

# City of Arapahoe Comprehensive Plan & Zoning Regulations

As presented for review and adoption to the  
City of Arapahoe Planning Commission and  
City of Arapahoe City Council  
**November 17, 2015**

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# Contents

<b>COMMUNITY PROFILE .....</b>	<b>3</b>
Public Input.....	3
Demographics .....	14
Population Projection .....	15
Employment and Workforce .....	16
Housing Trends .....	17
Economic Projections.....	19
<b>LAND USE AND ANNEXATION.....</b>	<b>20</b>
Existing Land Use Inventory .....	20
Future Land Use Map .....	22
Future Land Use-Goals for Preservation and Growth .....	25
<b>MAJOR TRANSPORTATION ROUTES AND FACILITIES.....</b>	<b>26</b>
Streets & Sidewalks .....	26
Arapahoe Municipal Airport .....	29
Transportation-Goals for Growth and Preservation .....	30
<b>PRESENT AND PROJECTED COMMUNITY FACILITIES.....</b>	<b>31</b>
Public Lands and Buildings .....	31
Services.....	42
Community Facilities-Goals for Growth and Preservation .....	42
<b>ENERGY.....</b>	<b>44</b>
Energy Infrastructure and Use by Sector .....	44
Renewable Energy .....	47
Energy Conservation .....	47
Energy-Goals for Growth and Preservation .....	47

# Community Profile

Section 19-903 of the Nebraska Revised Statutes provides the requirements of a comprehensive plan and states that the plan:

[S]hall consist of both graphic and textual material and shall be designed to accommodate anticipated long-range future growth which shall be based upon documented population and economic projections.

In order to address this requirement, a community profile for the City of Arapahoe has been established. The community profile was developed through the discovery, creation, and analysis of the following characteristics:

- **Public Input: Qualitative information (opinion)**
- **Demographics: Quantitative information (facts)**
- **Existing Land Use Inventory (existing land use map)**

## Public Input

A community’s most important natural resource is its people. Thus, the opinion of the people is a crucial part of the decision making process when shaping the future of Arapahoe. As information within the community profile is processed, local community development factors should be considered based upon the importance of investing in our strengths and managing our weaknesses. Public input enables us to identify our strengths and weaknesses and determine where resources should be allocated in order to make our strengths stronger and ensure that our weaknesses are acknowledged and managed as needed.



Public input was gathered through the use of three methods:

1. **Community wide survey:** the Community wide survey was offered in an online and hard copy format. The questionnaire was written by SCEDD staff, with input from members of the Arapahoe Planning Commission and City Council.
2. **Stakeholder Interviews:** members of the community that were perceived to have special insight into the City of Arapaho, which involved local factors such as the history of the community, the business culture, local governance, and the real estate market, were interviewed. Interviewees included:
  - John E. Koller, Mayor
  - Chris Middagh, President of the Council
  - Brian Sisson, Chief, Arapahoe Volunteer Fire Department
  - Jennifer Einspar, Librarian, City of Arapahoe
  - Lorris Haarberg, Wagner’s Supermarket
  - Gayle Schultz, Arapahoe Public Mirror
  - Cindy Haussler, Sunshine Village Housing Authority
  - Nicole Kubik, City Clerk, City of Arapahoe
  - Mark and Linda Hamel, Heartland Partners Realty
  - Pastor Dave Welch, Arapahoe Christian Church



3. **Arapahoe Public School Focus Groups:** provided important information as the local school is often the fulcrum of a community and a key component of any local economic and community development strategy. Therefore, focus groups were conducted with elementary and secondary students as well as the principals of the elementary and senior high school.

**Community Wide Survey**

A total of 89 respondents responded to the survey. According to the land use inventory completed by SCEDD, a total of 431 occupied residences exist in Arapahoe. Assuming that each survey was completed by one household, the survey produced a response rate of 21%. This response rate generates a margin of error of 9.26.

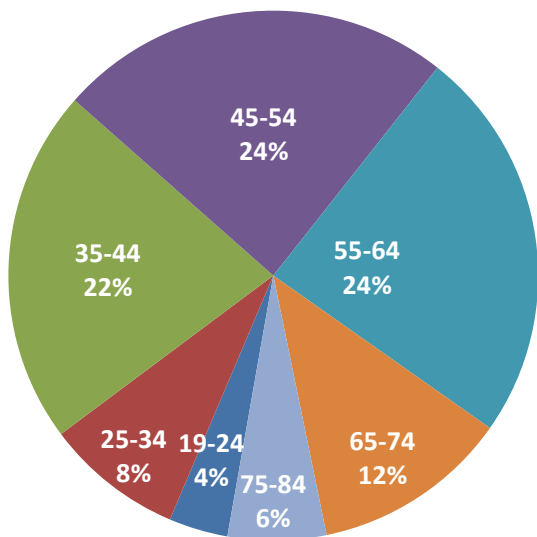
Arapahoe Occupied Residences	
Single Family	391
Vacant Houses	18
Multi-Family (duplex/townhome)	52
Mobile Home	6
<b>Total</b>	<b>431</b>
<hr/>	
Total Survey Responses	89
<b>Household Response Rate</b>	<b>21%</b>

Survey questions addressed city services, housing, economic development, and education. While a total of 46 questions were asked, the top 5 responses are identified and discussed within this chapter. These questions were chosen because they provided the largest amount of information about how the residents of Arapahoe feel about their community and prefer to see their town grow.

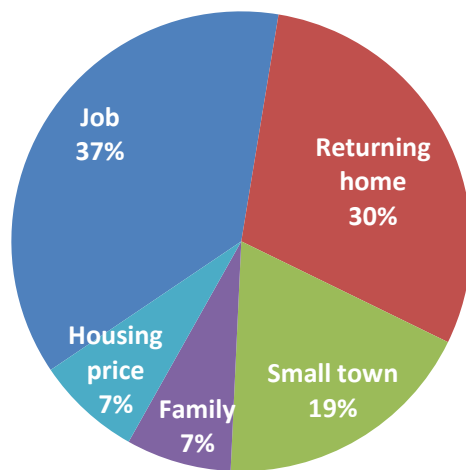
Source: Land Use Inventory, SCEDD 2014

The age breakdown of heads of household that responded to the survey was similar to that of the breakdown of the entire community, as provided by the U.S. Census. Like the community, the majority of respondents were from households that were headed by people aged 35 to 64 as these combined groups represented 70% of respondents. This age breakdown is also representative of the median age in Arapahoe, which is 46.

**Age of Head of Household:**



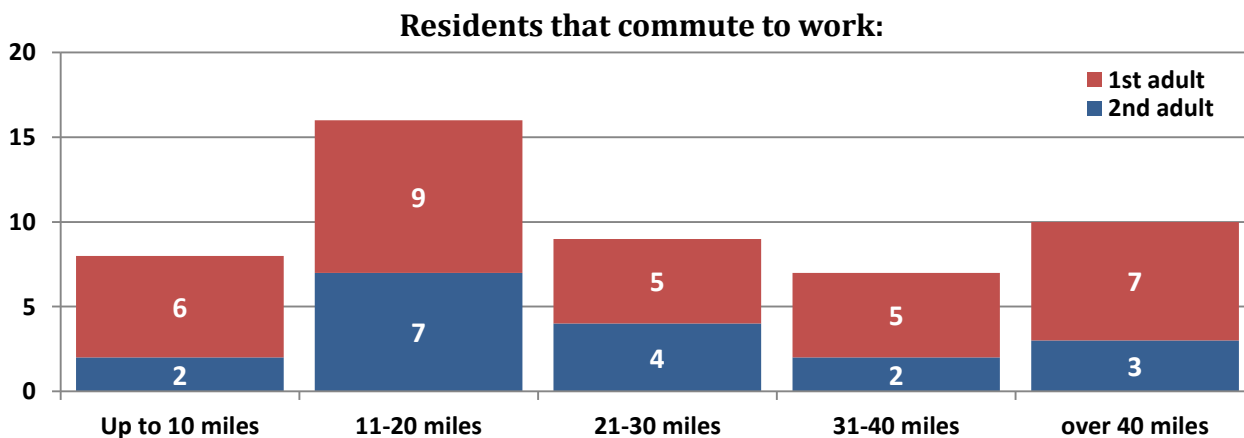
**Primary reason for moving to Arapahoe:**



Therefore, the public opinion provided in this survey represented mainly those individuals that are in their working and child rearing years. Those individuals that are in retirement age represented just fewer than 20% of respondents while young adults made up just over 10% of respondents.

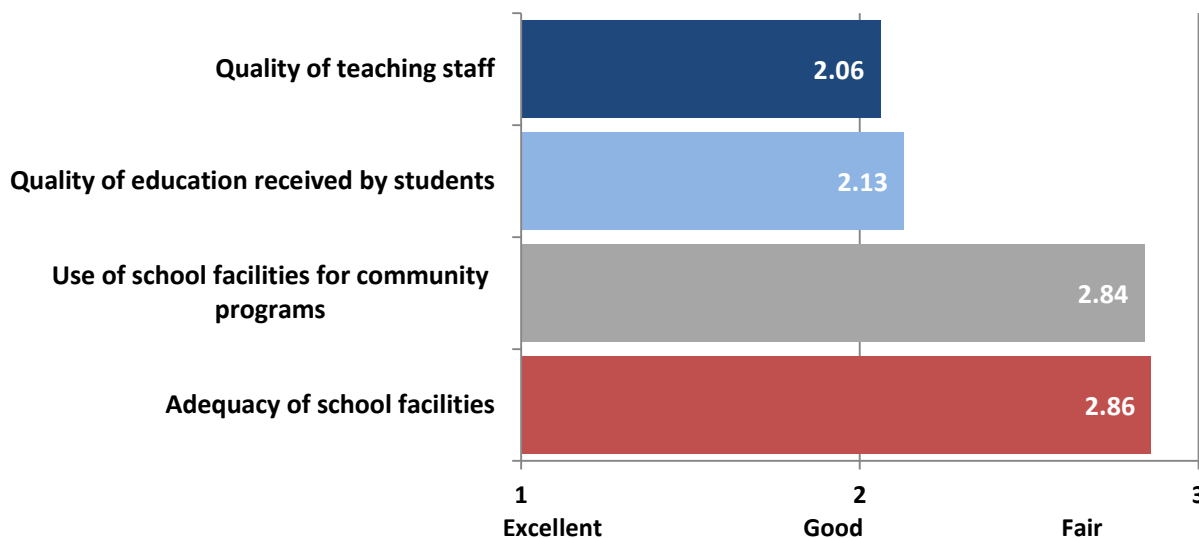
Over one-third of survey respondents that moved to Arapahoe in the past five years said that a job was the main reason they moved, while another third chose to move to Arapahoe so that they could return home. The third reason for choosing to move to Arapahoe was for the small town atmosphere. This mix of responses suggests that quality of life amenities will play an important role in attracting and retaining families that move in either for employment or quality of life reasons.

The importance of quality of life amenities for Arapahoe is also seen in the question concerning commute times. Thirty-three respondents commute outside of Arapahoe to report to work. In addition to providing a place for businesses, the City also provides homes for employees working in the region, but outside of Arapahoe. Several households had two adults that commute outside of the town to work, thereby stressing the importance of safety and quality school programs for youth whose parents are working outside of town.



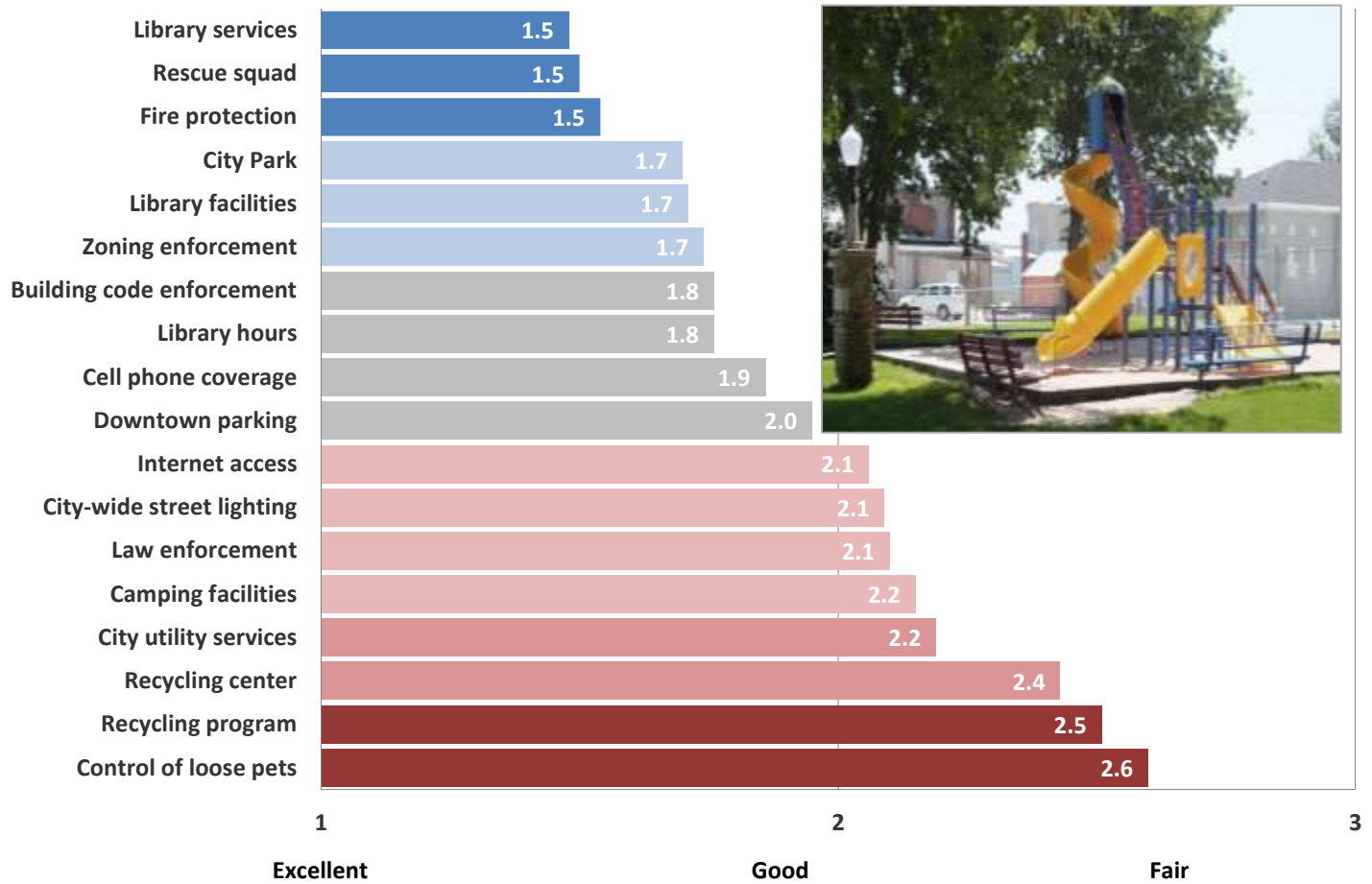
As is true in any rural community, the school system is an invaluable strength. Due to the importance of the Arapahoe Public School System to both economic and community development goals of the City, respondents were asked their opinion about the school. Respondents were more positive about the level of education than that quality of the facility.

**Please rate the following regarding the Arapahoe School:**



Overall respondents were mainly positive to neutral about services provided by the City of Arapahoe and other local government entities. The Arapahoe Public Library is a strong community amenity that should continue to be capitalized upon and invested in. While library services were rated the highest, the facilities and hours were ranked lower. These rankings suggest that accessibility through expanded hours and facilities should be considered in order to improve this strength. City Park is another highly favored strength for the City of Arapahoe. Recycling services were rated the lowest, followed only by control of loose pets; thereby suggesting that solid waste management is a weakness that must be managed. Camping facilities is the only recreational factor owned by the city that received a lower rating.

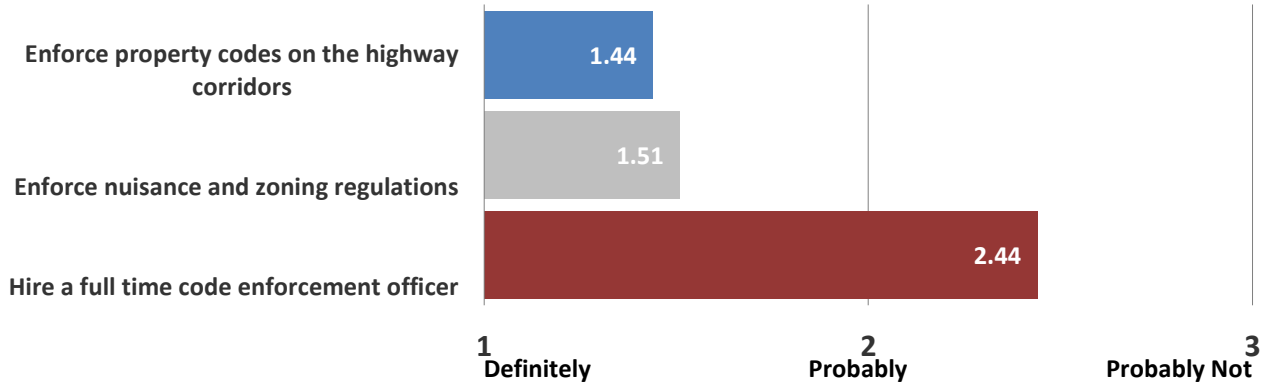
**Please rate the adequacy of:**



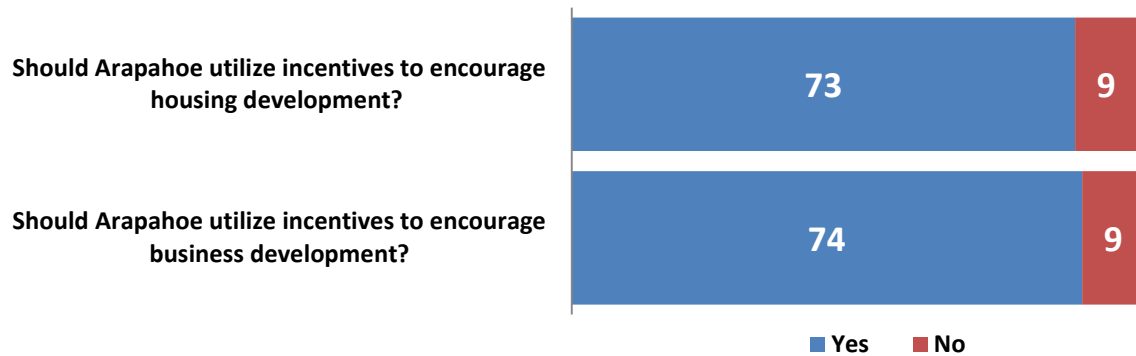
Enforcement of local codes, such as zoning, building, and loose pets, was ranked further away from excellent. Local codes are passed and enforced by the municipality: city staff, elected, and appointed officials. An important purpose of the comprehensive plan is to lay the foundation for local regulations, such as nuisance and zoning ordinances. Effective enforcement of local codes requires a consistent supply of local resources; therefore, residents were asked about the importance of enforcement.

Respondents demonstrated a strong desire to have local codes in existence and enforced. However, they were less desirous of hiring an additional full time employee to ensure that local codes are enforced. The City of Arapahoe will need to determine the best method for effective enforcement of local codes.

### Should the City of Arapahoe:



In addition to being asked about their support for code enforcement, respondents were also questioned about the use of incentives for housing and business development. Incentives are special programs usually offered by the federal, state, or local government to spur or support development. A desire for better housing choices and more businesses was reiterated throughout the public input process. According to the results of the following two questions, the community members would be supportive of using government funds to create, spur, or support business and housing development and growth.



The community-wide survey demonstrated that the majority of residents of Arapahoe are of working age, have moved to the town for a job or to be a part of the community’s small town atmosphere, and that a significant amount of adults work outside of the community. The school is an important strength that has been able to provide quality education that residents feel good about; however, the use and quality of school facilities was rated much less favorable.

City services and amenities such as fire and rescue, the City Park, and the library, were rated highly by respondents; however, other city services such as solid waste management (recycling), were rated less favorable and will need to be managed by city staff and leaders. Survey respondents were also favorable about code enforcement and development incentives for housing and business.

#### Stakeholder Interviews

Members from the community who have additional information concerning the past, present, and future of the City of Arapahoe were interviewed. The purpose of the individual interviews was to gain deeper insight about the city’s local government, business owners, and service providers. A summary of the interviews is provided below. Similar to the public survey, comments are recorded with special attention paid to community strengths that must be invested in and community weaknesses that must be managed. The observations made below came from statements that were repeated by different interviewees throughout the interview process.

## People

- Arapahoe feels like a “Norman Rockwell” painting.
- Large socio-economic gaps exist among residents in Arapahoe and nearby towns.
- Different demographic and economic groups are interwoven throughout neighborhoods: little separation.
- The amount of families that primarily speak another language than English is growing at a noticeable pace; library is an important source of services.
- The Community of Arapahoe feels ‘safer’ than neighboring towns.
- In order to add population, the Community needs to do a better job of telling its story.
- Arapahoe has the following amenities that makes the town attractive to families:
  - strength of the local school
  - availability of local movie theatre
  - quality recreational facilities (nice city park, swimming pool, and splash pad)
- People are much more mobile today than 20 years ago; much more coming and going.
- More young, low income people are coming to town to find a place to live.
- A growing number of employees from area agriculture employers want to locate their families in town.
- The pace of life in Arapahoe is comfortable.
- Arapahoe is a bedroom community for Holdrege, Lexington, Norton, and McCook.
- A serious drug problem exists in Arapahoe.
- Approximately  $\frac{1}{4}$  of the town’s residents are (financially) struggling to survive each month.
- Churches are main source of financial assistance; most likely to “fill the gap”

## Housing

- Rental housing availability is severely limited.
- Addressing local affordable housing is a component of the Library’s Accreditation Plan.
- On average, the City receives one request per day for available housing:
  - most requests are for rental housing
  - most requests come from people trying to move into Arapahoe
  - approximately  $\frac{2}{3}$  of people making the request would be considered low-income
- New dairy ownership has purchased three houses in Arapahoe to be used for their employees.
- The Northeast Addition has been platted by the City to build new housing units.
- “Slum Lords” exist in town that rent houses for minimal cost and maintain housing below minimal standards.

