs: Maximum height of six feet.
2. *Pole Sign:* Maximum height of 15 feet
3. *Window Sign:* Window signs may be displayed on the ground floor of the building.
4. *All Other Permitted Signs:* Maximum height of 30 feet, provided no portion of any sign structure may extend above the roof peak or parapet of the principal structure.

E. **Required Sign Setback:** All signs must have a minimum setback of 10 feet from any property line.

F. **Illumination**

1. A permanent sign may be internally or externally illuminated.
2. A temporary sign may be externally illuminated.

34-913. Signs in the C-1, Local Business District

A. **Permitted On-Premises Signs:** Awning, canopy, monument, pedestrian, projecting, sidewalk, wall, window, and temporary signs.

B. **Number of Signs Permitted:**

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Wall, and Window Signs:* One sign per business per street frontage
2. *Monument Sign:* One per lot per street frontage.
3. *Temporary Sign:* Two per lot.

C. **Maximum Sign Area**

- a. *Awning and Canopy Signs:* The total surface area of a sign on an awning or canopy may not exceed 20 percent of the face of the awning or canopy that the sign is attached to.
- b. *Monument Sign:* 48 square feet
- c. *Pedestrian Sign:* 10 square feet
- d. *Projecting Sign:* 50 square feet
- e. *Sidewalk Sign:* Nine square feet
- f. *Wall Sign:* The total surface area of a sign may not exceed 10 percent of the total surface area of the building façade the signs are attached to, provided no sign may be larger than 100 square feet in area.
- g. *Window Sign:* 30 percent of window area
- h. *Temporary Sign:* 32 square feet

D. **Height Standards**

- a. *Awning and Canopy Signs:* Minimum height of eight feet
- b. *Monument Sign and Temporary Sign:* Maximum height of six feet
- c. *Pedestrian Sign:* Minimum height of eight feet
- d. *Projecting Sign:* Minimum height of eight feet
- e. *Sidewalk Sign:* Maximum height of five feet
- f. *Wall Sign:* Shall not extend above the eave or parapet of the building
- g. *Window Sign:* N/A

E. **Required Sign Setback:** Five feet from any property line.

F. **Illumination:** May be externally or internally illuminated.

34-914. Signs in the C-2, Central Business District

A. **Permitted On-Premises Signs:** Awning, canopy, monument, pedestrian, projecting, sidewalk, wall, window, and temporary signs.

B. **Number of Signs Permitted:**

1. *Awning, Canopy, Pedestrian, Sidewalk, Wall, and Window Signs:* One sign per business per street frontage
2. *Projecting Sign:* Corner lots may have one projecting sign. Mid-block businesses must have a minimum street frontage of 60 feet to have one projecting sign.
3. *Monument Sign:* One per lot and per street frontage.
4. *Temporary Sign:* Two per lot.

C. **Maximum Sign Area**

1. *Awning and Canopy Signs:* The total surface area of a sign on an awning or canopy may not exceed 20 percent of the face of the awning or canopy that the sign is attached to.
2. *Monument Sign:* 48 square feet
3. *Pedestrian Sign:* 10 square feet
4. *Projecting Sign:* 50 square feet
5. *Sidewalk Sign:* Nine square feet
6. *Wall Sign:* The total surface area of a sign may not exceed 10 percent of the total surface area of the building façade the signs are attached to, provided no sign may be larger than 120 square feet in area.
7. *Window Sign:* 30 percent of total window area
8. *Temporary Sign:* 32 square feet

D. **Height Standards**

1. *Awning and Canopy Signs:* Minimum height of eight feet
2. *Monument and Temporary Signs:* Maximum height of six feet
3. *Pedestrian Sign:* Minimum height of eight feet
4. *Projecting Sign:* Minimum height of eight feet
5. *Sidewalk Sign:* Maximum height of five feet
6. *Wall Sign:* Shall not extend above the eave or parapet of the building
7. *Window Sign:* N/A

E. **Required Sign Setback:**

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Wall, and Window Signs:* Zero setbacks and may extend four feet into the public right-of-way.
2. *Monument Sign:* Five feet from any property line

F. **Illumination:** May be externally or internally illuminated.

G. **Misc. Use Limitation**

1. **Historic marquee:** Existing marquee signs refer to *Section 34-920(E), Standards for Historic Signs.*

34-915. Signs in the C-3, Commercial Business District

A. Permitted On-Premise Signs: Awning, canopy, electronic copy, island canopy, manual changeable copy, monument, pole, sidewalk, temporary, wall, and window signs.