## Economy

- Employers struggle to find reliable employees; most applicants are unemployable.
- Retailers meeting daily needs have a large regional pull; however, majority of residents make at least one weekly trip to a surrounding community with a Walmart: Lexington, McCook, and Kearney.
- The number of food customers using public assistance is growing.
- The Downtown District has continued to keep its storefronts full.
- Majority of employees Downtown are making minimum wage.
- Arapahoe has a local economic development program funded by sales tax (commonly referred to as LB 840). Primary use of funds is for:
  - façade improvement in the Downtown
  - small business loans
- Agriculture is the mainstay of the local economy.
- Most businesses’ customers are agriculture related from the region.
- The City of Arapahoe has missed a lot of business opportunities that would have led to growth.



- Primary charitable need for working families is gas money; a large number of workers travel either into or outside of Arapahoe for work.

### **City/Local Government Services**

- Public transportation services are poor to non-existent; most local Pastors arrange transportation for people in need.
- Law enforcement is lacking in the community; Furnas County is the only county in Nebraska without a State Patrol Officer that is a resident.
- Furnas County Sheriff presence is limited.
- The City Library is heavily used by varied sectors of the community:
  - minorities/non-English speaking populations
  - children
  - groups in need of a meeting space
  - individuals/students in need of a private study space
  - physically disabled adults/children
  - households unable to afford internet access or cable
  - individuals that need access to a copy machine
- Expansion of City Library services would be difficult to impossible in the current building.
  - City Library is in need of space for adults and children to use the building simultaneously.
  - City Library has four new computers this year; children/elementary students cannot use computers if adults are in the library.
  - Visual access (i.e. who is in the library and entering the library) is not possible with current design.
- The Arapahoe Volunteer Fire Department is responsible for all fires inside of town and highway emergencies along the U.S. Highways 283 and 6/34.
- Ten emergency vehicles are currently stored under one roof.
- Holbrook will discontinue ambulance services in 2015; coverage for AVFD will grow.
- Significant amount of ambulant transports are drug related.

### **Community Vision**

Each interviewee was also asked why he/she believed that the City has been able to maintain population despite the ongoing outmigration trend that many Rural Midwestern Communities are experiencing. The answer from each person was similar in that each believed that the City is self-sustainable, has been supported by the farming families in the region, and has a culture of pride, self-sufficiency, and the desire to 'take care of our own'. Each interviewee was also asked why he/she believed that the City has never been able to experience significant growth. These answers were also similar in that each believed the community was resistant to change, lacked vision, and has been too comfortable with the status quo.

### **Education Focus Groups**

In order to understand the relationship of the Arapahoe Public School System with the City of Arapahoe and find out how the children feel about the community in which they attend school, a focus group was conducted with students, teachers, and administrators.

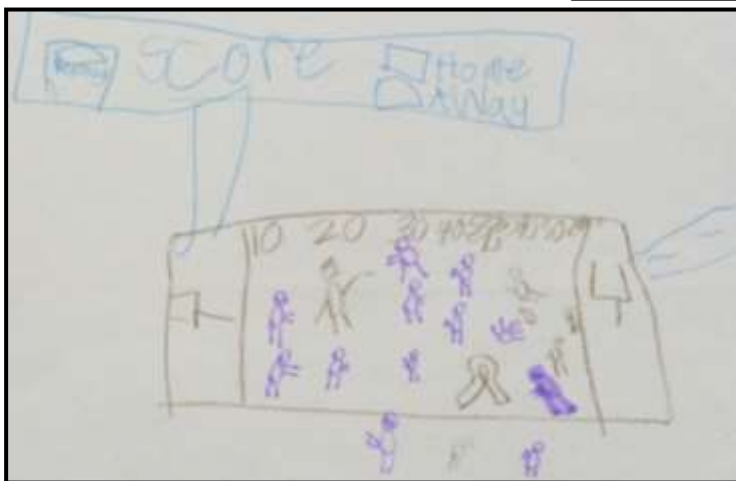
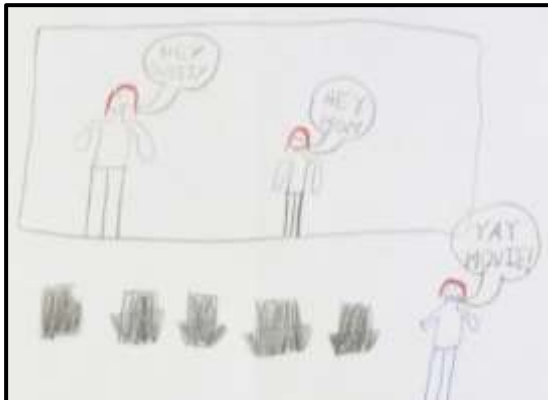
### **Elementary Students**

Children that attend the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> grades were asked to draw pictures of themselves in Arapahoe. The first rounds of pictures were of themselves doing what they love to do around town. Next, the students were asked to draw a picture of themselves in 10-20 years. Within this picture, they were asked to draw what they thought they would be doing in Arapahoe by that time. If they believed they would be living somewhere different, they were asked to draw a picture of themselves visiting Arapahoe.

**Draw a picture of yourself doing your favorite activity in Arapahoe:**

The most popular activities, as drawn by children, were:

- visiting the library
- attending ball games
- walking/biking around town
- playing at the swimming pool/splash pad
- watching movies at the community movie theatre



While the choices were unique, most children drew a picture of themselves living and working in Arapahoe in the next 10-20 years. The common theme across most pictures was that each child saw him/herself raising his/her children, going to work, or operating a business within the City.

**Draw a picture of yourself in Arapahoe in 10-20 years:**



**Senior High Students**

Representatives of the Arapahoe Senior High Student Council were asked to give a grade to certain aspects of the City of Arapahoe. Those aspects included public safety, transportation, city facilities, and neighborhoods.



A report card displaying the overall grades that the students gave to each characteristic is provided below.

Characteristic	Overall Grade
Neighborhoods	B
City Facilities	A minus
Public Safety	B minus
Transportation	C

In addition to providing a grade, students were asked to provide comments for each characteristic that led them to decide on the grade they chose.

The image shows four panels of handwritten student feedback on lined paper, arranged in a 2x2 grid. Each panel corresponds to a characteristic from the table above.

- Top-Left Panel (Yellow background):** Titled "Public Services / Safety". Comments include "Those cops on duty" and "more efficient police Dep.". The grade "B-(C)" is written at the bottom.
- Top-Right Panel (Yellow background):** Titled "Neighborhood". Comments include "clean", "mostly nice lawns", "a few abandoned houses", "Kids walking/biking around", and "friendly people". The grade "B" is circled at the bottom right.
- Bottom-Left Panel (Light Blue background):** Titled "Public Facilities". Comments include "pool needs updating", "Ella Mission is big + used often", "Baseball field may need mowing or attention", "Nicely mowed golf course", "park could use new attractions", and "theater is great". The grade "B-" is circled at the bottom right.
- Bottom-Right Panel (Pink background):** Titled "Transportation". Comments include "uneven streets", "broken sidewalks", "not many sidewalks", "potholes (some)", and "big dips". The grade "Grade: D-" is written at the bottom right.

## Public Input Summary

As information was gleaned from the three methods of gathering public input, special attention continued to be paid to investing in our strengths and managing our weaknesses. Community Strengths are those aspects of the community that have made Arapahoe strong and must be continued to be invested in to ensure they remain strong. Weaknesses are those aspects of community development that will always be present and must be managed in order to ensure they do not hold Arapahoe back. As strengths and weaknesses are identified and focused upon, special attention must be paid in order to ensure that improvement of weaknesses does not become so important that our strengths are neglected.

	Investing in our Strengths	Managing our Weaknesses
<b>Community Wide Survey</b>	Public safety (fire/rescue) are City's strengths	Strong support to enforce nuisance codes
	Residents value the local library	Majority wants expanded landfill services
	Camping facilities are in poor condition	Public is neutral to ignorant about city bldg. permit process
	Downtown has the best appearance	Recycling/landfill services were rated poorly
	Ella Missing is in excellent condition	Vacant houses and lots have the worst appearance
	Strong support for creating/retaining/recruiting business	Sidewalks and streets are in worst condition
	Majority of community in favor of housing incentives	
	Almost all residents live in a single family house	
	Approximately 10% of houses were built since 1990	
	Approximately 1/3 of residents are not living in an affordable housing situation	
	Well over half of residents are paying over \$100 per month for electricity	
	Sixty two children represented in the survey	
	Approximately 1/5 of survey respondents have only been in Arapahoe less than 5 years	
56% of respondents commute outside of Arapahoe to work		
<b>What other projects are needed in Arapahoe?</b>		
Ella Missing		Add and improve sidewalks
City Park		Improve streets
Library		Improve landfill service
Healthy Downtown		Poor public transportation
Support business transition		High cost of utilities
Attract families		Improve accessibility across all facilities
Combine recreation facilities		Continue with nuisance enforcement
Update movie theater		Community wide trash pick up
Improve campground		Maintain Downtown Street
Upgrade swimming pool		Clear vacant buildings/houses/lots
Add rental housing units		Decorative lighting in the Downtown
Continue to improve business facades		Access to a landfill
Use streets and sidewalks as trail system		
Add a sidewalk to Dollar General property		
Recruit Alumni back to community		
Add a walking trail		
<b>Stakeholder Interviews</b>	Several young families are moving into or staying in Arapahoe.	Law enforcement is noticeably absent.
	Arapaho is a bedroom community for nearby larger cities and agricultural industries.	Drug problem is present in town.
	Lack of housing choice is hampering the community's ability to grow.	Public transportation is lacking.
	Library is serving large sectors of the population.	Responsibility of AVFD is growing.
	Library's expansion needs are growing.	Low income population is growing.
	Despite proximity of Walmarts, Arapahoe is a regional shopping center (for daily needs).	Children and families are moving in and out of community at a rapid pace.
	Employers are willing to hire; quality workforce is scarce.	Lack of vision and direction has kept Arapahoe from experiencing growth.
	Economic Development program is in place and funded.	
	Movie theatre, swimming pool, golf course, and park attract families.	
	Available housing prevents major employers' abilities to recruit employees.	
	Value of education from School is incredible; facilities are in need of update/modernization.	
Arapahoe has a strong reputation as a "great place to raise a family"		
Influx of employees is changing the demographics of the community.		
Appearance of Downtown with full storefronts and activity is a strength.		
<b>Student Focus Groups</b>	Most elementary students see themselves living in Arapahoe as adults.	Traffic safety crossing highways is a concern.
	Ball park, community theatre, city park, and swimming pool keep children busy in town.	Vacant/dilapidated houses are noticed by students of all ages.
	High school students appreciate culture where "everyone is willing to help"	Children do not always feel safe and desire to see more law enforcement.
	Ball park is in need of drainage.	Drug activity around town is observed by students.
	Most common word used by Student Council to describe Arapahoe was 'friendly'.	Condition of most sidewalks is dangerous.

## Demographics

Identifying Arapahoe’s population patterns is an important step in the process of understanding its community development needs and policies.

Table 1.a provides insight into the city’s natural population change over the past 30 years, in comparison to Furnas County:

- After the 1980 recession, the population remained stable, yet never recovered fully to pre-1980 counts.
- The population of Furnas County has declined three times more than Arapahoe.

	1980	1990	2000	2010	30 Yr. Change	% Change
<b>Furnas County</b>	6,486	5,553	5,324	4,959	-1,527	-23.5%
<b>Arapahoe</b>	1,107	1,001	1,028	1,026	-81	-7.3%

Source: U.S. Census Bureau

Table 1.b below compares Arapahoe to Alma, Franklin, Red Cloud, and Furnas County both without and with Arapahoe’s population count.

Place	Total Population				Population Change			Percent of Change		
	1980	1990	2000	2010	80-89	90-99	00-09	80-89	90-99	00-09
Alma	1,369	1,226	1,214	1,133	-143	-12	-81	-10%	-1%	-7%
<b>Arapahoe</b>	<b>1,107</b>	<b>1,001</b>	<b>1,028</b>	<b>1,026</b>	<b>-106</b>	<b>27</b>	<b>-2</b>	<b>-10%</b>	<b>3%</b>	<b>-0.2%</b>
Cambridge	1,206	1,107	1,041	1,063	-99	-66	22	-8%	-6%	2%
Red Cloud	1,300	1,204	1,131	1,020	-96	-73	-111	-7%	-6%	-10%
Furnas Co. (excl Arapahoe)	5,379	4,552	4,296	3,933	-827	-256	-363	-15%	-6%	-8%
Furnas Co.	6,486	5,553	5,324	4,959	-933	-229	-365	-14%	-4%	-7%

Sources: Decennial Censuses, U.S. Census Bureau (Prepared by David Drozd, Center for Public Affairs Research, University of Nebraska Omaha on March 1, 2011)

Conclusions drawn from Table 1.b include:

- The predominant trend amongst rural communities has been one marked by a slowly declining population. Alma, Arapahoe, and Red Cloud are all similar in size and geographic characteristics. However, while the other cities’ and Furnas County’s populations continued to decline following the 1980’s farm crisis, Arapahoe’s population stabilized at just over 1,000 residents. The City of Cambridge saw a slight increase in population after 2000.

To gain a better understanding of the city’s future population dynamics it is important to look at the composition of the city’s population. Figure 1.c below examines the city’s population in 2000 and 2010, divided into five year age increments or cohorts. Annual Growth Rate increases suggest an in-migration of families with school-aged children.

- The median age of residents aged slightly, from 43 to 46 years old.
- In 20 years, this median age group will be approaching retirement age.

**Table 1.c -Composition of Arapahoe's Population**

SEX AND AGE	1990	1990	2000	2000	2010	2010	Change 1990-2010	Percent of Change	1990-2010 Growth Rate	Annual Growth Rate
	Total	Percent of Total	Total	Percent of Total	Total	Percent of Total	Total			20 years
<i>Total Population</i>	1052	100%	1,028	100%	1,026	100%	-26	-2%	-2%	-0.1%
Male	447	42%	440	43%	476	48%	29	6%	6%	0.3%
Female	554	53%	588	57%	550	52%	-4	-1%	-1%	0.0%
<i>Population by Age Groups</i>										
Under 5 years	49	5%	58	6%	69	7%	20	41%	41%	2.0%
5 to 14 years	118	11%	143	14%	126	12%	8	7%	7%	0.3%
15 to 24 years	86	8%	94	9%	115	11%	29	34%	34%	1.7%
25 to 34 years	120	11%	96	9%	93	9%	-27	-23%	-23%	-1.1%
35 to 44 years	100	10%	151	15%	90	9%	-10	-10%	-10%	-0.5%
45 to 54 years	76	7%	109	11%	174	17%	98	129%	129%	6.4%
55 to 59 years	99	9%	80	8%	117	11%	18	18%	18%	0.9%
65 to 74 years	147	14%	107	10%	89	9%	-58	-39%	-39%	-2.0%
75 to 84 years	141	13%	119	12%	89	9%	-52	-37%	-37%	-1.8%
85 years and over	65	6%	71	7%	64	6%	-1	-2%	-2%	-0.1%
Median age (years)	N/A	(X)	43.4	(X)	46.3	(X)	(X)	(X)	(X)	(X)

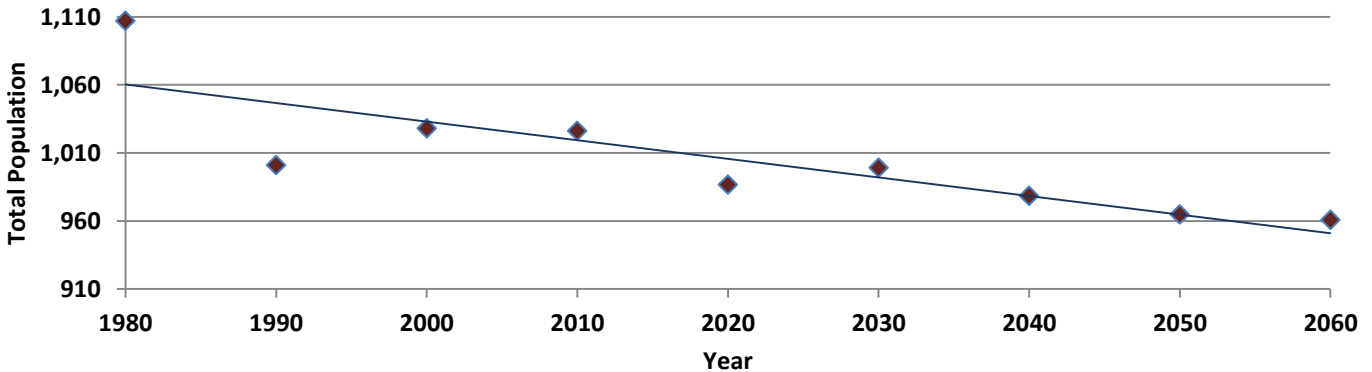
Source: U.S. Census Bureau, 1990, 2000, 2010

Chart 1.a is a prediction of Arapahoe’s future population trends, should the City continue to grow at the same pace it realized after 1980. This predicted population was determined based solely upon previous overall population trends beginning in 1980.

**Population Projection**

To this point, Arapahoe has been able to maintain population and see only minor losses or gains of people. Assuming that no major changes are made, the city will continue to see gradual losses in population that will create a steady decline.

**Chart 1.a Population Projection through 2060**



## Employment and Workforce

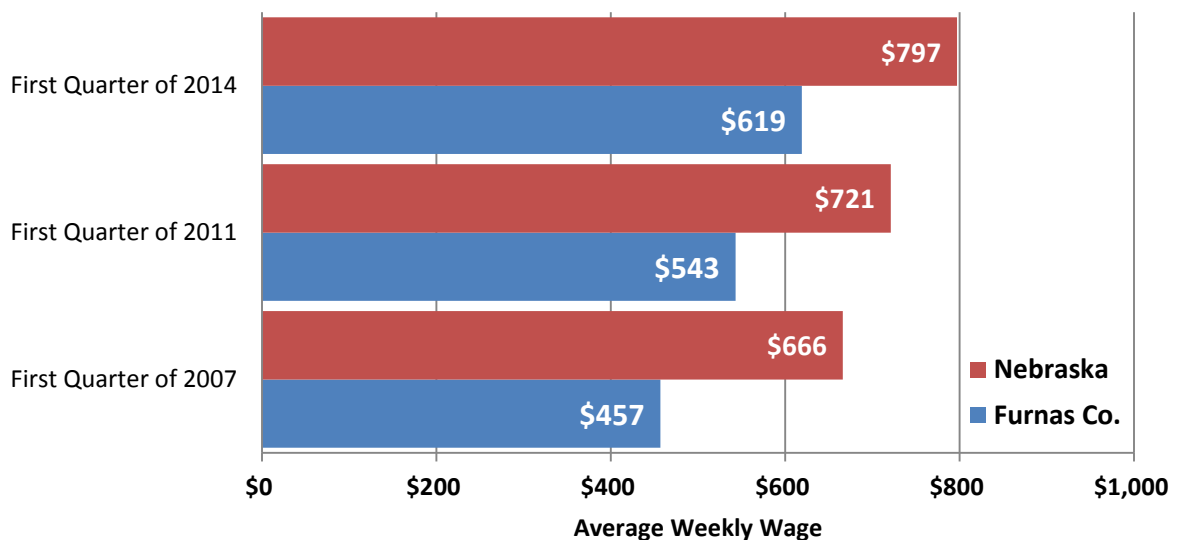
Unemployment is extremely low as Furnas County is not experiencing an unemployment rate higher than the state, and the county's rate was less than half of that for the nation.

Table 2.a – Unemployment Rate			
	1990	2000	2010
Furnas County	1.9%	2.8%	3.4%
Nebraska	2.3%	2.8%	4.7%
United States	5.6%	4%	9.6%

Source: Nebraska Department of Labor

### Chart 2.a Average Weekly Wages

(Source: Nebraska Department of Labor)



The average weekly wage for workers in Arapahoe is less than that of workers across Nebraska. However, wages have grown at a faster pace in Arapahoe than in the State as a whole. This could be because the cost of labor is strongly tied to the availability of quality labor. The low unemployment rate for Furnas County is indicative of a high cost of labor for employers in the region and may be related to the stronger growth in wages.

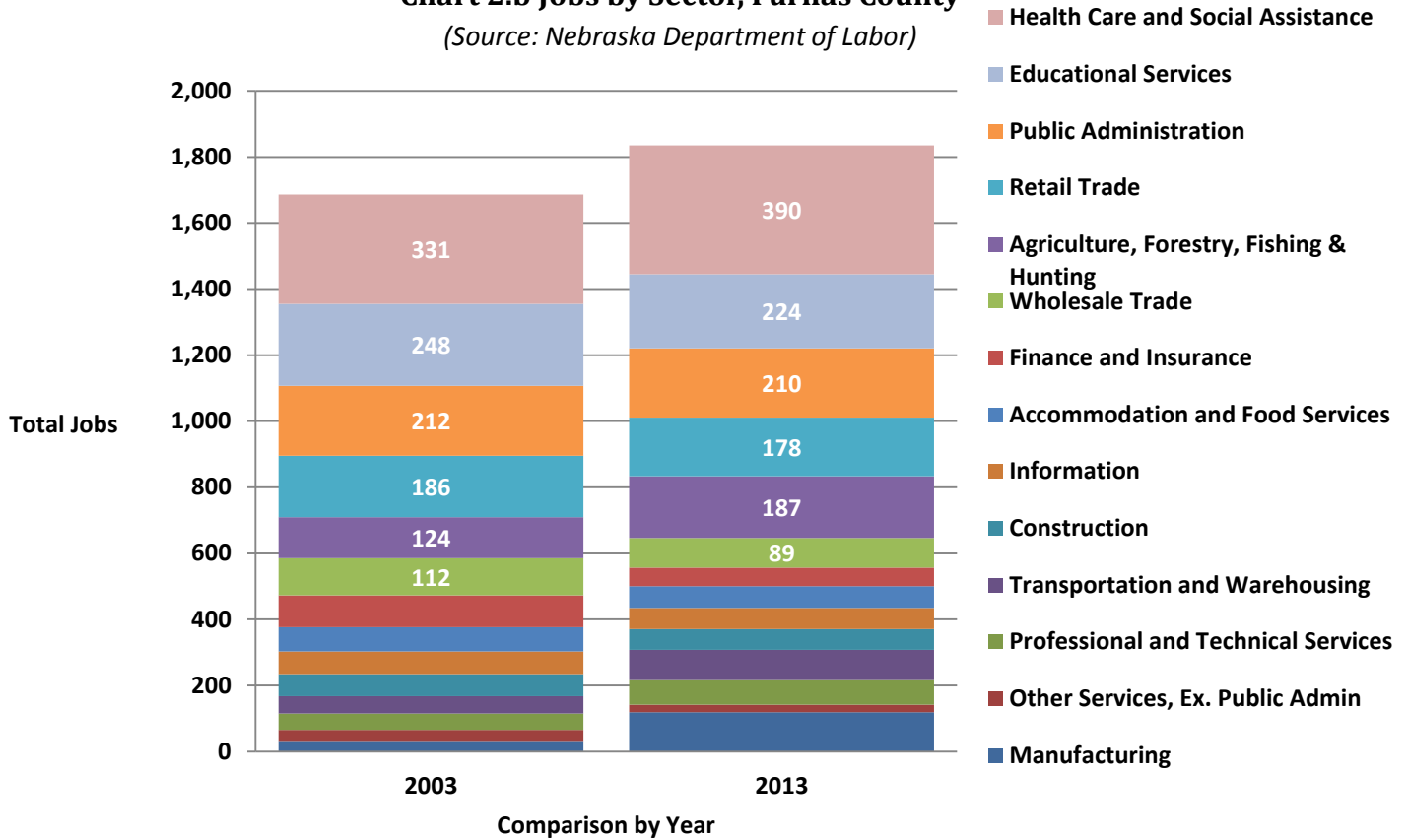
The following chart displays the number of jobs within each industry in Furnas County. This information displays the top source of employment. Fifteen sectors are displayed as only fifteen sectors in Furnas County have employees. The chart does not account for self-employed farmers, which is an important piece of information in this region. According to the 2007 Census of Agriculture conducted by the United States Department of Agriculture, approximately 261 individuals were employed by farms they owned in 2007.

If that number has risen or remained steady, then farming as a sole proprietor is the second largest employment sector in Furnas County, behind Health Care and Social Assistance, which employed 390 individuals in 2013. The third largest source of employment is Educational Services, which is followed closely by Public Administration.



### Chart 2.b Jobs by Sector, Furnas County

(Source: Nebraska Department of Labor)

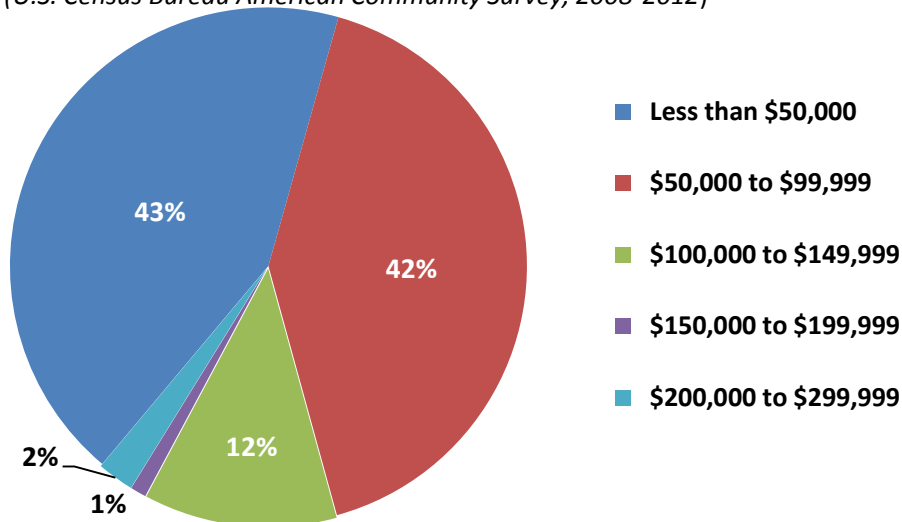


### Housing Trends

Arapahoe is facing the same struggle as other communities throughout the state: ample supply of housing stock. While all communities struggle with housing, the symptoms are varied from large numbers of vacant/abandoned properties to the construction industry struggling to keep up with demand to aging seniors facing limited options after the single family home to incoming workforce struggling to find a decent and affordable place to rent. The chart below indicates that the largest group of homes is valued at less than \$50,000 while the second largest group is valued between \$50,000 and \$100,000.

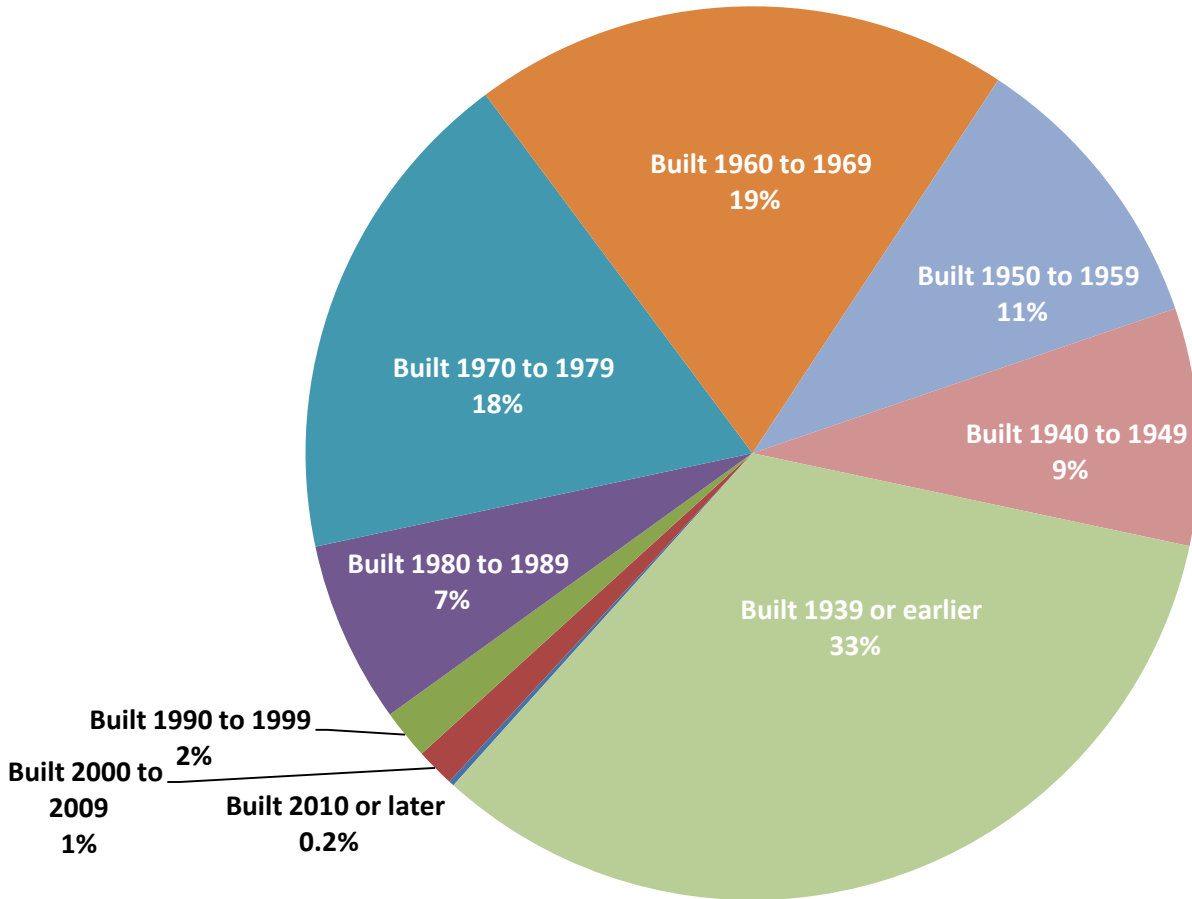
### Chart 3.a Estimated Home Value

(U.S. Census Bureau American Community Survey, 2008-2012)



The value of a home is closely tied to its age. Over 1/3 of the homes in Arapahoe were built prior to 1939. The next largest push of new homes in Arapahoe took place in the 1960s while the third largest push came in the 1970s. A generation of new housing construction was missed in the 1990s as less than 10% of new homes in Arapahoe have been built in the last 24 years (since 1990).

**Chart 3.b Year Housing Built**  
*(U.S. Census Bureau, American Community Survey)*



At the time that the Existing Land Use (ELU) Map was completed, seven homes were for listed for sale. Eighteen houses appeared to be empty and uninhabitable. Considering only the homes for sale, the city has a housing vacancy rate of only 1.6%. Generally, a vacancy rate of 7% is considered a healthy level of demand. If the eighteen homes were restored and put back on the market, the city would still have an extremely low vacancy rate, indicating that the city has an unmet demand for housing.

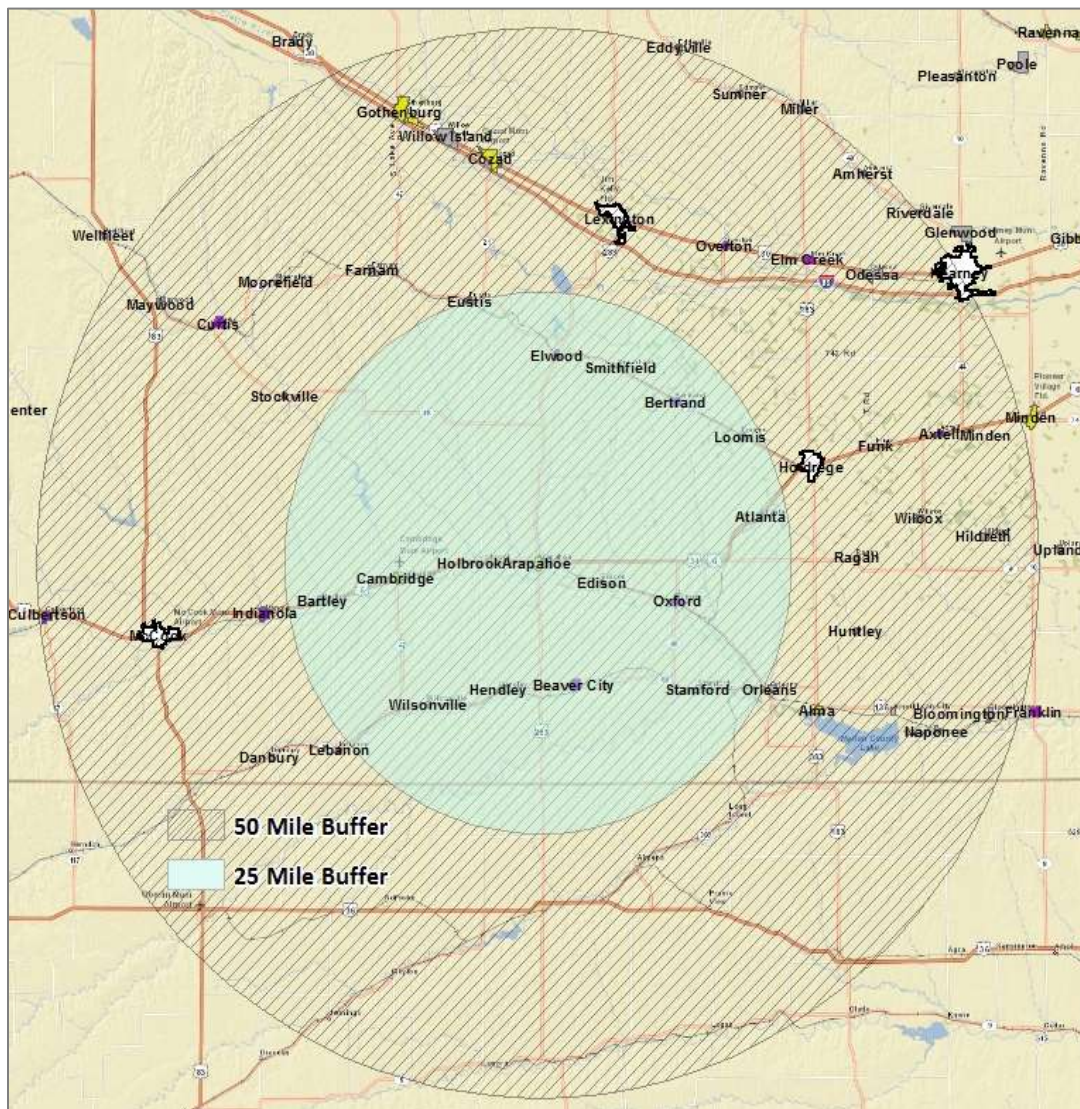
Arapahoe, 2014 Residential Vacancy Rate			
Residential Parcels	Vacant, Empty	Vacant, For Sale	Vacancy Rate
431	<b>18</b>	7	5.8%

*Source: South Central Economic Development District, 2014 Existing Land Use Inventory*

## Economic Projections

Similar to what has taken place in the past, agriculture will continue to provide the base for industry in Furnas County. In addition to those secondary businesses that support local farming, ranching, and livestock production, the City is also home to ATC Communications, which employs approximately 20 individuals. Another important employer and economic development priority is Arapahoe Public Schools, which employs approximately 30 individuals.

### Arapahoe, Regional Employment Centers



The City of Arapahoe is located within commuting distance of a handful of nearby, larger economic centers such as Lexington, Holdrege, and McCook.

Families that are employed in these larger centers are often more attracted to the recreational amenities, quieter neighborhoods, and quality education that Arapahoe offers.

Therefore, while some heads of households may choose a job in a larger city, they will choose to raise their families in a bedroom community such as Arapahoe.

Employment characteristics show that those in Arapahoe that want to be employed are working and that wages, overall, are growing at faster pace in Furnas County than the state. The strength of agriculture, the presence local employers such as ATC Communications and Arapahoe Public Schools, and the opportunity to serve as a bedroom community present a positive economic future for Arapahoe. In order to take advantage of that potential, the community will have to provide more housing options for people of all income levels and familial statuses. The city will also need to work to encourage ongoing commercial development on its Highway Corridors.

## Land Use and Annexation

The ability to understand land use, its current patterns and impact on the future of Arapahoe is a crucial piece of successful community planning. As required per Nebraska Revised Statutes, Section 19-903, the land use element of the comprehensive plan must:

[D]esignate the proposed general proposed general distributions, general location, and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land.

As required per Nebraska Revised Statutes, Section 19-903, the annexation element of the comprehensive plan must:

[i]dentify sanitary improvement districts, subdivisions, industrial tracts, commercial tracts, and other discrete developed areas which are or in the future may be appropriate subjects for annexation and (b) a general review of the standards and qualifications that should be met to enable the municipality to undertake annexation of such areas. Failure of the plan to identify subjects for annexation or to set out standards or qualifications for annexation shall not serve as the basis for any challenge to the validity of an annexation ordinance.

The Arapahoe Comprehensive Plan considered the existing land use pattern in Arapahoe. This was made possible through the compilation of an Existing Land Use (ELU) Inventory and Map. The ELU Map was utilized during a Visioning exercise where members of the Planning Commission and City Council provided guidance for moving from the ELU Map to the FLU Map. The resulting Future Land Use (FLU) Map will serve the City as a decision-making guide for future development decisions and a reminder of the City's goals for the future. The FLU Map will also provide the base of the City's Zoning Map.

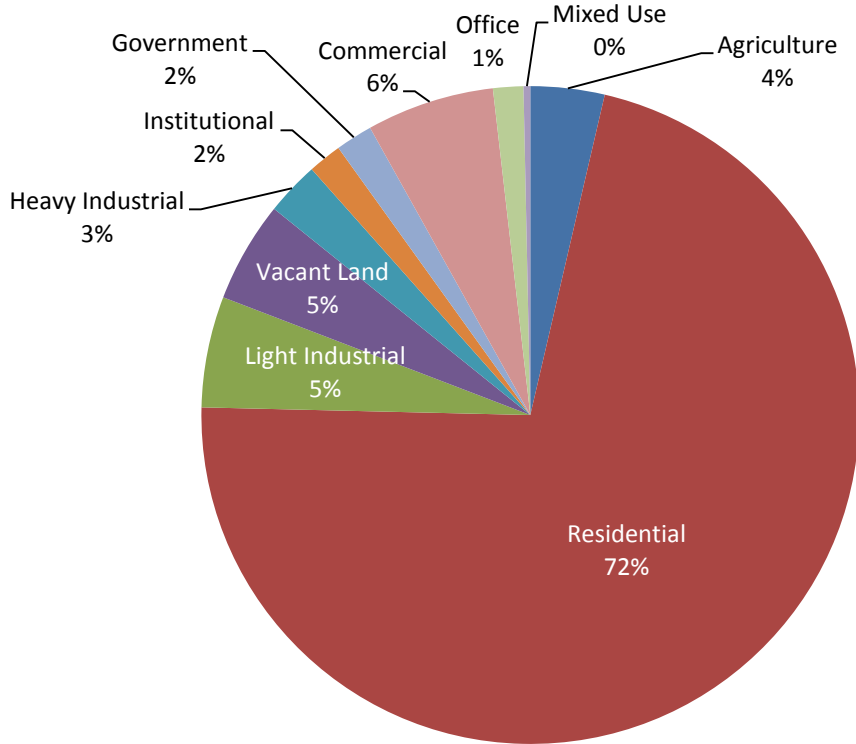
### Existing Land Use Inventory

An inventory of Arapahoe's current land uses also provides clues about the current housing situation as this inventory provides information about what types of uses are covering the city.

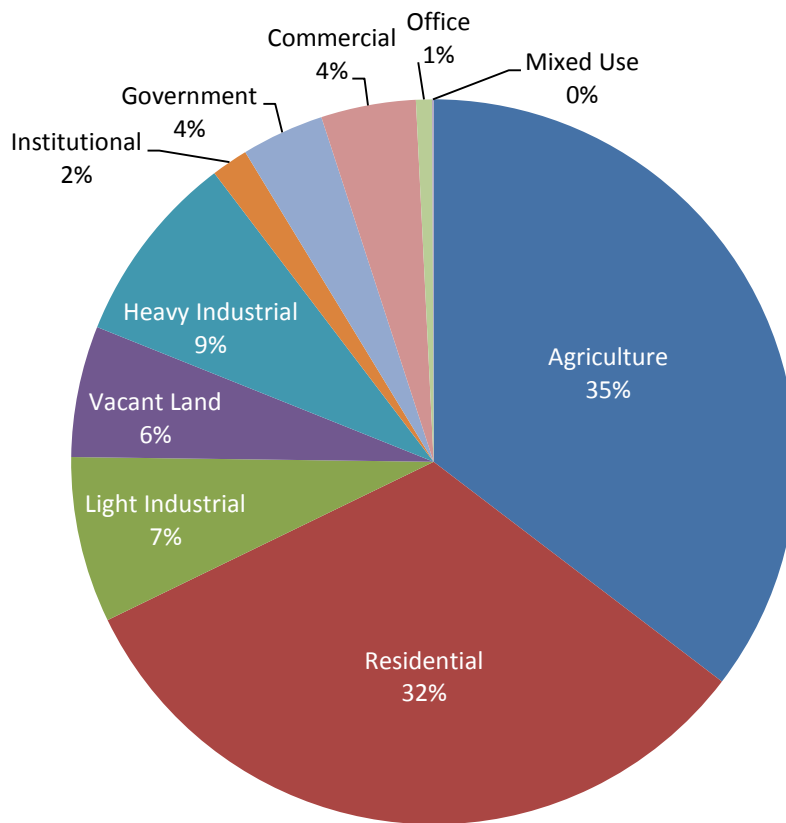
The City is primarily covered by residential units, with the majority of vacant and agriculture lands located on all four edges of the town. Industrial uses are mainly clustered in the southwest corner while the majority of commercial uses are located on the south side of Highway 6/34 and in the Downtown. Arapahoe Public Schools covers a large amount of space in the northwest quadrant of the city; however, the school is essentially landlocked.

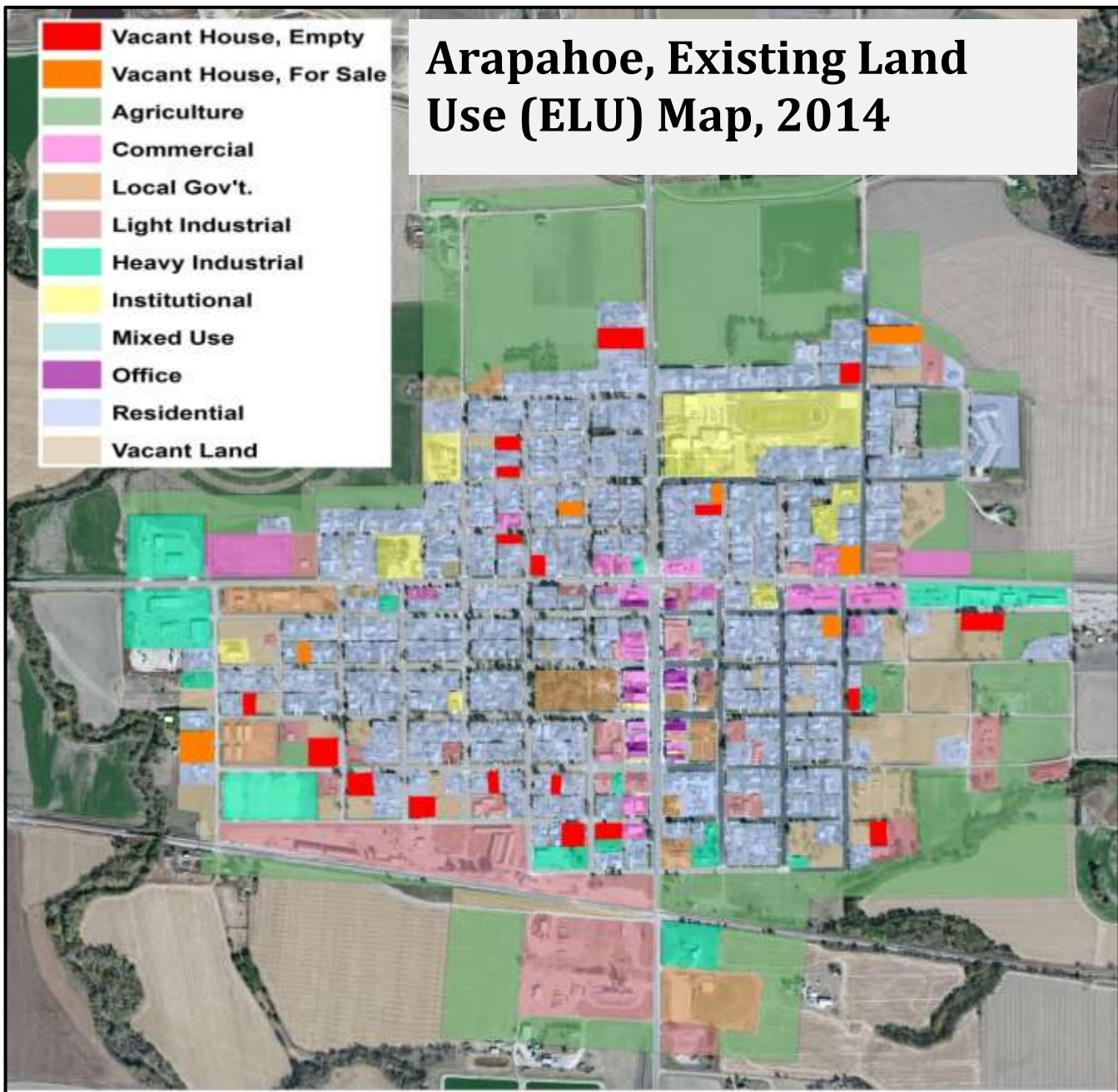
The recent construction of the Dollar General Retail Store on the east side of Arapahoe combined with the recent opening of the BOWLING ALLEY on the west side is indicative of the potential of commercial development that could take place on the North side of Highway 6/34. The FLU Map also shows the amount of vacant, empty housing structures that are scattered across the town. Public input consistently documented the need for more housing units. These scattered sites represent a potential to increase affordable housing options.