B. Permitted Off-Premise Signs: See Sec. 34-919, Off-Premise Advertising Signs.

C. Number of Signs Permitted: No limitation, except:

1. *Awning, Canopy, and Marquee Signs:* No more than three per building façade.
2. *Electronic Copy or Manual Changeable Copy Signs:* One per lot.
3. *Island Canopy Sign*
 - i. *Canopy Fascia:* No more than two signs per canopy fascia.
 - ii. *Spanner Board Signs:* No limit. Must be permanently mounted on or between the canopy support poles and in all cases below the canopy.
4. *Monument or Pole Sign:* One per lot or parcel per street frontage.
5. *Sidewalk Sign:* One per business.
6. *Temporary Sign:* Three per lot.

D. Maximum Sign Area: The total surface area of all signs on a street frontage may not exceed four square feet for each linear foot of street frontage, provided no single sign may be greater than 260 square feet in surface area. The total allowed sign areas may not be combined and applied, in whole or in part, to one street frontage on lots or parcels with more than one street frontage. The following individual sign standards are included in the calculation of the total surface area of all signs:

1. *Awning, Canopy, and Wall Signs:* The total surface area of all signs on a building façade may not exceed 20 percent of the building façade the signs are attached to.
2. *Electronic Copy and Manual Changeable Copy Signs:* 32 square feet.
3. *Island Canopy Sign*
 - i. *Canopy Fascia Sign:* The total surface area of all signs on a single common canopy fascia may not exceed 30 percent of the area of the canopy fascia signs are attached to.
 - ii. *Spanner Board Sign:* The total surface area may not exceed a total of 50 square feet of signage per island canopy.
4. *Monument Sign:* 96 square feet
5. *Pole Sign:* 150 square feet
6. *Window Sign:* 30 percent of the window area the sign is attached to.

E. Height Standards

1. *Awning, and Canopy, Signs:* May not extend above, below, or beyond the awning, canopy, or marquee structure, or above the highest point of the wall the sign is attached to.
2. *Electronic Copy and Manual Changeable Copy Signs*
 - a. Attached to a building façade: Maximum height of 14 feet, or the top of the façade, whichever is less.
 - b. Attached to a pole sign: Maximum height of 30 feet.
 - c. Attached to an island canopy: May not project above, below, or beyond the canopy fascia.

3. *Island Canopy Sign*: May not extend above, below, or beyond the perimeter of the island canopy.
4. *Spanner Board Sign*: Permanently mounted on or between the canopy support poles and in all cases below the canopy.
5. *Monument and Temporary Signs*: Maximum height of six feet.
6. *Pole Sign*: No part of the sign may project above the highest point of the building it serves and in no case more than 25 feet above ground level.
7. *Wall Sign*: May not project above the building façade to which the sign is attached to.
8. *Window Sign*: Window signs may only displayed on the ground floor of the building.

F. Required Sign Setback

1. No sign may project over the public right-of-way.
2. Signs greater than 200 square feet in area must be set back the required distance for the principal structure.
3. Island canopy sign: At least six feet from the front property line.
4. Temporary sign: Zero feet from all property lines
5. Wall signs must follow the minimum setback of the principal structure.
6. All other permanent signs must be set back a minimum of 10 feet from any property line.

G. Illumination

1. All permanent signs may be externally or internally illuminated.
2. *Temporary Signs*: May be externally illuminated.

34-916. Signs in the I-1, Light Industrial District and I-2, Heavy Industrial District

A. Permitted On-Premises Signs: Awning, canopy, electronic copy, manual changeable copy, monument, off-site advertising, pole, temporary, and wall signs.

B. Permitted Off-Premise Signs. See Sec. 919, *Off-Premise Advertising Signs*.

C. Number of Signs Permitted:

1. *Awning, Canopy, and Wall Sign:* No more than three per building façade.
2. *Electronic Copy or Manual Changeable Copy Signs:* One per lot.
3. *Monument or Pole Signs:* One per lot or parcel per street frontage.
4. *Temporary Sign:* Two per lot.

D. Maximum Sign Area

1. *Awning Canopy, Electronic Copy, Manual Changeable Copy, and Wall Signs:* The total surface area of all signs of these types may not exceed 20 percent of the total surface area of the building façade the signs are attached to, provided no sign may be larger than 200 square feet in area.
2. *Monument or Pole Signs:* 200 square feet
3. *Temporary Sign:* 32 square feet.

E. Height Standards

1. *Awning, Canopy, and Wall Sign:* May not project above the highest point of the wall they are attached to.
2. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign height requirements for the most similar sign type (i.e. wall sign or monument sign)
3. *Monument and Temporary Signs:* Maximum height of six feet.
4. *Pole Sign:* Maximum height of 12 feet.

F. Required Sign Setback

1. *Awning or Canopy Signs:* Maximum four feet from the building façade.
2. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign setback requirements for the most similar sign type (i.e. wall sign or monument sign)
3. *Monument or Pole Signs:* Five feet.
4. *Temporary Sign:* Zero feet.
5. *Wall Sign:* Must follow the established setback of the principal structure.