### Arapahoe, Percent of Total Existing Land Use (Parcels)



### Arapahoe, Percent of Total Existing Land Use (Acres)





## Arapahoe, Existing Land Use (ELU) Map, 2014

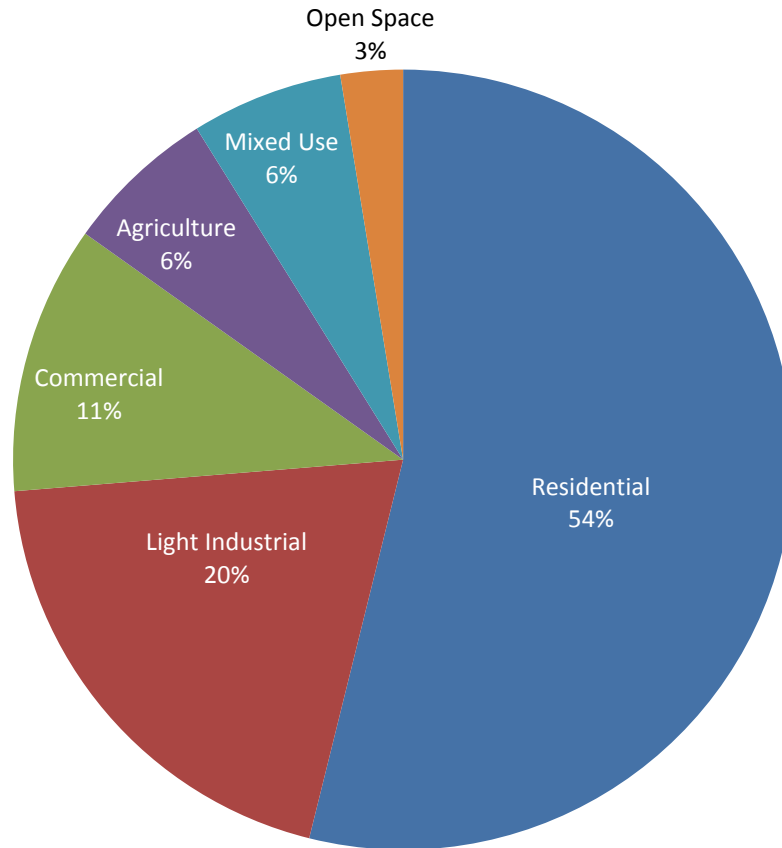
### Future Land Use Map

In order to create the Future Land Use Map, the City Council and Arapahoe Planning Commission participated in a Visioning Session where the following tasks were completed:

- Review of public input gathered throughout the planning process
- Discussion of public facility needs that included: the City Library, Arapahoe Volunteer Fire Department Fire Station; Arapahoe Public Schools; park lands and recreational facilities
- Review of Existing Land Use (ELU) Map
- Discussion of goals for the future of Arapahoe

At the completion of the above tasks, meeting participants were asked to provide input about future land use patterns in Arapahoe by drawing on a blank aerial map of the City. Input provided through the Vision Session was considered in addition to public input, population and economic projections, and current use patterns. Those factors produced the resulting Future Land Use Inventory and Map which are displayed below.

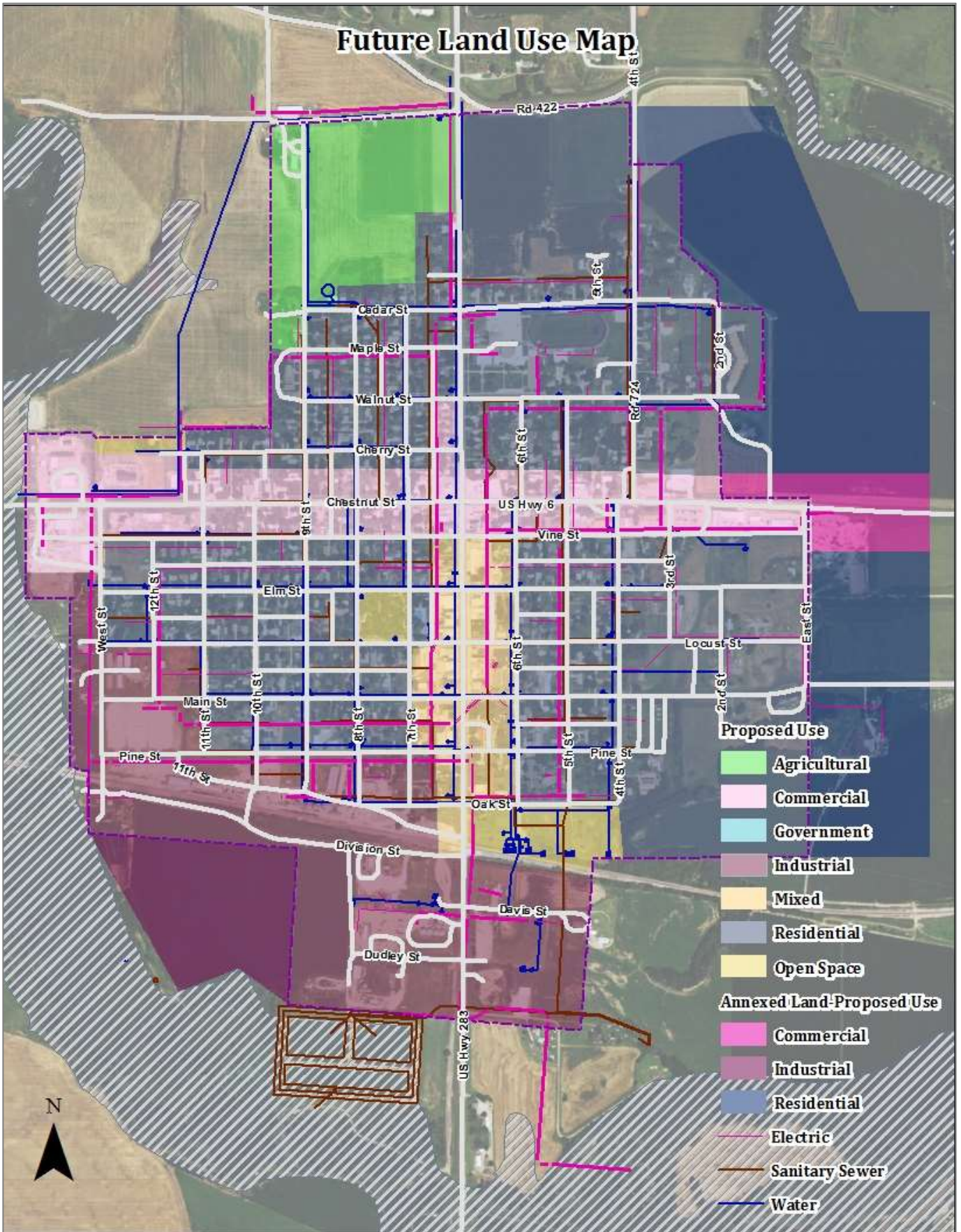
## Arapahoe, Proposed Land Use, 2030



The resulting Future Land Use Map is an illustration of the following assumptions:

1. Agricultural lands will no longer be the largest user of land as those lands within the City today as it will ultimately be developed into residential and commercial uses.
2. Residential parcels along the Highway 6/34 corridor that become uninhabitable will be phased out and replaced by commercial uses.
3. Vacant/empty residential units scattered throughout the community will be returned to inhabited residences as part of the community's strategy to increase housing opportunities in the City.
4. The Downtown will be a densely-mixed district consisting mainly of commercial, residential, and retail uses.
5. Buildings in the Downtown that cannot be saved will be replaced with new buildings able to accommodate commercial and residential uses.
6. The City will mainly grow to the east due to the presence of the 100 year floodplain.
7. Due to the presence and potential expansion of the feedlot located northwest of Arapahoe, new residential units should be constructed on the northeast, east, and southeast side of Arapahoe.
8. The southeast corner should be reserved for potential needs to expand industrial uses in the City.
9. Commercial expansion along the Highway 6/34 Corridor should be located on the east side, also due to the presence of the 100 year floodplain.
10. The City has two main parks; the City Park is located inside the city while the South Park project is located south of Oak Street. This is sufficient park space for the City's current population and capital upgrades to parks should take place on one of these two park sites.

# Future Land Use Map





## Future Land Use-Goals for Preservation and Growth

The Future Land Use Map provides a representation of the City's goals as well as policy implications that should be consulted by the Council when making decisions. Those goals are summarized below:

1. Housing:
  - A. Vacant lots and houses throughout the city present the best potential for affordable housing; these empty houses should be redeveloped back into habitable homes.
  - B. A significant amount of vacant land (app. 30 acres) exists within the city, on the southeast corner. This land should be considered for multi-family and affordable housing. The city must be prepared for this opportunity as the presence of infrastructure is limited.
  - C. Market rate and new construction homes should continue to be added on the northeast.
  - D. Northwest development should be avoided in order to accommodate development of feedlot located just northwest of town. Open space and agricultural use should be preserved.
2. Commercial Development:
  - A. Commercial land uses provide numerous sources of revenue. Increasing the amount of commercial uses along the highway corridors and especially in the Downtown would be beneficial as additional commercial sales would fund the local economic development program as well as draw in travelers off of the Highways 6/34 and 283.
  - B. As opportunities become available, the city should phase out abandoned and/or poorly maintained houses along the Highway Corridors and encourage the development of new commercial uses.
3. Downtown District:
  - A. As issues arise, the City of Arapahoe should decrease the amount of property it owns as well as encourage the demolition and new construction of compatible buildings in the Downtown.
  - B. A key strategy to preserving Downtown Districts is increasing the amount of pedestrian traffic in the area; therefore, the city should strive to encourage the development of a wide range of uses. \*\*\*Zoning and building regulations within this District must be flexible.
  - C. The Downtown provides a key source of affordable, rental housing while individuals seeking rental housing provide a key source of pedestrian traffic to the Downtown. Therefore, rental/apartment housing should be allowed and encouraged in this District.
  - D. Buildings in the Downtown should come down and they should be replaced with modern buildings.
4. Public Facilities
  - A. As the community grows and smaller surrounding communities become less capable of responding to emergencies, the city will need to consider expanding the fire station.
  - B. The library has begun to document a need for expanded programs and space.
  - C. Arapahoe Public Schools is not owned by the city; however, it is a key community and economic development asset for the city. The Council should remain aware of the needs of the Arapahoe Public Schools System and search for areas of joint gain and resource sharing whenever possible
5. Annexation
  - A. Agricultural uses north of town may hold the most potential for new housing development while residential and industrial uses along the Highways may hold the best potential for new business development. The city has an abundant amount of undeveloped, agricultural land within city limits; thus, annexation for residential use is not a priority.

- B. As commercial development continues to happen along the Highway 6 Corridor, the city may need to continue to annex land in order to serve businesses and promote economic development.

## Major Transportation Routes and Facilities

As required per Nebraska Revised Statutes, Section 19-903, the transportation element of the comprehensive plan must include:

[T]he general location, character, and extent of existing and proposed major roads, streets, and highways, and air and other transportation routes and facilities.

The City of Arapahoe owns two major transportation assets that carry people into, out of, and around the city which includes streets and sidewalks.

### Streets & Sidewalks

Arapahoe is located at the intersection of two major U.S. Highways.

1. U.S. Highway 283: is a spur of U.S. Highway 83, which spans across the U.S. from Canada to Mexico. According to traffic counts recorded by the Nebraska Department of Roads (NDOR), more than 2,500 north and south bound vehicles passed through Arapahoe on a daily basis in 2012.
2. U.S. Highways 6 & 34: U.S. Highway 34 runs through the Rocky Mountains in Colorado and terminates on the west side of Chicago. U.S. Highway 6 stretches across the Nation from Bishop, CA to Provincetown, MA. Also, according to NDOR counts, over 4,000 east and west bound vehicles passed through Arapahoe daily.

### Nebraska Department of Roads, 2012 Daily Traffic Counts



### Safety

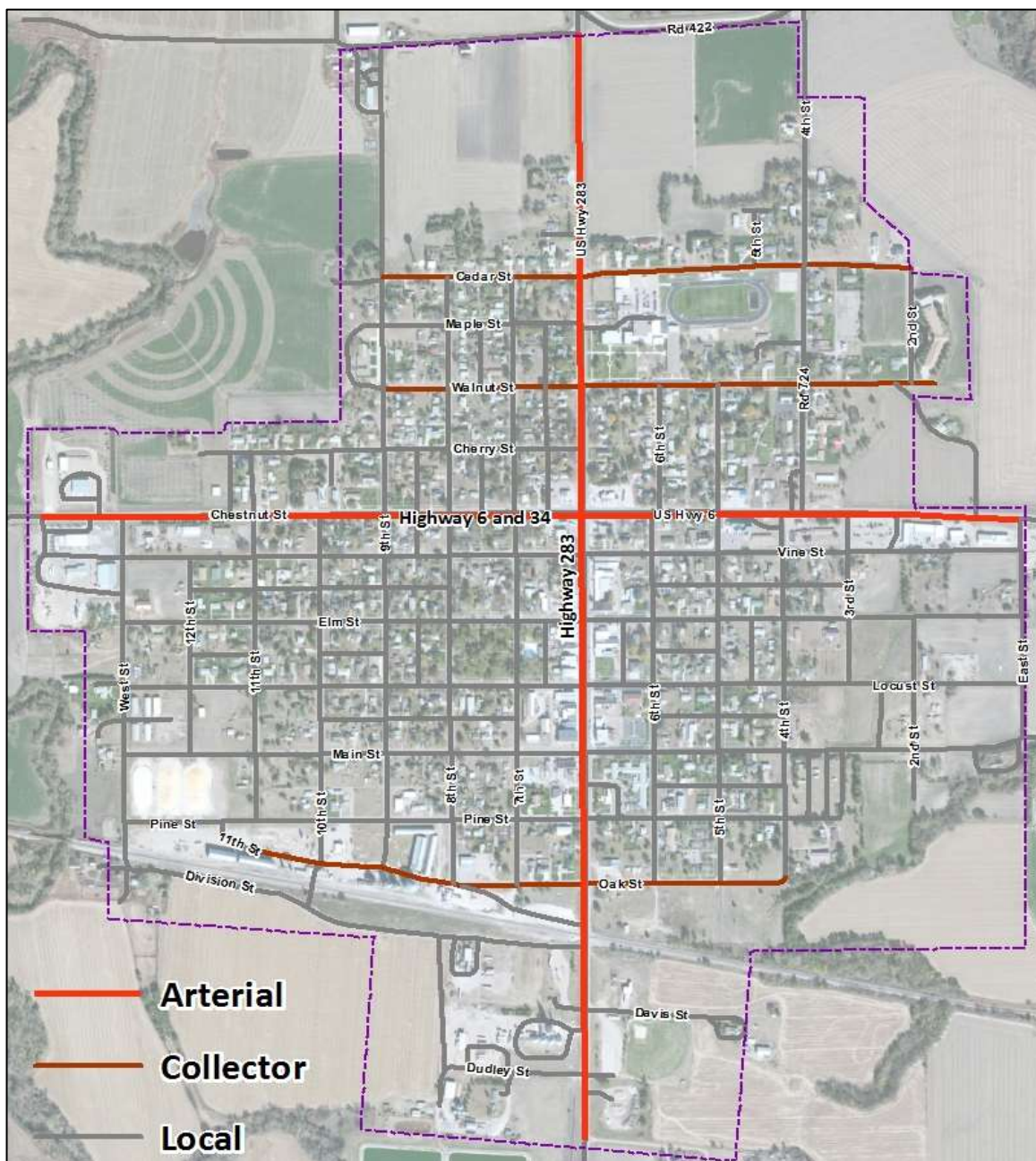
The location of these U.S. Highways makes them a strategic asset for the local economy; however, they also present some safety risks, particularly for school aged children that must cross a Highway to get to school. The Nebraska Department of Roads (NDOR) is the primary point of contact for installing safety devices. NDOR has a relationship with the Arapahoe Public Schools and has installed an In-street School Crossing Sign on North

Highway 183. The NDOR Traffic Engineering Division has, at the request of the District 7 Engineer, begun to study the school crossing issue for both highways and the city should work with NDOR on ensuring the safe crossing of both Highways.

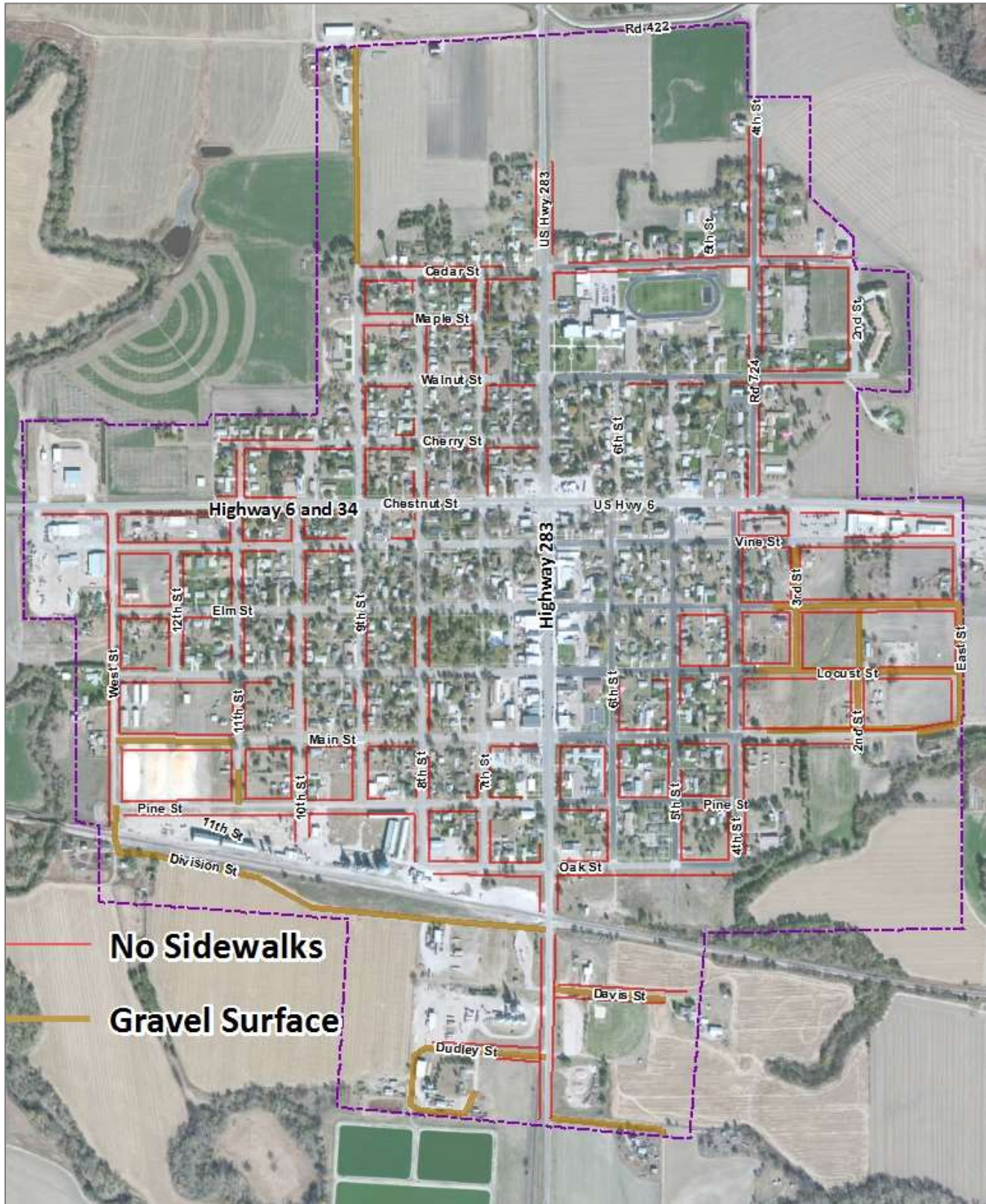
In addition to U.S. Highways, the City of Arapahoe has approximately 400,000 feet of local and collector streets. Local streets provide access to private property while collector streets move traffic from local streets to arterials; delivering people to private residences is a secondary function of collector streets. The arterial streets within the city's corporate limits are maintained by the Nebraska Department of Roads (NDOR). The city pays NDOR for maintaining these lane miles.

Arapahoe Roads, Functional Classification	
Function	Length (feet)
Arterial (Highways)	12,420
Collector	9,448
Local	405,208
<b>Total</b>	<b>427,076</b>

*Source: U.S. Census Bureau Master Address File*

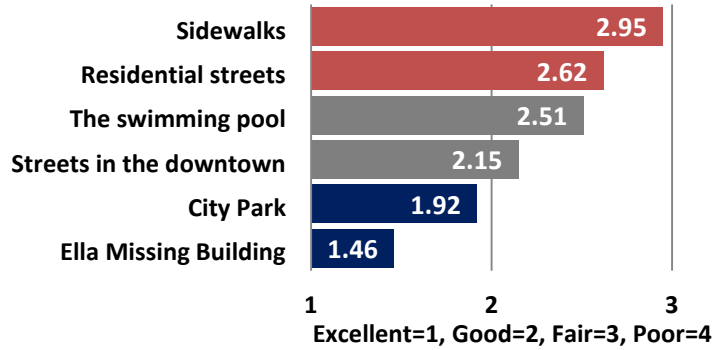


Within the city limits, the city has approximately 77,000 linear feet of missing sidewalks along streets and approximately 14,000 linear feet of gravel streets. Due to traffic activity and maintenance costs, gravel is an appropriate surface for some streets.



Maintaining the streets and sidewalks system is an important priority and expensive function for the city. The City Engineer, Olsson Associates, submits a 1 & 6 year plan to NDOR. As long as the 1 & 6 year plan is completed annually, the city receives Highway Allocation Funds from NDOR. For the 2015 fiscal year, the city received approximately \$145,000, all of which is deposited directly into the Street Department (General) Fund.