G. Illumination: All permanent signs may be internally or externally illuminated. Temporary signs may only be externally illuminated.

34-917. Signs in the CMP, Campus Institutional District

This Section intends to regulate signs on educational and research campuses associated with institutions when such signs are located along, and are intended to be visible and read from, abutting or nearby public street rights-of-way or travel easements that generally form the perimeter or boundary of such campus, or are along an arterial or collector street corridor passing through such campus. All other signs located in the interior of a campus setting are exempt from this Division.

A. Permitted On-Premises Signs: Awning, canopy, manual changeable copy, electronic copy, monument, pedestrian, pole, projecting, sidewalk, temporary, wall, and window signs.

B. Number of Signs Permitted

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Temporary, Wall, and Window Signs:* No limit
2. *Electronic Copy or Manual Changeable Copy Signs:* One per campus building.
3. *Monument Sign:* One sign per entrance onto a public street.
4. *Pole Sign:* One per 600 feet of frontage along a single street.
5. *Temporary Sign:* One per lot street frontage.

C. Maximum Sign Area

1. *Temporary Sign:* 32 square feet.
2. *Monument and Pole Signs:* The total surface area may not exceed one square foot for each linear foot of frontage that the sign abuts. Such signs may not exceed 260 square feet.
3. *All Other Permitted Signs:* The total surface area of signs located on a street-facing building façade may not exceed 20 percent of the building façade's surface area.

D. Height Standards

1. *Electronic Copy or Manual Changeable Copy Sign:* Must follow sign height requirements for the most similar sign type (i.e. wall sign or monument sign)
2. *Monument and Temporary Signs:* Maximum height of six feet.
3. *Pole Sign:* Maximum height of 20 feet
4. *Window Sign:* Window signs may be displayed on the ground floor of the building.
5. *All Other Permitted Signs:* May extend above the roof peak or parapet of the principal structure.

E. Required Sign Setback:

1. *Permanent Sign:* 15 feet from any public right-of-way.
2. *Temporary Sign*
 - a. Front yard: Zero feet.
 - b. Side Yard and Rear Yard: 15 feet.

F. Illumination

1. A permanent sign may be internally or externally illuminated.
2. A temporary sign may be externally illuminated.

34-918. Signs in the PD, Planned District

- A. **Established by Ordinance.** The regulations pertaining to signage located in a planned development district shall be set forth in the ordinance establishing the PD.
- B. **Sign Types.** The applicant shall identify permitted, temporary, and prohibited signs as a part of the detailed development plan application documents. In establishing such regulations, the Planning Board shall, as a general rule, consider:
1. *Residential PDs:* The restrictions apply as set out in the most applicable of:
 - a. *Sec. 34-910, Signs in the Residential Districts R-1, R-1A, R-1S, R-2, or*
 - b. *Sec. 34-911, Signs in the R-3 District*
 2. *Commercial PDs:* The restrictions apply as set out in the sign provisions of the C-O, C-1, C-2, or C-3 districts that are most similar in nature and character to the proposed PD; or
 3. *Industrial PDs:* The restrictions apply as set out in *Sec 34-916. Signs in the I-1, Light Industrial District and I-2, Heavy Industrial District.*
- C. **Amendments.** Signs in a PD may be amended by the City Council, as recommended by the Planning Board through the processes set out in *Sec. 34-215, P.D. Planned District.*

34-919. Off-Site Advertising

A. **Permitted Districts:** A, C-3, I-1, I-2, PD.

B. **Permitted Off-Premises Advertising Signs:** Electronic copy, monument, pole, and wall signs.

C. **Sign Separation Distances.** The following distances are measured from one sign's extremity to another:

1. The minimum separation distance between two electronic copy off-site advertising signs is 5,000 feet.
2. The minimum separation distance between an electronic copy, off-site advertising sign, and all other off-site advertising signs is 800 feet.
3. The minimum separation distance between all off-site advertising signs that are not electronic copy signs is 800 feet.

D. **Separation from Residential Districts:** Off-site advertising signs may be no closer than 200 feet to a residential district.

E. **Required Sign Setback**

1. *Front Yard and Rear Yard:* 25 feet
2. *Side Yard:* Must follow the applicable minimum side yard setback requirements, as cited in Article II. – *District Regulations*.

F. **Maximum Surface Area:** 378 square feet

G. **Height Standards for All Off-Premises Advertising Signs.**

1. *Wall sign:* Must not project above the building façade it is attached to.
2. *Monument sign:* Maximum height of six feet.
3. *Pole sign:* Maximum height of 30 feet.

H. **Illumination:** Except for electronic copy off-site advertising signs, the off-site advertising sign must be externally illuminated.