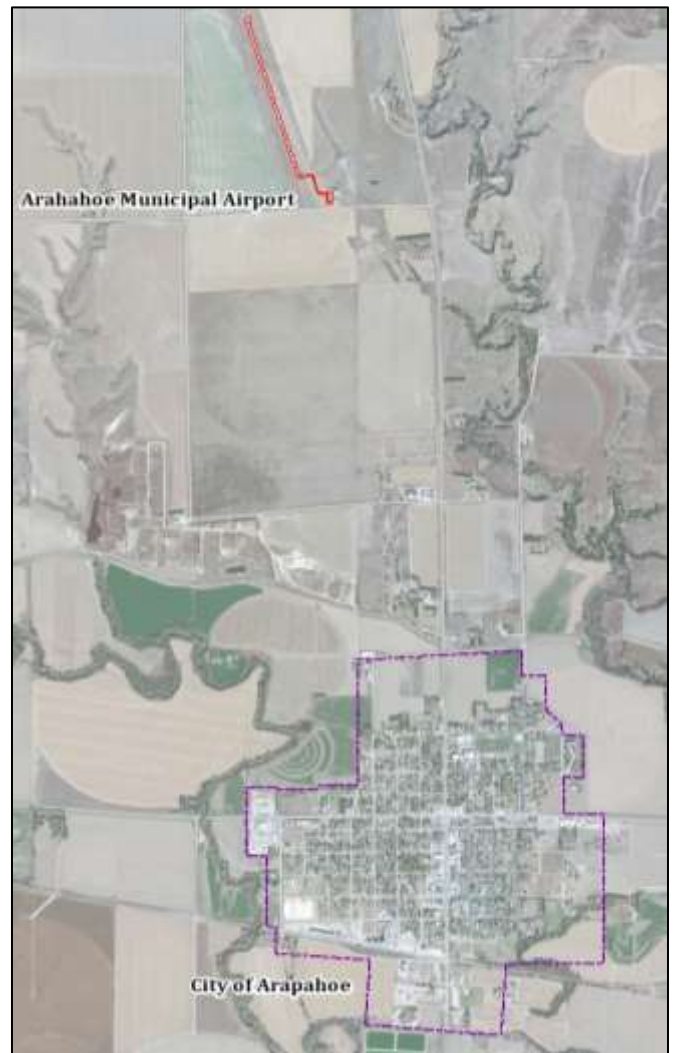
**Please rate the physical condition:**



When asked about the physical condition of city owned facilities, streets and residential sidewalks received the lowest rating from respondents. Eighty percent of survey respondents also said that increased street repair was definitely or probably needed in Arapahoe. Many open ended responses within the community survey also voiced concern for the condition of the city’s streets and sidewalks.

**Arapahoe Municipal Airport**

The airport has a 3,000 by 150’ paved strip, which is located approximately two miles northwest of the city. The airfield has limited use by mainly private pilots. However, similar to the highways that intersect the city, the airport is an asset that links the city with the rest of the world and therefore impacts its potential for economic growth. The airport does have hangar storage capacity, which is mainly occupied by automobiles. An important asset to the airport is its 24 hour fuel system, which is advertised nationwide across appropriate pilot venues.



## **Transportation-Goals for Growth and Preservation**

A safe, accessible, and efficient transportation system is essential to the smooth functioning of the City of Arapahoe. The level of ease or difficulty that residents and businesses experience when moving in, out, and around the city will impact Arapahoe's future population counts. Transportation is an asset that will require ongoing public support in order to continue to attract private investment.

### **1. Maintenance**

- A. In 1991, the city bonded approximately \$1.8 million to asphalt the entire street system, with the exception of some outlier streets, which have remained gravel surfaced. Although that bond has been recently paid back, the age of the asphalt is approaching 30 years and will require more than maintenance to prevent their return to gravel surfaced.
- B. Good streets and sidewalks are a basic necessity for any healthy community; however, maintaining each road in the city as a paved surface may not be financially feasible. The city should establish a capital improvement plan for its streets system and determine which streets are most important to the city's transportation system.
- C. Once a neighborhood is established, the installation of new sidewalks is difficult. Per city ordinance, sidewalk maintenance is the property owner's responsibility. Requirement of the owner to maintain his/her sidewalk is the most feasible way for the city to maintain its sidewalk system.

### **2. Safety**

- A. In areas where sidewalks are not present, the local street system is also the local sidewalk system. The width of streets and lack of traffic activity makes "sharing the road" feasible in some neighborhoods. Furthermore, the local culture accepts pedestrian use of streets.
- B. Instead of installing sidewalks within an established neighborhood, where necessary, the city could stripe the pavement to create a lane and raise motorist awareness of bicyclists and pedestrians.
- C. The City of Arapahoe, Arapahoe Public Schools, and Nebraska Department of Roads (NDOR) should work together to address the safety of pedestrians crossing Highway 6 and 34, particularly school aged children.

### **3. New Development**

- A. Maintaining the local transportation system is one of the most necessary and expensive functions of city government. As transportation assets are installed and upgraded, the city should require high quality development, which may be more costly up front, but will ultimately save the city resources as those assets are maintained in the future.
- B. Going forward, the city's subdivision regulations should ensure that new developments meet the following, basic requirements:
  - Streets should be installed with concrete (instead of asphalt or gravel)
  - New streets must have curb and gutter, or some basic storm water disposal system
  - All new developments must have (minimum) 4' wide sidewalks

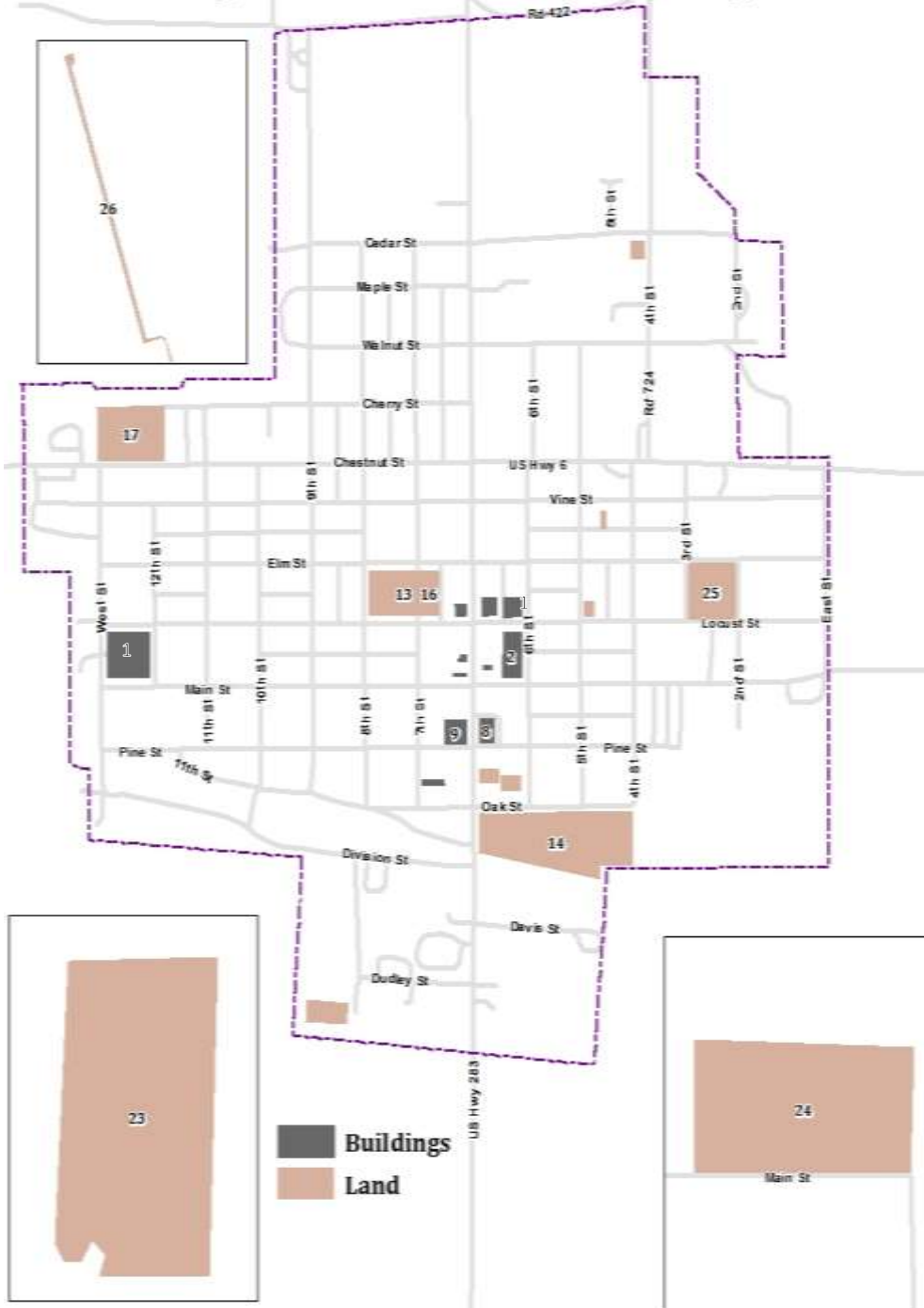
# Present and Projected Community Facilities

As required per Nebraska Revised Statutes, Section 19-903, the community facilities element of the comprehensive plan must include:

[T]he general location, type, capacity, and area served of present and projected or needed community facilities including recreation facilities, schools, libraries, other public buildings, and public utilities and services.

## Public Lands and Buildings

### Arapahoe Public Lands and Buildings



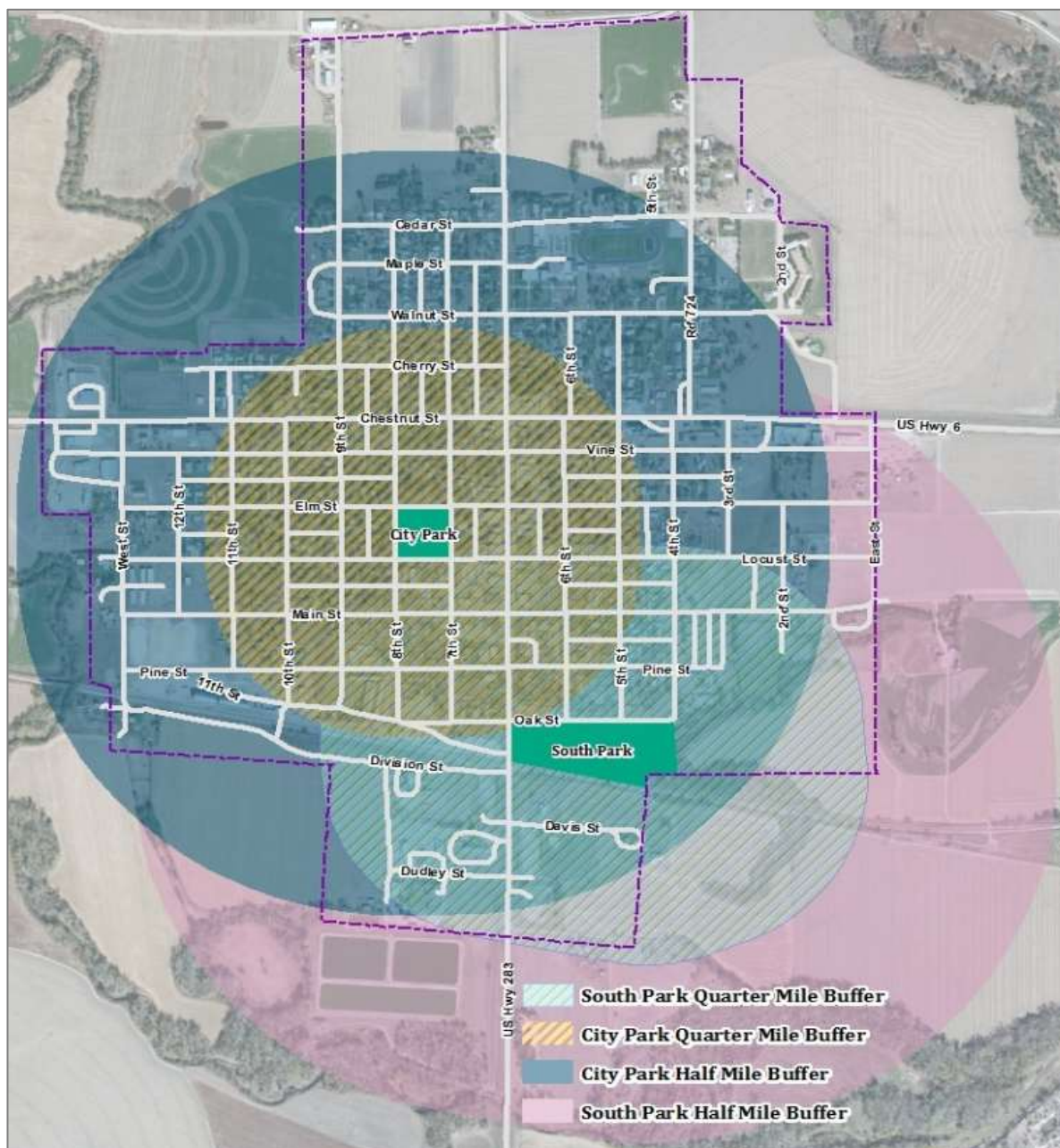
<b>Recreation Facilities</b>	
<b>13</b>	City Park
<b>14</b>	RV Park/South Park
<b>15</b>	Tennis Courts
<b>16</b>	Pool and Splash Pad
<b>25</b>	Skate Pond
<b>23</b>	Golf Course & Country Club
<b>Libraries</b>	
<b>8</b>	Library
<b>Other Public Buildings</b>	
<b>1</b>	City Shops
	Ella Missing Community
<b>2</b>	Building
<b>3</b>	Fire Barn
<b>5</b>	Food Pantry
<b>6</b>	Museum
<b>7</b>	Legion
<b>9</b>	Medical Clinic
<b>10</b>	Senior Center
<b>11</b>	Professional Center
<b>12</b>	Movie Theatre
<b>26</b>	Arapahoe Airport
<b>Other Public Lands</b>	
<b>4</b>	Veterans' Memorial
<b>17</b>	Anderson Addition-3 lots
<b>18</b>	South Addition-6 lots
<b>19</b>	OT Addition-2 1/2 lots
<b>20</b>	Original Town-1 Lot
<b>21</b>	Original Town-2 lots
<b>22</b>	Original Town-2 lots
	Tree and Yard Waste
<b>24</b>	Landfill

## Recreational Facilities

### City Parks

The city has 14 acres of park space located within two parks: City Park is located in the heart of the city while the South Park project is located south of Oak Street. The majority of residents live within one-quarter mile of a park while almost all residents live within one-half mile of a park. The very few residents that live further than one-half mile from a park have nearby access to the elementary school playground. Barriers that impact pedestrians traveling to a park include the major highways as all three park spaces (City, South, and school playground) are located within different quadrants.

According to a study recently completed by RDG Planning & Design in Omaha, NE, the average amount of park space for communities in the American Central Plains is 3.3 acres per 100 residents. Arapahoe's 1.36 acres is almost half of the average. Should the city decide to add park space, expanding the South Park or acquiring open space in the northwest quadrant would be good places to look for additional land.





**City Park and Pool & Splash Pad:** This area contains many historic ties for the community and has been well cared for. The park is approximately four acres in size and has the following amenities: swimming pool, splash pad, playground equipment, picnic shelter, stage, mature trees, and public restrooms.



**RV Park/South Park:** This park is in the process of being installed. By the summer of 2015, the new park will be equipped with several amenities: a one-half mile walking trail with incorporated exercise stations; nine RV parking stalls equipped with water, electricity and a sewer dump site; and a nine-hole Frisbee golf course. Eventually, playground equipment and a picnic shelter will be added to the South Park.



**Skating Pond:** This pond is flooded annually, each winter by the City of Arapahoe and allowed to freeze in order to provide a public skating pond.



**Tennis Courts:** The City owns two tennis courts located just to the east of the School’s track and football field. The courts are lit up at night and are open to the public for recreational play.



**Golf Course and Country Club:** The Arapahoe Municipal Golf Course is a 75 acre, nine-hole course of competitive play. The golf course also has a country club building, which is rented by members of the community for social and business functions. Although the golf course received paid memberships and charges green fees, the facility is subsidized by the City’s Utility Fund as it receives an annual transfer of funds. The Golf Course is managed by a board that is appointed by the Council and a Golf Course Superintendent, who is an employee of the city.



### Libraries

**The Arapahoe Public Library** was established in 1919 and provides numerous programs and services to residents of all ages. Programs include: summer reading program, adult reading clubs, wireless internet access, computer access, television access, accelerated reading program with the Arapahoe Public School, collection of cake pans, interlibrary loan, and DVD access.



The library was approved for re-accreditation in 2014. As part of the accreditation process, the Library Board and Staff identified three community concerns that use of the library can help to address: upkeep and visual appeal of residences, lack of affordable housing, and the need for an accessible and updated pool. The library can be used as a meeting place for concerned citizens, a classroom on “how-to’s” for gardens and upkeep of homes, and a place for people to get information about what is currently happening with these concerns.

The library is housed in a building that began as a church and was recently renovated in 2011. While the building is structurally sound, the library’s programs and its use have seen steady growth and have created a demand for a library expansion that will provide more space and increased safety.

### **Provide More Space**

- Computers: The library has recently purchased four new computers; current space arrangements do not allow children to utilize the computers while adults are in the area. Students from the community school visit the library once a month.
- Children and Adult Interaction: While the library staff is working to encourage use of the library by more teens and children, there is not enough space to separate children and adults. Adults need the library for a quiet place to work, study, or relax and are not comfortable with children. At times, children need to be allowed to be messy and noisy. Security for children is also a concern as the current space arrangement does not allow for the monitoring of children/adult interaction.
- Meeting Space: The library is used as a neutral zone for residents, instead of going into people’s homes or having folks feel intimidated by entering a formal office, the library is used often as a meeting space. The library has no private meeting space to offer, a card table and chairs is often set up in a quiet corner.
- Resources: The amount of families that speak English as a second language living in Arapahoe has increased. The library has seen an increased need for services; as this need grows the need for space to accommodate added patrons with also increase.
- Storage: The library’s current storage space is located in the basement of the medical clinic. This arrangement requires staff to cross Highway 283, walk through a baby gate, and move down a flight of stairs. A storage space on ground level would better accommodate staff.

### **Increase Safety**

- Under the current arrangement within the library, staff are unable to see patrons as they enter the building.
- Library staff are unable to physically control entry into the children’s section.
- The building does not provide adequate space for ADA (Americans with Disabilities Act) access; entry into the building itself as well as the bathroom for a handicapped person or parent with a stroller, is extremely difficult.

### **Other Public Buildings**

**Arapahoe Fire Department, Fire Hall:** the Fire Hall currently houses equipment that protects the City of Arapahoe as well as the HEA (Holbrook, Edison, Arapahoe) Rural Fire District. The inventory of equipment includes:

- + 2 ambulances (owned by city)
- + 2 pumper trucks (1 pumper truck owned by city, 1 pumper truck owned by HEA)
- + 3 grass rigs (1 grass rig leased from State Forestry Department by HEA)
- + 1 tanker (owned by HEA)
- + 1 command vehicle (leased from State Forestry Department by City of Arapahoe, insured by HEA)
- + 1 utility vehicle (owned by Arapahoe Fire and Rescue; paid for through donation funds)

**10 emergency response vehicles housed in one building**

The Fire Hall is owned and maintained by the City of Arapahoe. The Holbrook, Edison, Arapahoe Rural Fire District reimburses the City of Arapahoe for half of the utility bills as the fire and rescue team responds to all emergencies in Holbrook and Edison as well as Arapahoe.



The primary concern for the Fire Barn is that the lack of space requires the rearrangement of vehicles based upon the type of emergency. For example, in order to store all vehicles inside, the “Jaws of Life” equipment can only be accessed when other vehicles are moved.



**Arapahoe City Shop:** the city shop houses all operations and equipment needed for the operation of the city to include electric, parks, domestic water, sanitary sewer, and streets and alleys maintenance. The building was constructed during the 1960s and is fully owned, maintained, and operated by the city.

**Ella Missing Community Building:** the community building provides office space for city administration as well as the Council Chambers. The remainder of the building is used for community events as it has a stage, large and flexible meeting spaces, and a kitchen. Construction of the building was funded through a Memorial in 1994. Today, the building is fully owned, supported, and operated by the city.



**Food Pantry:** The property and building that houses the Arapahoe Area Food Pantry is owned by the city. The city also pays the electricity bill. Major repairs that the building requires are funded by the city. The food pantry is operated by local, concerned citizens.

**Furnas Gosper Museum:** The city owns and maintains the building that houses the Furnas Gosper Museum. The city also pays for the utilities to this building. The Furnas/Gosper County Historical Society operates the museum and attends to the building’s daily needs.

**Legion:** The city owns and maintains the building that houses the local American Legion. The city also pays for the utilities to this building. The Arapahoe American Legion & Auxiliary operates inside of this building and is responsible for attending to the building’s daily needs.

**Medical Clinic:** the building is owned by the city and leased by Tri-Valley Health System. Tri-Valley is responsible for most expenses associated with the building. Expenses for building repairs are shared between Tri-Valley and the city.

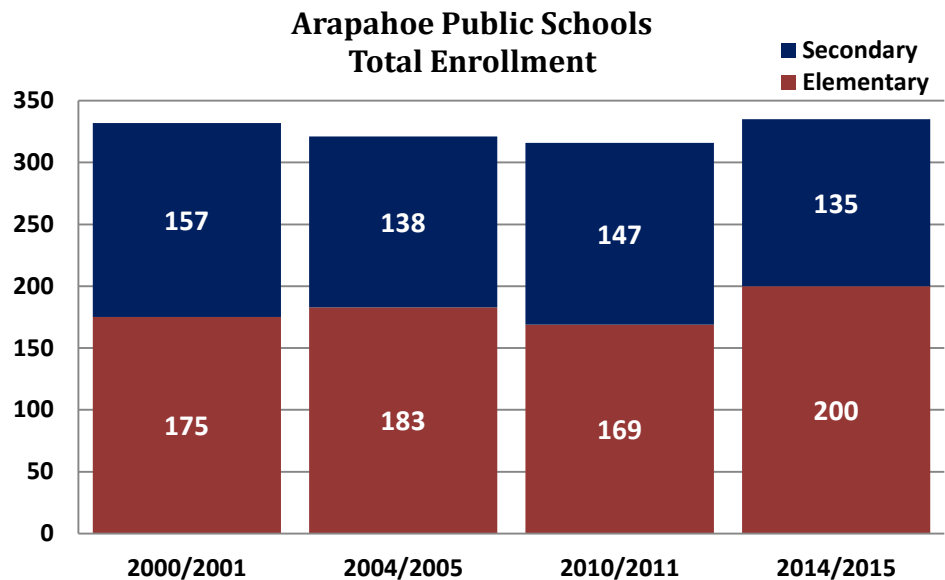
**Senior Center:** The city owns, maintains, and pays for utilities to the building that houses the Senior Center. The Senior Center organization has a Board and full time manager that are responsible for the building’s daily needs.

**Professional Center:** The professional center is owned by the city and leased out to an eye clinic and dental clinic. The businesses are responsible for the daily expenses and operations while expenses for building repairs are shared.

**Movie Theater:** The city owns, maintains, and pays for utilities to the building that houses the Crystal Theatre. The theatre is managed by a board that pays a manager. With the exception of repairs to the building, the theater is self-supporting.

**Schools**

**Arapahoe Public Schools** is a critical community and economic development asset for the Arapahoe community. Education is also the greatest expense for a local community; while the school is not controlled by the City Council, decisions made by the School Board will impact land use patterns and infrastructure needs within the City of Arapahoe. A relationship between the school and city is crucial to the success of both entities.



Arapahoe Public Schools serves a regional population and provides education to students living in/around Arapahoe, Holbrook, and Edison. The school has seen steady enrollment with the last school year seeing a peak enrollment of 335 students since 2000. During the last school year, approximately 40 students opted out to attend nearby schools such as Southern Valley and Cambridge. The school system has presented the option to bond a new facility to voters in 1998 and 2010; both attempts failed decisively. The biggest need of the schools is related to its facilities. If the population continues to remain steady and enrollment increases, the community will need to revisit the school’s need for an expanded facility.



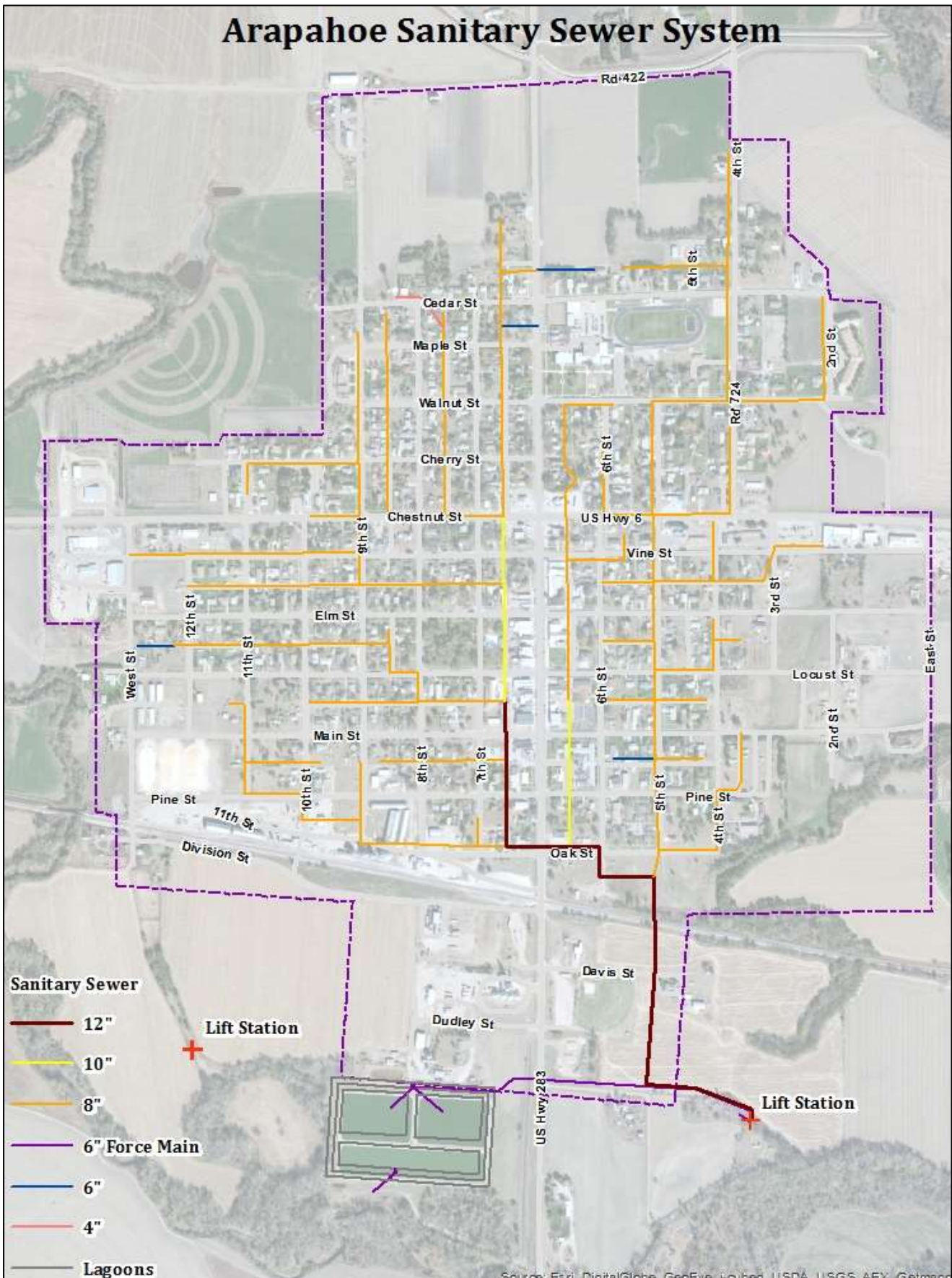
<b>Water Distribution System</b>	
<b>Main Size (inches)</b>	<b>Total Length (feet)</b>
16	2,892
10	8,697
8	10,758
6	10,776
4	40,124
3	3,242
<b>Total Length of Mains</b>	<b>76,489</b>
<b>Wells</b>	<b>4</b>
<b>Fire Hydrants</b>	<b>76</b>

*Source: Olsson & Associates, SCEDD*

<b>Sanitary Sewer System</b>	
<b>Size (inches)</b>	<b>Length (feet)</b>
12"	4,319
10"	2,209
8"	37,956
6"	1,142
6" Force Main	3,200
4"	414
<b>Total Length of Sanitary Sewer Lines</b>	<b>49,240</b>
<b>Total Lift Stations</b>	<b>2</b>
<b>Total Lagoon Pools</b>	<b>3</b>

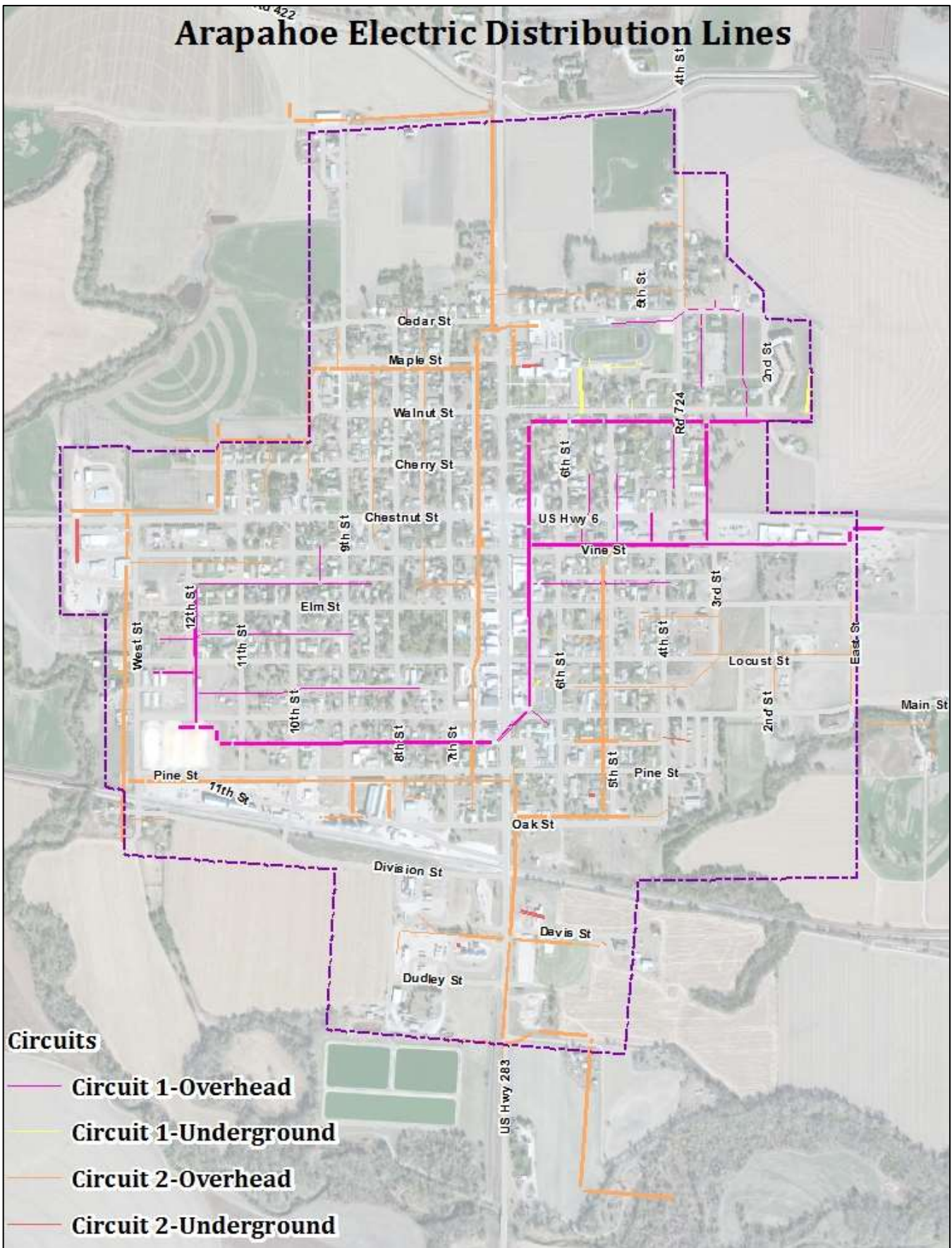
*Source: Olsson & Associates, SCEDD*

# Arapahoe Sanitary Sewer System





# Arapahoe Electric Distribution Lines



## Services

Other services provided by the city to residents include waste management and fire and rescue. Police protection is provided by the Furnas County Sheriff and the Nebraska State Patrol.

### Waste Management

Schaben Sanitation is contracted by the City of Arapahoe collect household garbage weekly. The city bills each customer (\$13.91, monthly) for providing this service. Once per year, the city offers a city wide clean-up program, which allows each property owner to set any piece of personal property that is no longer needed and/or wanted on the curb. City employees then pick up the items and deposit them into dumpsters owned by Schaben Sanitation. The city currently pays approximately \$125,000 to Schaben Sanitation for these services.

### Fire and Rescue Emergency Responders

The Arapahoe Fire and Rescue Squad began as the Arapahoe Hook and Ladder in 1909. One hundred years later, Arapahoe Fire and Rescue has a coverage area of approximately 312 miles. As of December 31, 2004, the Holbrook Rescue Squad closed down its ambulance service, thereby increasing demand on the Holbrook, Edison, Arapahoe (HEA) Rural Fire District.

On average, emergency responders respond monthly to 1 to 3 city (in Arapahoe) fire calls, 8 to 15 city ambulance calls, 5 to 8 rural (outside of Arapahoe) fire calls, and 3 to 7 rural ambulance calls. The HEA Rural Fire Board and the City of Arapahoe each work together in order to fund the departments' equipment, fuel, and operational expenses. In addition to a need for a larger facility, the departments' have seen an increasing administrative work load as reporting requirements to the State Forestry Department have increased. The Rural Fire Board has one paid, part time person, while all other emergency response, operational, and administrative tasks are completed by volunteer members and leadership.

## Community Facilities-Goals for Growth and Preservation

The City of Arapahoe has a large property book of lands, buildings, and recreational facilities. In order to address how to efficiently manage these assets and the resources needed to support each facility, the city should complete a capital improvement plan. At a minimum, the plan should address the following issues:

### 1. Property Management

- A. The structural stability and remaining life of downtown buildings should be evaluated. The determination should be made as to whether or not the ongoing cost of maintenance and repair is the best use of the city's resources.
- B. Whenever possible, the city should remove from the list, buildings that require the city to take financial responsibility.
- C. Completion of a Capital Improvement Plan would enable the city to make short and long term financial decisions about its investment of buildings and lands.

### 2. Capital Projects and New Construction

- A. The **library** has voiced its intent to make facility improvements and additions needed to accommodate its increased use.
- B. The downtown building that houses the **Crystal Theatre** is beyond its useful life. The theatre has proven to be profitable venture. A new building will enable the theatre to expand its service to the community and the region.
- C. As nearby communities, such as Holbrook, decrease its emergency and rescue capabilities, the responsibility of the **Arapahoe Volunteer Fire Department** will increase. Currently, not all rescue vehicles can be parked inside in a manner that allows the most rapid response possible. As the AVFD expands, additional facility space will be needed.

- D. Recreational facilities such as the **swimming pool** and **golf course** should be managed with an eye on the long term plan of each facility. Both facilities are crucial to maintaining the high quality of life in Arapahoe; therefore, decisions concerning questions involving when it's time to build a new facility and when it's time to raise user fees must be made as the cost to maintain each facility continues to rise.
- E. Recently, the city has added **new infrastructure** to accommodate and attract new commercial and housing development. The city must be willing to continue to incentivize new development whenever possible by assisting with infrastructure installation. At the same time, the city must be careful to ensure the following:
  - that a high standard of quality is maintained and future maintenance costs are as minimized as possible
  - that the city does not overcommit resources without a plan for recovering the costs of infrastructure
  - that development happens in conformance with the future land use map within this plan;
  - that the city utilizes its Blight & Substandard Study and Redevelopment Plan to ensure that it makes the most of all redevelopment tools such as Tax Increment Financing

# Energy

As required per Nebraska Revised Statutes, Section 19-903, the energy element of the comprehensive plan must:

[A]ssess energy infrastructure and energy use by sector, including residential, commercial and industrial sectors; evaluates utilization of renewable energy sources; and promotes energy conservation measures that benefit the community.

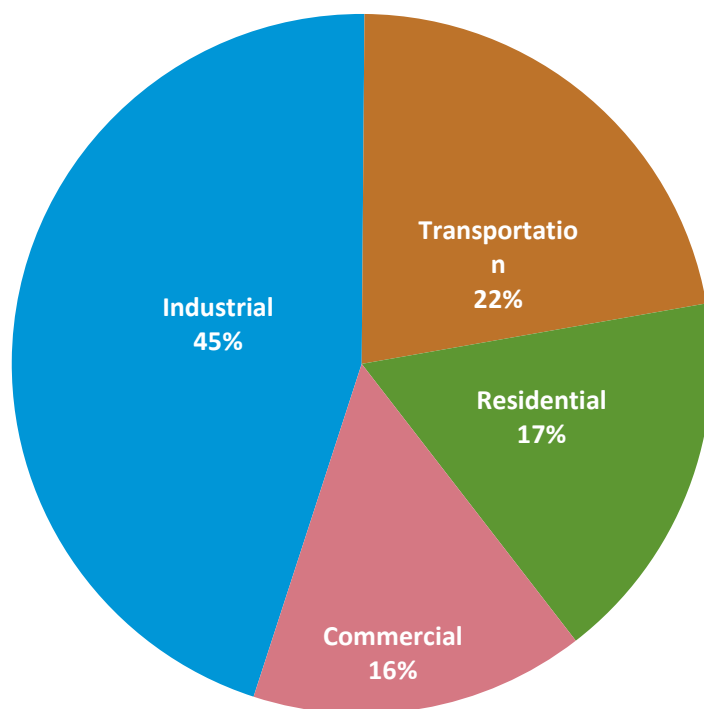
## Energy Infrastructure and Use by Sector

According to the U.S. Energy Information Administration (EIA), the largest consumer of energy is the industrial sector. The EIA attributes this use to the large agricultural and food production portions of the industrial sector.

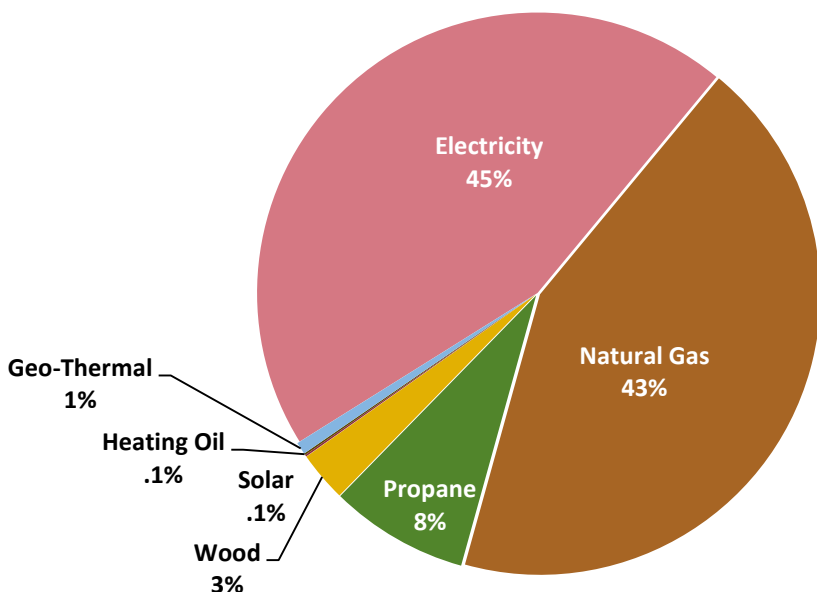
The largest consumer of land within the city is residential, excepting land that is agricultural. Industrial uses are second to residential; commercial uses only consume 5% of the land in Arapahoe.

Data concerning the sale of power from Arapahoe Municipal Power to customers was taken from three months in the past year (July 2014, December 2014, and March 2015). That data was averaged to provide the following information concerning the sale and consumption of electricity in Arapahoe.

**Nebraska Consumption by Sector, 2012**



**Net Energy Consumption by Fuel Type, Nebraska Households, 2012**



Net energy consumption is defined by the Nebraska Department of Energy (NEDOE) as the amount of energy used minus electrical systems losses. Electrical system losses are defined as the amount of energy needed to generate, transmit, and distribute electricity. Electrical system losses are subtracted out in order to indicate the amount of energy actually consumed by a sector.

In Nebraska, most households are primarily powered by natural gas or electricity. Due to the availability of data, energy consumption in Arapahoe will be based upon electricity.

The Arapahoe Municipal Power District has approximately 670 accounts that purchase power from the public utility. Residential customers make up the largest sector of customers. Commercial accounts for only a small portion of land use; however, it is the second largest customer class.

### Average Number of Customer Accounts

Customer Class	Total	% of Total
Residential	474	70%
Commercial	145	22%
Schools & Other Public Agencies	33	5%
Industrial/Farm	11	2%
Irrigation	10	1%
Total	674	100%

Residential uses consume just over half of the power distributed by the city; commercial uses consume the second largest amount. The last three classes consume only 10% of the power distributed in the city.

### Average Amount of Power Consumed (KWH)

Customer Class	Total	% of Total
Residential	424,929	51%
Commercial	332,299	40%
Schools & Other Public Agencies	8,577	1%
Industrial/Farm	6,215	1%
Irrigation	62,874	8%
Total	834,894	100%

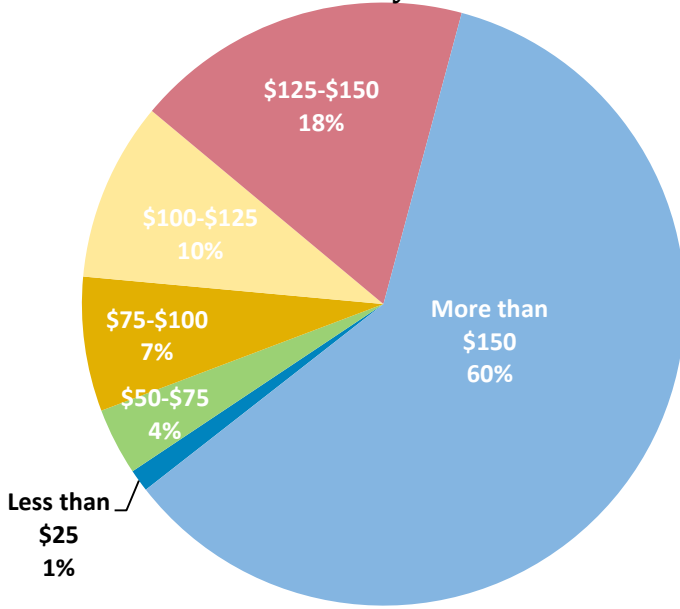
Similar to the amount of power consumed, residential and commercial customers consume over 90% of the power distributed and provide over 90% of the revenue generated by the Arapahoe Municipal Power.

### Revenue Generated

Customer Class	Total	% of Total
Residential	\$ 65,152.55	53%
Commercial	\$ 50,118.45	41%
Schools & Other Public Agencies	\$ 1,591.29	1%
Industrial/Farm	\$ 922.94	1%
Irrigation	\$ 4,518.30	4%
Total	\$ 122,303.52	100%

On average, the city generates a total of \$122,303 per month from the sale of electricity to customers. Arapahoe Municipal Power is a wholesale customer of Nebraska Public Power District (NPPD). Therefore, the city purchase power at a wholesale price from NPPD and distributes power to customers using its electric infrastructure. The City pays approximately \$800,000 annually to NPPD. At its highest point, the city has netted a profit of \$350,000 from the sale of power to customers.

**What is the average monthly cost you pay for electricity each month?**



The majority of that revenue is transferred from the Arapahoe Municipal Power account to the City of Arapahoe General Fund in order to support the following government accounts: Golf Course, Fire Department, Parks Department, and Library. The sale of energy in the form of electricity is an important revenue generator that allows the city to maintain the community’s current quality of life.

While it is an important provider of revenue, the current manner in which electricity is sold to customers will not be sustainable as customers pay a high cost for electricity. Per the results of the community survey, over 90% of respondents are paying more than \$100 per month for electricity.

According to the Energy Information Administration (EIA), the average electric bill for all sectors (residential, industrial, and commercial) in 2013, was **\$106.65**; therefore, the majority of customers in Arapahoe are paying well above the state average for electricity.