1. The external illumination must be directed upward.

I. **Use Limitations:**

1. Off-premises advertising signs must be:
 - a. Located on a parcel, tract, or lot that conforms to the minimum lot size requirements of the zoning district in which the sign is located.
 - b. Oriented towards the abutting street.
 - c. Constructed using an unipole design, except for wall signs.
2. The surface area of the off-premises advertising pole sign does not count towards the permitted maximum surface area for all signs associated with a separate principal use located on the same property.
3. The surface area of off-premises advertising monument signs and wall signs shall count towards the total permitted surface area for all signs associated with a separate principal use located on the same property.

4. Off-premises advertising sign faces must not be placed side by side or stacked vertically.
5. Double-faced off-premises advertising signs having nonparallel faces must be constructed so that the angle between the sign faces does not exceed 24 degrees and the total distance between the open ends of the faces does not exceed 10 feet.
6. Off-premises advertising signs must not incorporate digital animated signs.
7. Any trim surrounding an off-premises advertising sign face and any extension(s) of the display surface must be included in the maximum allowed surface area. The sign base, structural members, and supports shall be excluded from the maximum surface area, provided they don't constitute part of the display message.
8. *Digital Graphic Off-Premises Advertising Sign*
 - a. *Duration of Message and Transition.* The sign message must remain static for at least 20 seconds. The transition from one message to the next must be direct and immediate, without special effects, including dissolving, fading, scrolling, starbursts, and wiping.
 - b. *Image characteristics.* Signs must have a pitch no greater than 20 millimeters between each pixel.
 - c. *Luminance.* During daylight hours (i.e., between sunrise and sunset) luminance cannot exceed 5,000 nits. During nighttime hours (i.e., between sunset and sunrise) luminance cannot exceed 500 nits. All signs with a digital display having illumination by means other than natural light, must have an automatic dimmer or other mechanism that automatically controls the sign's brightness to comply with these requirements.
 - d. *Conversion of Billboards.* The conversion of an existing off-premises advertising sign to a digital graphic off-premises advertising sign is not considered "maintenance" for purposes of *Sec. 904 Maintenance, Repair, Removal, and Abandonment*. Such conversions are subject to the permitting and requirements of this Section.
 - e. *Permitting.* A sign permit is required to install a new digital graphic off-premises advertising sign or convert an existing, static off-premises advertising sign to a digital graphic off-premises advertising sign. The sign permit applicant must provide the following information in writing or through site or elevation drawings, as applicable:
 1. The location and size in square feet of the sign to be installed or converted.
 2. The location and size, in square feet, of the existing off-premises advertising sign to be removed.
 3. Stamped drawings from a professional engineer licensed in the State of Nebraska showing required structural improvements, upgrades, or alterations to support the weight of the added digital technology necessary for a new or converted digital graphic off-premises advertising sign.
 4. A statement that the sign(s) being removed meet the removal criteria of *subparagraph 34-919-I-8f*, below.
 - f. *Removal Criteria for Digital Graphic Off-Premises Advertising Sign.* The permit applicant must, at their sole expense, conform to the following:

1. Remove at least three off-premises advertising signs, either conforming or nonconforming, in the city limits of Hastings, Nebraska, at the same time as; the digital graphic off-premises advertising sign is installed or erected. The conversion of an existing off-premises advertising sign to a digital graphic off-premises advertising sign does not count as removal.
2. Removal of nonconforming off-premises advertising signs in a zoning district where these signs are no longer permitted is preferred.
3. If the owner/applicant fails to remove the required off-premises advertising signs within 30 days of completion of the new or converted digital graphic off-premises advertising sign, such failure shall result in a violation of this section and grounds for revocation of the applicant's sign permit. For this Paragraph, construction or conversion of a digital graphic off-premises advertising sign shall be deemed complete when all supporting structures, cabinets, and electronic fixtures are installed, even if messages have not yet begun displaying on the digital graphic off-premises advertising sign.