Regionally, the cost of electricity is higher for the City of Arapahoe at the City had the 6<sup>th</sup> highest cost of public power out of 158 public power providers in Nebraska. The City of Cambridge ranked 44<sup>th</sup> while Beaver City ranked 156 out of 158. The EIA lists the average price of electricity for the residential sector as 9.14 cents per kWh. Therefore, the residents of the City of Arapahoe, as well as other regional cities, are paying well above the average price per kWh for electricity.

**Average Retail Price of Electricity, Nebraska Public Power Entities**

Rank/158	Municipality	Average Retail Price (cents/kWh)
1	Village of Wilcox- (NE)	15.05
6	City of Arapahoe	13.22
9	Village of Bartley	12.21
10	Village of Holbrook	12.19
25	City of Indianola	11.30
42	Village of Oxford - (NE)	10.60
44	City of Cambridge	10.55
155	City of Chappell	7.10
156	City of Beaver City	7.05

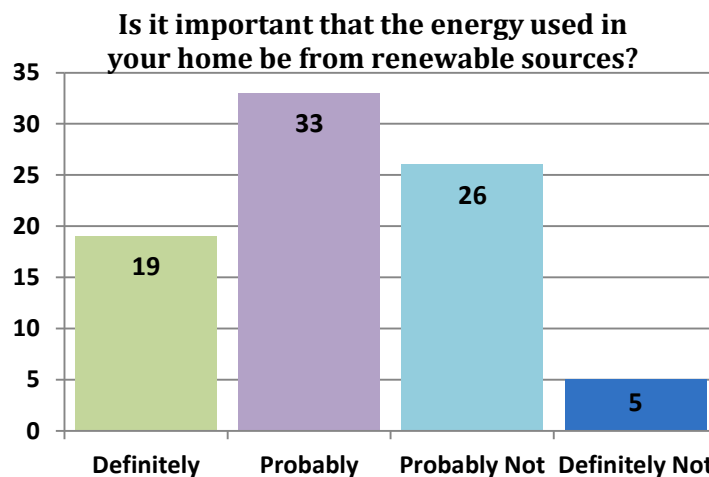
Source: Nebraska Department of Energy, as of June 20, 2013, Residential Sector

## Renewable Energy

While renewable sources of energy in Nebraska are increasing, coal remains the main source of energy in Nebraska, per the Energy Information Administration. Coal is a fossil fuel that is considered to be non-renewable due to the fact that it cannot re-generate itself within a human timeframe. Gerald Gentleman Station (GGS) is a NPPD owned and operated coal fired power plant located 109 miles northwest of Arapahoe. While GGS has won numerous awards for clean energy, coal has been criticized for the harmful impacts it has been found to have on the environment.

Coal remains the most efficient form of power; however, factors such as supply and demand and regulations will continue to put pressure on the price of coal. The City of Arapahoe will need to look for renewable sources of energy to supplement the electricity that is currently purchased and sold to residents.

When asked about the importance of renewable energy, a slight majority (52/83) felt that it was important.



## Energy Conservation

In order to emphasize the importance of energy conservation, The Nebraska State Legislature adopted the Nebraska Energy Code, which is based upon the 2009 International Energy Conservation Code. The Code requires new construction, additions, and renovations to be completed in a manner that ensures energy conservation.

Private contractors are expected to complete projects in conformance with the Nebraska Energy Code. The City of Arapahoe does not have a local code authority; however, work completed by contractors working within the City of Arapahoe are expected to conform to the code. The City of Arapahoe may utilize the Nebraska Energy Office to inspect work when necessary.

## Energy-Goals for Growth and Preservation

The ability of the City of Arapahoe to maintain its community will depend on its ability to address energy issues. The City should start with the following goals:

- 1. Diversify revenue streams** used to finance city government in order to control the cost of electricity.
- 2. Diversify sources of energy** by exploring and accommodating sources of renewable energy for powering City facilities as well as serving residential, commercial, and industrial customers.
- 3. Promote energy conservation** by providing financial incentives and programs to residential and commercial customers. Programs could include the re-introduction of Owner-Occupied Rehabilitation for income qualified households and/or the use of LB840 funds to assist businesses with making energy saving improvements.

# ZONING AND SUBDIVISION REGULATIONS

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Arapahoe, Nebraska

Prepared by Bobbi Pettit, AICP  
SOUTH CENTRAL ECONOMIC DEVELOPMENT DISTRICT



TITLE: Zoning and Subdivision Regulations- Arapahoe, Nebraska

AUTHOR: Bobbi Pettit, South Central Economic Development District

SUBJECT: Zoning and Subdivision Regulations for Arapahoe, Nebraska and its one mile extra territorial jurisdiction.

DATE ADOPTED: November 17, 2015

LOCAL PLANNING AGENCY: Arapahoe Planning Commission

SOURCE OF COPIES: Arapahoe City Office, Ella Missing Community Building, Arapahoe, NE

NUMBER OF PAGES: 43

ABSTRACT: This zoning code is consistent with the City of Arapahoe's adopted comprehensive plan. Any amendments to this chapter, including but not limited to, rezoning approval, and all development approvals, shall be consistent with the adopted comprehensive plan, as it is amended, in effect at the time of the request for amendments. An amendment to the text of the zoning code is consistent, and in accordance, with the comprehensive plan if it complies with the goals, objectives, and strategies, as well as any vision statement contained in the comprehensive plan.

ACKNOWLEDGMENTS

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CITY CLERK.....Nicole Kubik

CITY ATTORNEY.....Kevin Urbom

## CONTENTS

Rules and Definitions .....	4
Zoning Regulations.....	12
Base Zoning Districts.....	13
Resource Protection.....	23
R-1 Single Family Residential (Low Density) .....	24
R-2 Multi-Family Residential (Medium Density).....	25
Neighborhood Commercial.....	26
General Commercial .....	27
Downtown.....	29
Light Industrial .....	30
Heavy Industrial .....	31
Nonconforming and Nonstandard uses.....	32
Subdivisions .....	33
Administration and Enforcement .....	35
Board of Adjustment.....	36
Procedure for consideration of an amendment .....	38
Supplemental Regulations .....	40

## **RULES AND DEFINITIONS**

**SECTION 1. Rules:** For the purpose of this Zoning Regulation, the following rules shall apply.

Words and numbers used singularly shall include the plural and the plural shall include the singular. Words used in the present tense shall include the future.

The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent, or other representative.

The words "shall" and "must" are mandatory. "May" is discretionary.

The word "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.

**SECTION 2.** For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

**ABANDONED:** intent of abandonment shall be assumed once an owner has ceased to use a property for a period of twelve months. Indications of cessation include (but are not limited to) failure to provide utilities, lack of occupancy, failure to invest any resources into the property, lack of routine maintenance performance, defaulting on required financial payments, and failure to pay appropriate taxes. This is distinguished from short term interruptions such as periods of remodel, maintenance, or normally accepted periods of vacation or seasonal closure.

**ABUTTING:** Having lot lines or boundaries in common. This shall include properties separated by an alley.

**ACCESSORY USE OR BUILDING:** A subordinate building or use which customarily is incidental to that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, air conditioners, garden houses, children's play houses, barbecue ovens, fire places, patios and residential storage sheds.

**ADULT ESTABLISHMENT:** shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

**ALLEY:** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.

**ALTERATION:** Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered as an alteration.

**ANIMAL HOSPITAL OR CLINIC:** An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs.)

**APARTMENT:** (See Dwelling, Multiple).

**ATTACHED:** Sharing one or more walls with a primary building by an essential architectural element.

**BASEMENT:** That portion of a building having more than 1/2 of its height below grade.

**BOARD:** The Board of Adjustment (Appeals Board) which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions, and variances to the zoning regulations.

**BOARDING OR LODGING HOUSE:** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for 3 or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.

**BUILDING:** Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.

**BUILDING, HEIGHT:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**CARPORT:** a shelter for a car consisting of a roof supported on posts, built beside a house.

**CHANGE OF USE:** Replacement of one type of use for another type of use.

**CLINIC:** (See Medical, Dental or Health Clinic).

**COMMON OPEN SPACE:** An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

**CONDITIONAL USE PERMIT:** A conditional use permit is a written permit issued by the Zoning Administrator with the written recommendation from the Planning Commission and the written authorization of the City Council. This conditional use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

**DAY NURSERY:** An establishment other than a public or parochial school, which provides day care and education for 4 or less unrelated children.

**DESIGN STANDARD:** Standard set forth for specific improvement areas.

**DISTRICT:** A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.

**DOG:** Any canine specie over 12 months of age.

**DWELLING:** Any building or portion thereof which is designed and used exclusively for residential purposes, excluding mobile homes and cabin trailers.

**DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family, excluding mobile homes and cabin trailers.

**DWELLING, TWO-FAMILY:** A building having accommodations for and occupied exclusively by two families, independently.

**DWELLING, MULTIPLE:** A building having accommodations for and occupied exclusively by more than two families, independently.

**EASEMENT:** A right of use granted on, above, below, or across a tract of land from an owner to an individual, public or private agency, or utility

**FAMILY:** One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than 4 unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel or motel.

**FLOOD PLAIN:** An area of land which is subject to a one percent or greater chance of flooding in any given year.

**FLOOR AREA:**

For computing off-street parking requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

One-half (1/2) the basement floor area.

The area of each floor of the structure.

Floor area for determining floor area ratio: As used herein shall be computed as the sum of the following areas:

The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof)

Penthouses

One-half (1/2) the basement floor area

Interior balconies and messanines

Enclosed porches

Floor area devoted to accessory uses

Interior walls.

**FLOOR AREA RATIO:** The maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of said complex or buildings by the area of the building site.

**FRONTAGE:** The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

**GARAGE, DETACHED:** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

**GOVERNING BODY:** That Body having jurisdiction in the zoning area.

**GROUP DAY CARE CENTER:** An establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for 5 or more unrelated children aged 3 years or more. Group Day Care Centers shall meet all requirements of the Nebraska State Board of Health, Maternal Child Care Division.

**GRADE:**For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.

For buildings, having walls facing more than one street, the grade shall be the average of the grades (as defined in a. above) of all walls facing each street.

For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

Any wall approximately parallel to and not more than 5 feet from a street line is considered as facing the street

**HOME OCCUPATIONS:** A business, profession or trade conducted for gain or support entirely within a residential building subject to the following use limitations:

- In all residential districts:
  - No commodities shall be displayed or sold on the premises except that which is produced on the premises.
  - No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes.
  - No outdoor storage of materials or equipment used in the home occupation shall be permitted.
  - No alteration of the principal residential building shall be made which changes the character thereof as a residence.
  - The home occupation shall be carried on entirely within the principal residential structure and under no circumstances shall the home occupation be carried on within a detached accessory building.
  - No sign shall be permitted unless required by State Statute, and if so required, shall not exceed 2 square feet in area, shall not be illuminated and shall be placed flat against the main wall of the building.
  - No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.
  - No manufacturing or processing of any store whatsoever shall be done, and no stock-in-trade shall be displayed or sold on the premises.
- Particular Home Occupations Permitted: Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of subsections a., b., and c. of this section.
  - Dressmakers, seamstresses, tailors.
  - Music teachers, provided that instruction shall be limited to 5 pupils at a time.
  - Dance and drama instructors, provided that instruction shall be limited to not more than 10 pupils at one time.
  - Artists, sculptors and authors or composers.
  - Offices for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
  - Ministers, rabbis and priests.

- Offices for salesmen sales representatives, manufacturer's representatives, when no retail or wholesale transactions are made on the premises.
- Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc. provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or vocation.
- Day care centers or babysitters caring for less than 5 unrelated children OR are licensed appropriate by the Nebraska Department of Health and Human Services.
- Barber shops and beauty parlors.
- Services such as small appliance, radio and T.V. repair.
- Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include:
  - Funeral homes.
  - Nursery schools unless specifically permitted by the district regulations.
  - Restaurants.
  - Small grocery stores.
  - Stables, animal kennels or hospitals.
  - Tourist homes, unless specifically permitted in the district.
  - Renting of trailers or equipment.
  - Auto and other vehicle repair.

**HOTEL:** A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court or other similar designation.

**INSTITUTION:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**KENNEL BOARDING:** Any place, area, building or structure where dogs (including those less than 1 year of age) are boarded, housed, cared for, fed or trained by other than the owner.

**KENNEL BREEDER:** Any place, area, building or structure where more than one dog is kept for purposes of breeding or raising for a fee.

**LANDSCAPED AREA:** Area dedicated to a maintained for the growing trees, plants, shrubs, and all other plant and organic materials.

**LODGING HOUSE:** (See Boarding House).

**LOT:** A parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by this regulation, which may include more than one lot of record or metes and bounds described tract having its principal frontage upon a public street or officially approved place.

LOT, CORNER: A lot abutting upon 2 or more streets at an intersection.

LOT, DEPTH OF: The mean horizontal distance between the front and the rear lot lines.

LOT, DOUBLE FRONTAGE: A lot having a frontage on 2 non-intersecting streets, as distinguished from a corner lot.



LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds prior to the adoption of this regulation.

LOT, WIDTH OF: The mean horizontal distance between two side yard lines.

LOT, ZONING: A parcel of tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.

**MEDICAL, DENTAL OR HEALTH CLINIC**: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and in which no patients, are lodged overnight, but which may include an apothecary.

**MIXED USE DEVELOPMENT**: a single development area that incorporates two or more complementary uses.

**MOBILE HOME**: Every transportable or relocated devise of any description originally designed to be mobile and designed for living quarters which is two or more stories high, including double-wide

CABIN TRAILER: Every vehicle without motive power, originally designed to be mobile, designed for living quarters, but does not include any cabin trailer which is permanently attached to real estate or is more than 12 feet wide or two or more stories high.

PERMANENTLY ATTACHED: Attached to real estate owned by the title holder of the cabin trailer or mobile home in such a way as to require dismantling, cutting away, unbolting from foundation or structural change in such cabin trailer or mobile home in order to relocate it on another site.

MODULAR HOME (does not include double-wide mobile homes): Any prefabricated structure of conventional construction used for dwelling purposes roved on to a site in essentially complete constructed condition, in one or more parts and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections.

**MOBILE HOME PARK**: Any area, piece, parcel, tract, or plot of ground, equipped as required for support of mobile homes and cabin trailer and offered for use by the owner or representative for mobile home park purposes and/or ground upon which three or more mobile homes are parked, whether for compensation or not, including all accessory uses thereof. The term mobile home park does not include sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

**NONCONFORMING STRUCTURE**: A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

**NONCONFORMING USE**: An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments thereto.

**NURSING HOMES.OR CONVALESCENT HOMES**: An institution or agency licensed by the State for the reception, board, care or treatment of 3 or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**NUISANCE:** A continuous and unreasonable invasion of the use and enjoyment of a property that a reasonable person would find annoying, unpleasant, or offensive.

**PARKING SPACE:** An area surfaced for all weather use including gravel, sand or comparable material for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of 9 feet and a minimum length of 20 feet. In computing off-street parking, additional space shall be required for access drives to each parking space.

**PLACE:** An open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.

**PRIVATE CLUB:** A non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private clubs are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals OR such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

**PROFESSIONAL OFFICE:** Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering or other occupation customarily considered as a profession.

**PUBLIC UTILITY:** Any business which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, (f) any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

**RESTAURANT:** A public eating establishment at which the primary function is the preparation and serving of food.

**SERVICE STATION:** A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included, such service shall not include tire recapping, body repairs or major overhaul.

**SIGN:** Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice of official flag.

**SITE TRIANGLE:** An area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall be increased to 120 feet.

**STORY:** That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**STREET:** A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

**STREET LINE:** A dividing line between a lot, tract or parcel of land and the contiguous street.

**STREET NETWORK:**

Expressway: A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.

Arterial: A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits, and curbs.

Collector: A street which provides for traffic movement between arterials and local streets, with direct access for through traffic movement abutting property.

Local: A street which provides access to abutting land and local traffic movement whether in business, industrial, or residential areas..

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent attachment to the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered as structural alterations:

Attachment of a new front where structural supports are not changed.

Addition of fire escapes where structural supports are not changed.

New windows where lintels and support walls are not materially

Repair or replacement of non-structural members.

**TAVERN:** An establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests.

**TRAILER:** (See Mobile Home).

**YARD:** A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground upward.

**YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.

**YARD, REAR:** A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.

**YARD, SIDE:** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the side lot line and the furthest architectural projection of the structure.

**ZONE OR DISTRICT:** A section of the Zoning Area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings are herein established.

**ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

**ZONING AREA:** The area to be zoned as set out on the official Zoning Map filed of record.

**ZONING REGULATIONS:** The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

## ZONING REGULATIONS

**INTRODUCTION:** Pursuant to Nebraska Revised Statutes 19-901, the purpose of this section is to promote the public health, safety, morals, or general welfare, and to protect and preserve places and areas of historical, cultural, or architectural importance and significance. These regulations are adopted in accordance with the comprehensive plan and are designed to:

- Secure safety from fire, panic, and other dangers.
- Promote health and general welfare.
- Prevent the overcrowding of land.
- Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities.

Consistent with the goals and objectives listed in the comprehensive plan, these regulations are designed to foster the following subsidiary purposes:

- Distribute land to meet the physical, social, cultural, economic, and energy needs of present and future populations.
- Provide for land uses that serve important public needs, such as affordable housing and employment generators.
- Promote downtown retail and residential development.
- Protect natural resources.

In accordance with the foregoing purposes, this section establishes regulations governing the following:

- The height, number of stories, and size of buildings and other structures.
- The size of yards and other open spaces.
- The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.

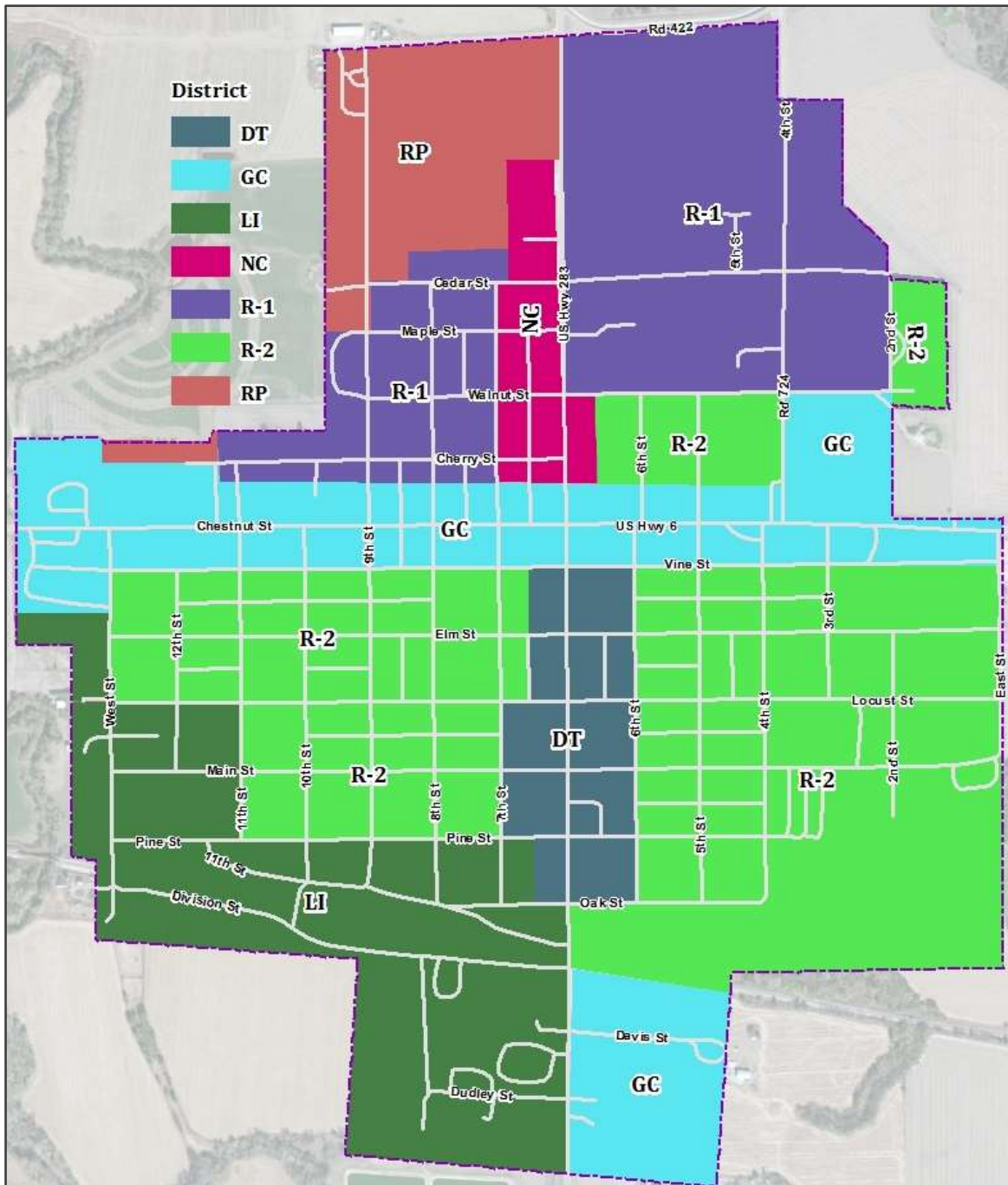
**GENERAL REQUIREMENTS:** No land shall be used or occupied, and no structures shall be designed, erected, altered, used or occupied except in conformity with all of the regulations and upon performance of all conditions attached to any special or conditional use permit, variance, appeal, conditional rezoning, or master site approved pursuant to this chapter.

No person, firm, or corporation and no officer or employee shall sell, rent, or lease or offer or attempt to sell, rent or lease, any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter.

**ESTABLISHMENT OF DISTRICTS:** The City of Arapahoe finds that its rural, residential, and urban areas have substantially different physical, geographic, and functional characteristics that require alternative regulatory treatment. Rural areas are dominated by agricultural use and open space with scattered, low density residential and commercial uses. Residential areas are designed to provide a safe, comfortable place for people to live. Urban areas are more compact and pedestrian friendly. They provide commercial activities needed to support the city.