34-920. Nonconforming Signs

- A. **Continuation of Nonconforming Signs.** A nonconforming sign may continue to exist as a nonconforming sign, except as provided in this Section. A sign that does not comply with these regulations, and is not a nonconforming sign as defined, shall be considered unlawful.
- B. **Alteration or Repair of Nonconforming Signs.** A nonconforming sign may not be altered or repaired unless the nonconforming sign is brought into compliance with all applicable regulations, except as follows:
1. *Change of copy.* The alteration or change of the copy of a nonconforming sign by replacing sign panels shall be permitted, as long as such alterations or changes does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
 2. *Repair or replacement.* The repair or replacement of a nonconforming sign, which is necessary due to non-criminal activity or due to actions or inactions that are not attributed to the sign owner or property owner, shall be permitted, as long as the repair or replacement does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area. In the case of replacement, a sign permit shall be required.
 3. The normal maintenance and repair of a nonconforming sign, as required by *Sec. 34-904 Maintenance, Repair, Removal, and Abandonment*, shall be permitted, as long as the normal maintenance and repair do not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
- C. **Loss of Nonconforming Status.** Notwithstanding any other provision of this Section, a nonconforming sign shall lose its nonconforming status and must thereafter comply with all applicable requirements in either of the following circumstances:
1. If the nonconforming sign is removed due to actions or inactions that are attributed to the sign owner or property owner, pursuant to *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment*; or
 2. If the nonconforming sign is abandoned, pursuant to *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment*.
- D. **Signs for Legal Nonconforming Uses.** Any new or additional sign for a nonconforming use must comply with this Section, for the zoning district that the nonconforming use is located within. Provided that any new or additional sign to be installed for a nonconforming use that would not comply with this Division may be approved through a conditional use permit.
- E. **Standards for Historic Signs:** Signs that contribute to the historical significance of a registered historic building or a designated historic district that does not meet the minimum standards of this Chapter shall be treated as nonconforming signs.
1. The nonconforming historic sign is allowed to continue and be in accordance with this section.

2. If the sign is damaged for any reason, the sign may be repaired or replaced, so long as the sign does not change in type, size, illumination, or other characteristics. Essentially, the historic sign must be replaced exactly as it historically appeared.
 - a. The internal workings of the sign, such as electrical systems, may use modern technology. However, the appearance of the sign must be identical to its historical appearance.
3. If verifiable historical evidence can be provided that a sign, which would be considered nonconforming by these regulations was permitted on a building in the C-2, Central Business District. A replica of that sign, including sign type, size, and other characteristics, shall be permitted, as a historic sign. The Development Services Director may prohibit this type of sign if it is deemed unsafe.

Sec. 34-314. Small wind energy systems.

Small wind energy systems are allowed as a restricted use in all zoning districts. The following specific conditions shall apply:

1. Minimum setbacks
 - a. The base of the tower shall be setback a minimum of 50 feet from the front property line. The furthest extent of a turbine blade shall not extend across the front property line.
 - b. The furthest extent of the turbine blade shall be set back a minimum of 10 feet from the side and rear property lines.
 - c. Any facility-mounted small wind energy system shall meet the minimum setbacks required for a principal structure in the zoning district.
 - d. The base of the tower shall not encroach into a dedicated public utility easement.
2. Maximum tower height, measured to the highest point of the turbine blades:
 - a. In all Residential districts, C-O, C-1, and C-2 Districts: 60 feet;
 - b. In Agricultural districts: 100 feet;
 - c. In all Industrial districts and the C-3 District: 150 feet.
3. Noise. Small wind energy systems shall not exceed 60 dba measured at the closest neighboring residential structure. The level may be exceeded during short-term events such as utility outages or severe wind events greater than 50 mph.
4. All small wind energy systems shall be designed and approved by a listing agency such as the American Wind Energy Association, UL, Factory Mutual, or other listing agency, or be designed by a licensed engineer.
5. If a tower is designed with a hinge for maintenance or another engineered failure point(s), the installation of the tower shall ensure that the hinge or failure point is not towards adjacent property, utility easements, or right-of-way that is within a distance equal to the height of the support tower.
6. All building permit applications shall be accompanied by engineered drawings and specifications for the tower, base, footings, and other facilities from the manufacturer or designer.
7. All small wind energy systems shall be located, constructed, and operated to comply with any applicable FAA Regulations or Guidelines.
8. All small wind energy systems shall comply with the National Electric Code.
9. Utility notification. No small wind energy system shall be installed without prior notification and approval of the Board of Public Works of the intent to construct, install, and operate an interconnected customer-owned generator and must meet all the requirements of the Board for interconnection. Off-grid systems shall be exempt from this requirement.
10. All small wind energy systems shall have utility company approved metering transfer switches.
11. If a wind generator is inoperable for more than one year, the owner shall be notified that they must, within three months of receiving notice, restore to working order or remove the system.
12. No signs other than manufacturer, safety, and warning labeling shall be placed on the tower of the turbine. For systems that exceed 12 volts, "High Voltage" warning signs shall be posted on or near the system.
13. The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.

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14. Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
 15. The tower shall be freestanding without the aid of guy wiring.
 16. Turbine blades, whether horizontal or vertical shall be a minimum of 12 feet above the adjacent grade.
 17. All communications and connector lines associated with the installation shall be buried. If obstacles prevent an underground installation, the applicant shall receive a waiver from the Board of Public Works.

Art. VI. Nonconformities

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Sec. 34-601, Purpose, Policy, and Applicability

- A. **Purpose.** The purpose of this Article is to enable development that is consistent with the Hastings Comprehensive Plan by regulating uses, structures, lots, and site development that do not conform to one or more standards of this Chapter, but meet the definition of nonconformity.
- B. **Policy.** This Article is intended to allow property owners the reasonable use of their nonconforming property or use. The general policy of the City for nonconformities is to :
 - 1. Allow them to continue to exist and be used productively, but to bring as many aspects of the nonconformity into compliance with this Article, and other applicable standards and codes, as is reasonably practicable.
 - 2. Allow them to be maintained to be made safe, comfortable, and habitable while restricting their expansion and the re-establishment of abandoned or substantially damaged nonconformities.
 - 3. Not penalize uses, structures, lots, and site development features that became noncompliant as a result of a governmental acquisition of property.
 - 4. In certain instances, encourage redevelopment of a nonconforming use that shall decrease its degree of nonconformity.
 - 5. Address any uses, structures, lots, and site developments that were established contrary to the zoning regulations that applied at the time of their establishment and are considered illegal under the applicable measures in **Article X, Enforcement**.
- C. **Applicability.** The provisions of this Article apply to the use, structure, lot, and site development standards and regulations in Article II, District Regulations, Article III, Supplemental District Regulations, and Article V – Mobile Home Park Regulations, except for Divisions specifically exempted below. The provisions of this Article do not apply to:
 - 1. Public rights-of-way or public improvements in the rights-of-way.
 - 2. Wireless telecommunication facilities, as defined in *Sec. 34-315, Communication towers*.
 - 3. Sexually oriented businesses and uses, as defined in *Chapter 41 – Sexually Oriented Businesses*.
 - 4. Illegal uses.

Sec. 34-602, Determination of Nonconforming Status

It is the property owner's responsibility to prove by a preponderance of the evidence that a use, structure, lot, or site development meets the definition of a nonconformity.

Sec. 34-603, Nonconforming Uses

- A. **Rights of a Registered Nonconforming Use.** The rights to continue, expand, or alter a nonconforming use are specifically conditioned upon the registration of the nonconforming use with the Director of Development Services. Only nonconforming uses

that were lawful at the time of their establishment and have been continued since such time may be registered. The Director of Development Services and Building Official shall not permit the expansion, continuance, repair, maintenance, or other continuation of nonconforming status for a nonconformity not registered under this Article.

B. Registration of Nonconforming Use

1. **Registration Process.** The Director of Development Services shall establish a process for the registration of nonconforming uses and shall develop and provide the required registration forms.
2. **Registration Determination and Appeal.** The Director of Development Services shall determine the qualification of a use for registration under this Division and render a decision to the applicant as an Administrative decision.
3. **Revocation.** The Director of Development Services may revoke an approved registration if a nonconforming use is discontinued pursuant to Sec. 34-608, *Discontinuance*, or if it is later discovered that the evidence submitted to support the registration was false, or upon the discovery of additional information.
4. **Evidentiary Considerations.** In determining the qualification of a use for registration under this Article, the Director of Development Services shall consider all relevant and material evidence, whether submitted by the applicant, by any other person supporting or opposing the registration application or registration determination, or otherwise available to the Director of Development Services. Relevant evidence is materials that tend to show the lawful or unlawful establishment of the use and whether the use has been continued since such time. Relevant evidence may include, but is not limited to, the following examples:
 - a. Building permits, certificates of occupancy, licenses, or other permits issued by a governmental entity,
 - b. County appraisal information,
 - c. Photographs, video, or other visual types of evidence that can be verified as predating the effective date of the code provisions involved,
 - d. Contracts, deeds, or other legal instruments that are dated, whether or not recorded or filed in any public office,
 - e. Books, magazine articles, or newspaper clippings that are dated,
 - f. Tax returns, receipts, or other financial records that are dated, or
 - g. Statements made by witnesses, in the form of affidavits, that are made based upon personal knowledge.

- C. Nonconforming Use within a Zoning District.** A registered nonconforming use shall be regulated as a conditional use within the zoning district where it is located.

D. Maintenance and Repair

1. The registered nonconforming use must discontinue if the structure it is located within is damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity. A registered nonconforming use that is primarily conducted outside of a building must discontinue if its inventory and equipment are damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity.
2. The owner of any structure devoted to a registered nonconforming use protected under this Division may conduct repairs and maintenance to keep a structure in sound condition provided they do not increase the degree of nonconformity as determined by the **Director of Development Services**.
3. Renovation or remodeling of a registered nonconforming use is permitted provided it does not increase the degree of nonconformity as determined by the Director of Development Services. Renovations or remodels may include, but not limited to, repairing, updating, or replacing the following:
 - a. Fixtures
 - b. Finishes
 - c. Utility systems
 - d. Non-structural cladding
 - e. Windows and doors
 - f. Roofing
 - g. Non-structural features to increase energy efficiency.

E. **Expansion of a Registered Nonconforming Use.** Any expansion of a nonconforming use is prohibited unless approved through a conditional use permit as set forth in **X, Conditional Use for Registered Nonconforming Use**.

1. Expansion shall include:
 - a. Changes of nonresidential use categories.
 - b. Changing to a more intensive nonresidential use within the use category.
 - c. An increase in the number of dwelling units.
 - d. An increase in the number of bedrooms and/or bathrooms.
 - e. An increase in the gross floor area of the structure.
2. An expansion shall not include modifications to walls or arrangement of spaces that do not result in a net gain of bedrooms, kitchens, or floor space.

F. **Adjustment of a Registered Nonconforming Use.** An applicant may request that the Director of Development Services amend the registration of a registered nonconforming use, and the Director of Development Services shall grant such request and amend the registration for the following types of changes:

1. A registered nonconforming nonresidential use may be changed to another similar or less intensive use within the same use category as determined and approved by the Director of Development Services. The Director of Development Services may

use the following factors to determine if the proposed use is similar or less intensive:

- a. If the required parking for the proposed use complies with Sec. 34-308, *Parking and loading*.
 - b. The proposed use shall employ a similar or fewer number of employees.
 - c. The proposed use shall have similar business hours.
2. A registered nonconforming residential use may be changed to a less intensive nonconforming residential use as determined and approved by the Director of Development Services. Changing a nonconforming residential use to a less intensive use precludes subsequent reversion to a more intensive use not permitted by zoning.
 3. A commercial use in a residential district that does not permit commercial uses as a standard development may be changed to another similar or less intensive use within the same use category as determined and approved by the Director of Development Services.
 4. If the Director of Development Services cannot reasonably determine whether the requested change in use meets the requirements of this paragraph, then the Director of Development Services may defer the decision to the Planning Board pursuant to *Subsec. E. Expansion of a Registered Nonconforming Use*, above.
- G. **Parking.** Improvements related to parking devoted to a nonconforming residential use, including surfacing and number of spaces, may be made at any time without constituting an enlargement or expansion of the use, provided it results in a more conforming state as determined by this chapter. Parking may be required to come into full conformance in concert with other improvements pursuant to *Sec. 34-606, Nonconforming Site Development*.
- H. **Expansion of an Outdoor Nonconforming Use.** A nonconforming use of premises for which the principal use is a land use conducted primarily outside of a building, including a wrecking/salvage yard, storage yard, or vehicle and equipment sales lot, shall not be expanded except in conformance with all requirements of this Chapter.

Sec. 34-604, Nonconforming Structures

- A. **Rights of a Nonconforming Structure.** The rights to continue, expand, or alter a nonconforming structure are specifically outlined in this Section.
- B. **Maintenance and Repair**
1. Remodeling of a nonconforming structure devoted to a conforming use may occur within the existing footprint of the structure.
 2. Any nonconforming structure damaged to the extent of less than 60 percent of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity, not including the willful act of the property owner, may be rebuilt, provided such rebuilding does not increase the degree of nonconformity.

3. With the exception of historic structures as set forth in Subsec. 34-604.B.4, any nonconforming structure damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity shall not be rebuilt, repaired, or used, unless the structure and use(s) conforms to all requirements of this Chapter. This standard shall apply to both the use and the structure.
 4. When a nonconforming historic structure is damaged or destroyed to any extent, and by any means, other than the willful act of the owner, such structure may be restored and its use at the time of damage may continue if a building permit is issued and restoration/reconstruction is begun within three years of the damage, is diligently pursued to completion, and no greater nonconformity exists than existed prior to the damage.
 5. The rebuilding or repair of a structure in a flood fringe overlay district area must comply with the requirements of Sec. 34-216, F.D. *Flood Hazard District regulations*.
- C. **Enlargement, Expansion, and Relocation.** An enlargement or expansion that does not increase the degree of nonconformity is permitted. If a nonconforming structure is relocated within the City limits, it must be placed in a location and manner that conforms to the requirements of this Chapter.
- D. **Unsafe Structures.** Nothing in this Section shall be construed to permit the continuing occupation of a structure that is found to be uninhabitable due to violations of applicable City codes.

Sec. 34-605, Nonconforming Lots

- A. **Rights of the Nonconforming Lot.** The rights to continue, expand, or alter a nonconforming lot are specifically outlined in this Section. The Board of Adjustment may hear requests for variances to bring a lot into conformance, where applicable.
- B. **Vacant Lot.** New development on a nonconforming lot must comply with the dimensional standards of the base district and any applicable overlay district, except as expressly stated in this Section. These provisions shall not be interpreted as requiring a greater lot area or setback than specified by the base district or applicable overlay district.
- C. **Lot area.** A lot that does not conform to the required minimum lot area for the zoning district may be developed to the extent that the development can be accomplished with the following limitations:
1. Where the area of a nonconforming lot conforms to some uses permitted in the base district or applicable overlay district, but not for other permitted uses, then that lot shall be used for the permitted use or uses it conforms to.
 2. If a lot fails to conform to the applicable requirements of the zoning district or the applicable overlay district, then the lot may be used only for those permitted uses in that zoning district requiring the smallest minimum lot area.

- D. **Lot width.** A lot that does not conform to the required minimum lot width for the base district or applicable overlay district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Division.
- E. **Bulk.** New development, redevelopment, or additions must follow the required bulk regulations as defined by the specific zoning district standards the property is in, found in Art. II – District Regulations, with the following allowances:
 - 1. *Front-Yard Setback.* No reduction allowance.
 - 2. *Side yard Setback.* The minimum side yard setback for the principal structure proposed on a nonconforming lot must be at least five feet, or 10 percent of the lot width, whichever is greater, up to the minimum setback required by the zoning district or applicable overlay district. This provision does not require a setback when none is required by the district standards.
 - 3. *Rear-Yard Setbacks.* The minimum rear yard setback for the principal structure proposed on a nonconforming lot must be at least 15 feet, or 20 percent of the lot depth, whichever is greater, up to the minimum setback required by the zoning district or applicable overlay district. This provision does not require a setback when none is required by the district standards.
 - 4. *Height and Building Coverage.* Development must comply with the height and building coverage requirements of the base district and any applicable overlay district.
- F. **Lot Merger by Zoning Lot Status.** If the lot is smaller than would otherwise be required by this Chapter and such lot is, at any time on or after the effective date of this Chapter, under common control with a contiguous lot, then the two lots shall be consolidated into one lot for the purposes of this Chapter and shall be considered together for purposes of determining conformance.
 - 1. If the consolidated lots contain sufficient area and lot width for the actual or proposed use, then they shall be deemed fully conforming.
 - 2. If the lots together do not provide sufficient lot area and/or lot width for the actual or proposed use, they shall nonetheless be consolidated for purposes of reducing the degree of nonconformity.
 - 3. When a nonconforming lot has been consolidated with the adjacent lot, such lots shall not again be used as separate lots unless they are lawfully subdivided.

Sec. 34-606, Nonconforming Site Development

- A. **Policy.** Because site development features, such as landscaping and screening, generally involve less investment and are relatively more easily corrected than nonconforming lots, buildings or structures, and uses, it is the policy of the City to eliminate such site development nonconformities as quickly as is practical. See also Sec. 34-308, *Parking and loading*, for parking conformity requirements.

- B. **Timely Conformance.** A site development nonconformity must be brought into conformance upon the occurrence of any of the following:
1. Any increase to the gross floor area exceeding 30 percent;
 2. Construction, remodeling, or other alterations that exceed 50 percent of the fair market value of the structure; or
 3. For non-residential uses only, any change in use to a more intensive permitted use that requires a building permit or certificate of occupancy.

Sec. 34-607, Nonconformities Created by Public Acquisition

When the governmental acquisition of a portion of a property for right-of-way, easement, or other governmental use results in noncompliant lot area, lot width, setbacks, or site development features, the resulting failure to comply does not constitute a nonconformity.

Sec. 34-608, Discontinuance

- A. **Nonconforming Use.** When a nonconforming use has been abandoned, as defined in this Section, such nonconforming use shall not be renewed, and any registration pursuant to *Sec. 34-603, Nonconforming Use*, shall be revoked.
- B. **Abandonment.** A nonconforming use shall be presumed abandoned when any one or more of the following has occurred:
1. The owner's intent to abandon the use is apparent.
 2. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures.
 3. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.
 4. The lot has been vacant or the use discontinued for six consecutive months where the nonconforming use is one that is conducted primarily outside of a building.
 5. The use has been discontinued for 24 consecutive months where the nonconforming use is one that is conducted primarily inside of a building.
 6. The building or structure has been damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity.
- C. **Nonconforming Mobile Home or Manufactured Home Lots**
1. The failure to license a nonconforming mobile or manufactured home park lot pursuant to *Sec. 34-503, Mobile home park annual permit required*, of the Code of Ordinances, for a period of 12 consecutive months shall constitute abandonment of the nonconforming use for that lot. Such a lot may not be

subsequently licensed by *Article V, Mobile Home Park Regulations*, and has lost its allowed nonconforming use.

2. The failure to occupy a nonconforming mobile or manufactured home park lot for a period of 24 consecutive months shall constitute an abandonment of the nonconforming use for that particular lot. A lot shall be considered occupied if the manufactured or mobile home meets the minimum requirements for a residential occupancy permit and utilities have not been disconnected.

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