## BASE ZONING DISTRICTS

District	District Name	Future Land Use Map Category
RP	Resource Protection	Agriculture/Open Space
R-1	Single Family Residential (Low Density)	Residential
R-2	Multi-Family Residential (Medium Density)	Residential
NC	Neighborhood Commercial	Commercial
GC	General Commercial	Commercial
D	Downtown	Mix
LI	Light Industrial	Industrial
HI	Heavy Industrial	Industrial



<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>GC*</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
<b>Residential Buildings</b>								
Single-family detached dwellings	P	P	P	—	—	P	—	—
Single-family attached dwellings	—	—	P	—	—	P	—	—
Duplex structures	—	—	P	—	—	P	—	—
Zero lot line or row houses	—	—	P	—	—	P	—	—
Accessory dwelling units	—	P	P	—	—	P	—	—
Accessory apartments	—	P	P	—	—	P	—	—
Townhouses	—	—	P	—	—	P	—	—
Manufactured housing, residential design	—	—	P	—	—	—	—	—
Manufactured housing, other	P	—	—	—	—	—	—	—
Multifamily dwellings	—	—	P	—	—	P	—	—
Retirement housing services	C	—	P	—	—	P	—	—
Congregate living services	C	—	P	—	—	P	—	—
Assisted living services	C	—	P	—	—	P	—	—
Life care or continuing care services	C	—	P	—	—	P	—	—
Skilled nursing services	C	—	P	—	—	P	—	—
Community home	P	P	P	P	—	P	—	—
Barracks	—	—	—	—	—	—	—	—
College fraternities	—	—	P	—	—	P	—	—
Dormitories	—	—	P	—	—	P	—	—
Single-room occupancy units	—	—	—	—	—	P	—	—
Temporary structures, tents, etc., for shelter	C	—	C	—	C	P	—	—
Other structurally converted buildings	—	—	—	—	—	P	—	—
<b>Hotels, motels, or other accommodation services</b>								
Bed-and-breakfast inn	—	—	C	P	P	P	—	—
Rooming and boarding house	—	—	C	P	C	P	—	—
Hotel, motel, or tourist court	—	—	—	P	P	P	P	—
Commercial center	C	P	P	P	P	P	P	P
Shop or store building with drive-through facility	—	—	—	—	P	P	—	—
Restaurant, with incidental consumption of alcoholic beverages	—	—	—	—	—	P	P	—

**P=Permitted Use by Right, C=Conditionally Permitted Use, — = Not Permitted**

**\*GC=Uses with a building unit larger than 15,000 SF may be permitted as a Conditional Use that may have design standards imposed as a condition of granting a Conditional Use Permit**

Use/Activity	RP	R-1	R-2	NC	GC*	DT	LI	HI
Restaurant, with no consumption of alcoholic beverages permitted	—	—	—	P	P	P	P	—
Stand-alone store or shop building	—	—	—	P	P	P	—	—
Department store building	—	—	—	P	P	P	—	—
Warehouse discount store/superstore	—	—	—	—	P	P	—	—
Market shops, including open markets	—	—	—	P	P	P	—	—
Gasoline station	—	—	—	—	—	—	—	P
Automobile repair and service structures	—	—	—	—	—	—	—	P
Car dealer	—	—	—	—	—	—	—	—
Bus, truck, mobile home, or large vehicle dealers	—	—	—	—	—	—	—	P
Bicycle, motorcycle, all-terrain vehicle dealers	—	—	—	—	P	P	—	—
Boat or marine craft dealer	—	—	—	—	—	—	—	—
Parts, accessories, or tires	—	—	—	C	P	P	—	—
Gasoline service	—	—	—	—	—	—	—	P
Lumberyard and building materials	—	—	—	—	P	C	P	P
Outdoor resale business	—	—	—	—	P	P	P	P
Pawnshops	—	—	—	—	P	—	—	—
Beer, wine, and liquor store (off-premises consumption of alcohol)	—	—	—	—	—	P	—	—
Shopping center	—	—	—	P	P	P	—	—
Convenience stores or centers	—	—	—	P	P	P	—	—
Car care center	—	—	—	—	—	—	—	P
Car washes	—	—	—	—	—	—	—	P
Office or bank building, stand-alone (without drive-through facility)	—	—	—	P	P	P	—	—
Office building (with drive-through facility)	—	—	—	—	P	P	—	—
Office or store building with residence on top	—	—	—	P	P	P	—	—
Office building over storefronts	—	—	—	P	P	P	—	—

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<b>Use/Activity</b>	<b>RP</b>	<b>R1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
Research-and- development services (scientific, medical, and technology)	—	—	—	C	P	P	P	P
Car rental and leasing	—	—	—	—	—	—	—	P
Leasing trucks, trailers, recreational vehicles, etc.	—	—	—	—	—	—	—	P
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating)	—	—	—	—	P	P	P	P
Bars, taverns, and nightclubs	—	—	—	—	—	P	—	—
Camps, camping, and related establishments	P	C	—	—	P	—	—	—
Tattoo parlors	—	—	—	—	P	P	—	—
<b>Industrial buildings and structures</b>								
Light industrial structures and facilities	—	—	—	—	—	—	P	P
Loft building	—	—	—	—	—	P	P	P
Mill-type factory structures	—	—	—	—	—	—	C	P
Manufacturing plants	—	—	—	—	—	—	—	P
Industrial parks	—	—	—	—	—	—	P	P
Laboratory or specialized industrial facility	—	—	—	—	—	P	P	P
Assembly and construction-type plants	—	—	—	—	—	—	—	P
Process plants (metals, chemicals, etc.)	—	—	—	—	—	—	—	P
Construction-related businesses	—	—	—	—	—	—	C	P
Automotive wrecking and graveyards, salvage yards, and junkyards	—	—	—	—	—	—	—	P
Demolition business	—	—	—	—	—	—	—	P
Recycling business	—	—	—	—	—	—	—	P
Warehouse or storage facility								
Mini-warehouse	—	—	—	—	P	C	P	P
High-rise mini-warehouse	—	—	—	—	—	—	C	P
Warehouse structure	—	—	—	—	—	—	C	P
Produce warehouse	—	—	—	—	—	—	C	P

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<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
Refrigerated warehouse or cold storage	—	—	—	—	—	—	C	P
Large area distribution or transit warehouse	—	—	—	—	—	—	C	P
Wholesale trade— durable goods	—	—	—	—	—	—	C	P
Wholesale trade— nondurable goods	—	—	—	—	—	—	C	P
Warehouse and storage services	—	—	—	—	—	—	C	P
Tank farms	—	—	—	—	—	—	C	P
<b>Public assembly structures</b>								
Adult Establishment	—	—	—	—	—	—	C	—
Performance theater	—	—	—	P	P	P	—	—
Movie theater	—	—	—	P	P	P	—	—
Amphitheater	—	—	—	P	P	P	—	—
Drive-in theaters	—	—	—	P	P	P	—	—
Indoor games facility	—	—	—	P	P	P	—	—
Amusement, sports, or recreation establishment (not specifically enumerated)	—	—	—	P	P	P	—	—
Amusement or theme park	—	—	—	—	P	—	—	—
Arcade	—	—	—	P	P	P	—	—
Miniature golf establishment	C	—	—	C	P	C	P	P
Fitness, recreational sports, gym, or athletic club	—	—	—	P	P	P	P	P
Bowling, billiards, pool, etc.	—	—	—	P	P	P	—	—
Skating rinks	—	—	—	P	P	P	—	—
Sports stadium or arena	—	—	—	—	P	P	P	P
Racetrack	—	—	—	—	P	—	—	—
Exhibition, convention, or conference structure	—	—	—	P	P	P	—	—
Churches, temples, synagogues, mosques, and other religious facilities	P	P	P	P	P	P	P	P
Covered or partially covered atriums and public enclosures	—	—	—	P	P	P	P	P
Passenger terminal, mixed mode	—	—	—	P	P	P	P	P
Active open space/ athletic fields/golf courses	P	P	P	P	P	P	P	P

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<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
Passive open space	P	P	P	P	P	P	P	P
<b><i>Institutional or community facilities</i></b>								
Hospital building	—	—	—	—	P	P	P	P
Medical clinic building	—	—	—	P	P	P	P	P
Social assistance, welfare, and charitable services (not otherwise enumerated)	—	—	—	P	P	P	—	—
Child and youth services	—	—	—	P	P	P	—	—
Child care institution (basic)	P	P	P	P	P	P	P	P
Child care institution (specialized)	—	—	—	P	P	P	P	P
Day care center	C	C	C	P	P	P	P	P
Community food services	—	—	—	C	P	P	—	—
Emergency and relief services	—	—	—	C	P	P	—	—
Other family services	—	—	—	C	P	P	—	—
Services for elderly and disabled	—	—	—	P	P	P	—	—
Animal hospitals	P	C	C	P	P	P	P	—
School or university buildings (privately owned)	—	—	—	C	P	P	—	—
Grade school (privately owned)	—	—	—	P	P	P	—	—
College or university facility (privately owned)	—	—	—	P	P	P	—	—
Trade or specialty school facility (privately owned)	—	—	—	P	P	P	—	—
Library building	—	P	P	P	P	P	—	—
Museum, exhibition, or similar facility	—	—	—	P	P	P	—	—
Exhibitions and art galleries	—	—	—	P	P	P	—	—
Planetarium	—	—	—	P	P	P	—	—
Aquarium	—	—	—	P	P	P	—	—
Outdoor facility, no major structure	—	—	—	—	P	P	—	—
Zoological parks	—	—	—	—	P	P	—	—
Public safety-related facility	P	P	P	P	P	P	P	P
Fire and rescue station	P	P	P	P	P	P	P	P
Police station	P	P	P	P	P	P	P	P

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<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
Emergency operation center	—	—	—	P	P	P	—	—
Correctional or rehabilitation facility	—	—	—	—	—	—	—	P
Cemetery, monument, tombstone, or mausoleum	P	C	C	C	C	C	C	C
Funeral homes	—	C	C	C	P	P	—	—
Cremation facilities	—	C	C	—	—	—	—	P
Public administration	—	—	—	P	P	P	P	P
Post offices	—	—	—	P	P	P	P	P
Space research and technology	—	—	—	—	—	P	P	—
Clubs or lodges	—	—	—	—	P	P	—	—
<b>Transportation-related facilities</b>								
Automobile parking facilities	—	—	—	—	—	P	—	—
Surface parking, open	—	—	—	—	C	P	C	P
Surface parking, covered	—	—	—	C	C	C	C	P
Multistoried parking structure with ramps	—	—	—	—	C	C	P	P
Underground parking structure with ramps	—	—	—	—	C	C	P	P
Rooftop parking facility	—	—	—	—	P	P	P	P
Bus terminal	P	P	P	P	P	P	P	P
Bus stop shelter	P	P	P	P	P	P	P	P
Bus or truck maintenance facility	—	—	—	—	—	—	C	P
Truck and freight transportation services	—	—	—	—	—	—	C	P
Road, ground passenger, and transit transportation	P	P	P	P	P	P	P	P
Local transit systems— includes mixed mode	P	P	P	P	P	P	P	P
Local transit systems— commuter rail	P	P	P	P	P	P	P	P
Local transit systems— bus, special needs, and other motor vehicles	P	P	P	P	P	P	P	P
Interurban, charter bus, and other similar establishments	P	P	P	P	P	P	P	P
Taxi and limousine service	—	—	—	P	P	P	P	P
School and employee bus transportation	P	P	P	P	P	P	P	P
Towing and other road services	—	—	—	—	P	P	P	P

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<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
**Carports	—	A	A	—	A	—	—	—
**Detached Garages	—	A	A	—	A	—	—	—
**Fence	A	A	A	A	A	A	A	A
Space transportation	—	—	—	—	—	—	C	P
Pipeline transportation	—	—	—	—	—	—	C	P
Postal transportation services	—	—	—	—	P	P	P	P
Courier and messenger services	—	—	—	P	P	P	P	P
Air and space transportation facility	—	—	—	—	—	—	C	P
Airport terminal	—	—	—	—	—	—	—	P
Runway	—	—	—	—	—	—	—	P
Airport maintenance and hangar facility	—	—	—	—	—	—	—	P
Airport control tower	—	—	—	—	—	—	—	P
Heliport facility	—	—	—	—	—	—	—	P
Glideport, seaport, stolport, ultralight, or balloonport facility	—	—	—	—	—	—	—	P
Railroad facility	—	—	—	—	—	—	—	P
<b>Utility and other non-building structures</b>								
Utility structures on right-of-way	P	P	P	P	P	P	P	P
Water supply-related facility	—	—	—	—	—	—	—	—
Water supply pump station	P	P	P	P	P	P	P	P
Dam	P	P	P	P	P	P	P	P
Levee	P	P	P	P	P	P	P	P
Culvert	P	P	P	P	P	P	P	P
Water tank (elevated, at grade, underground)	P	P	P	P	P	P	P	P
Wells	P	P	P	P	P	P	P	P
Water treatment and purification facility	C	—	—	—	P	—	P	P
Water reservoir	C	—	—	—	P	—	P	P
Irrigation facilities	P	P	P	P	P	P	P	P
Wastewater storage or pumping station facility; lift stations	P	—	—	—	—	—	P	P
Solid waste landfill facility							P	P
Incinerator, composting, or similar facility	—	—	—	—	—	—	—	P
Hazardous waste collection	—	—	—	—	—	—	—	P
Hazardous waste treatment and disposal	—	—	—	—	—	—	—	P
Solid waste collection	—	—	—	—	—	—	—	P

***P=Permitted Use by Right, C=Conditionally Permitted Use, — = Not Permitted \*GC=Uses with a building unit larger than 15,000 SF may be permitted as a Conditional Use that may have design standards imposed as a condition of granting a Conditional Use Permit \*\*A=Accessory Uses-refer to Supplemental Regulations for design guidelines***

<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
Solid waste combustor or incinerator	—	—	—	—	—	—	—	P
Waste treatment and disposal	—	—	—	—	—	—	—	P
Septic tank and related services	—	—	—	—	—	—	—	P
Hazardous waste storage facility	—	—	—	—	—	—	—	P
Sewer treatment plant	—	—	—	—	—	—	—	P
Gas or electric power generation facility	P	—	—	—	—	—	—	P
Communication towers	C	—	—	—	—	—	C	P
Radio, television, or wireless transmitter	P	P	P	P	P	P	P	P
Weather stations or transmitters	C	C	C	—	—	—	—	P
Environmental monitoring station (air, soil, etc.)	—	—	—	—	—	—	—	P
Sign	A	A	A	A	A	A	A	A
Billboard	—	—	—	—	—	—	—	—
Highway rest stops and welcome centers	P	P	P	P	P	P	P	P
Roadside stand, pushcarts, etc.	P	P	P	P	P	P	P	P
Kiosks	P	P	P	P	P	P	P	P
Playground equipment	P	P	P	P	P	P	P	P
Fountain, sculpture, or other aesthetic structure	P	P	P	P	P	P	P	P
Outdoor stage, bandstand, or similar structure	P	—	—	C	P	P	P	P
<b><i>Agriculture, forestry, fishing, and hunting</i></b>								
Grain silos and other storage structure for grains and agricultural products	P	P	P	P	P	P	P	P
Animal production, including slaughter	P	—	—	—	—	—	—	P
Livestock pens or hog houses	P	—	—	—	—	—	—	P

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<b>Use/Activity</b>	<b>RP</b>	<b>R-1</b>	<b>R-2</b>	<b>NC</b>	<b>*GC</b>	<b>D</b>	<b>LI</b>	<b>HI</b>
**Hatcheries and poultry houses	P	A	A	—	—	—	—	P
Greenhouses/nurseries	P	P	P	—	—	—	—	P
Stables and other equine-related facilities	P	—	—	—	—	—	—	P
Kennels and other canine-related facilities	P	—	—	—	—	—	—	—
Apiary and other related structures	P	P	P	P	P	P	P	P
Crop production	P	P	P	P	P	P	P	P
Forestry and logging	P	—	—	—	—	—	—	—
Fishing, hunting, and trapping, including game preserves and retreats	P	P	P	P	P	P	P	P
Support functions for agriculture and forestry	P	—	—	P	P	P	P	P
<b><i>Mining and extraction establishments</i></b>								
Oil and natural gas	—	—	—	—	—	—	—	P
Metals (iron, copper, etc.)	—	—	—	—	—	—	—	P
Coal	—	—	—	—	—	—	—	P
Nonmetallic mining	—	—	—	—	—	—	—	P
Quarrying and stone cutting	—	—	—	—	—	—	—	C

***P=Permitted Use by Right, C=Conditionally Permitted Use, — = Not Permitted \*GC=Uses with a building unit larger than 15,000 SF may be permitted as a Conditional Use that may have design standards imposed as a condition of granting a Conditional Use Permit \*\*A=Accessory Uses-refer to Supplemental Regulations for design guidelines***

## RESOURCE PROTECTION

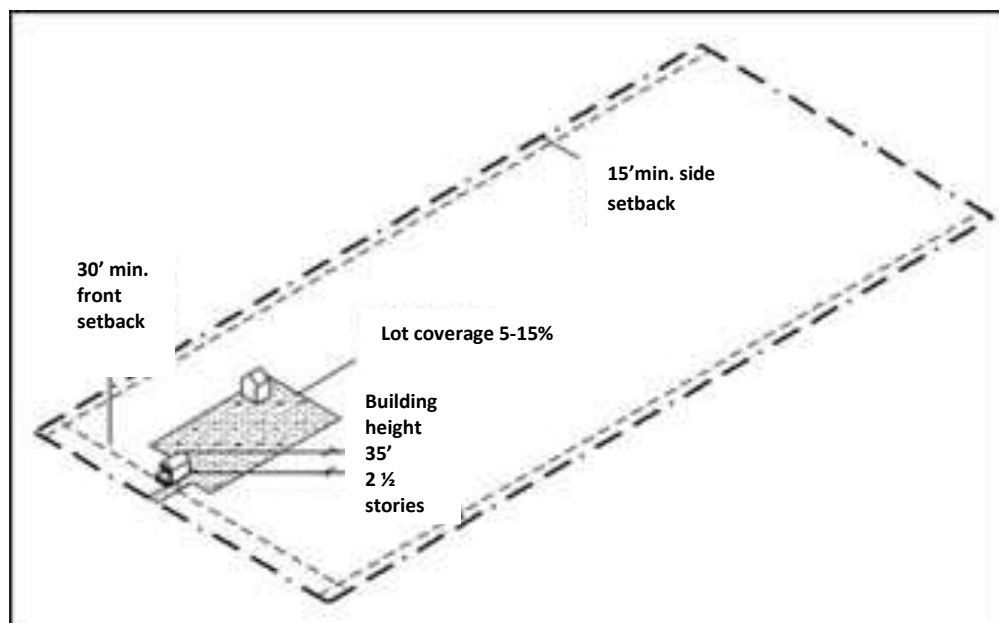
Resource Protection zones are large unsubdivided tracts of land meant to provide for open space and agricultural use, accommodating extremely low density development that is consistent with agricultural use. These areas are meant to protect land from indiscriminate residential and urban development and other incompatible or conflicting land use. "RP" districts can also be used as a buffer along environmentally sensitive areas such as streams, floodplains, mineral deposits, woodland areas, and other natural resources. These resources must be protected from encroaching development to ensure their availability for timely utilization.

### Site Development Regulations

Zoning District	"RP"
Lot size (minimum, square feet)	435,600
Density (maximum, dwelling units per gross acre)	0.1
Frontage (minimum, feet)	--
Lot width (minimum, feet)	--
Lot width (maximum, feet)	--
Height (maximum, feet)	35
Stories (maximum)	2 ½
Front setback (minimum, feet)	30
**Side setback (minimum, feet)	15
Rear setback (minimum, feet)	--
Lot coverage (maximum, percent)	
-lot less than 10 acres (nonconforming)	15
-lot 10 acres or greater	5

A dash ("—") means "not applicable."

\*\*Side setbacks-corner lots shall have a street side setback of 25' excepting that pre-existing lots may reduce the street side yard setback to 15'



## R-1 SINGLE FAMILY RESIDENTIAL (LOW DENSITY)

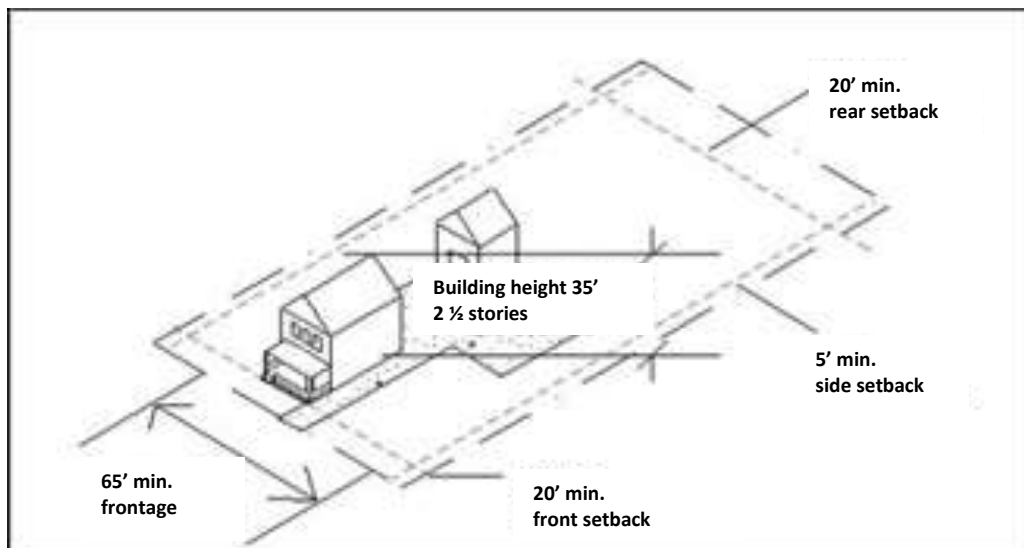
R-1 Single Family Residential zones provide for low density residential development and allow certain public facilities and services which serve the development. They provide a buffer between agricultural lands and higher density urban development. This protects and preserves areas of the city which, by their nature and location exhibit a high potential as living areas for residents. "R-1" districts are characterized by single family dwellings on larger lots of land. These regulations are intended to preserve neighborhood qualities, encourage continuing maintenance, and rehabilitation by ensuring incompatible and conflicting land uses will not encroach on the neighborhood. This promotes a sense of community, urban vitality, and efficient provision of infrastructure.

### Site Development Regulations

Zoning District	"R-1"
Lot size (minimum, square feet)	20,000
Density (maximum, dwelling units per gross acre)	2
Frontage (minimum, feet)	65
Lot width (minimum, feet)	65
Lot width (maximum, feet)	--
Height (maximum, feet)	35
Stories (maximum)	2 ½
Front setback (minimum, feet)	20
Maximum from setback (maximum, feet)	--
**Side setback (minimum, feet)	5
Rear setback (minimum, feet)	20
Lot coverage (maximum, percent)	15
Maximum building size (individual)	--
Maximum building size (aggregate)	--

A dash ("—") means "not applicable."

\*\*Side setbacks-corner lots shall have a street side setback of 25' excepting that pre-existing lots of record may reduce the street side yard setback to 15'





## R-2 MULTI-FAMILY RESIDENTIAL (MEDIUM DENSITY)

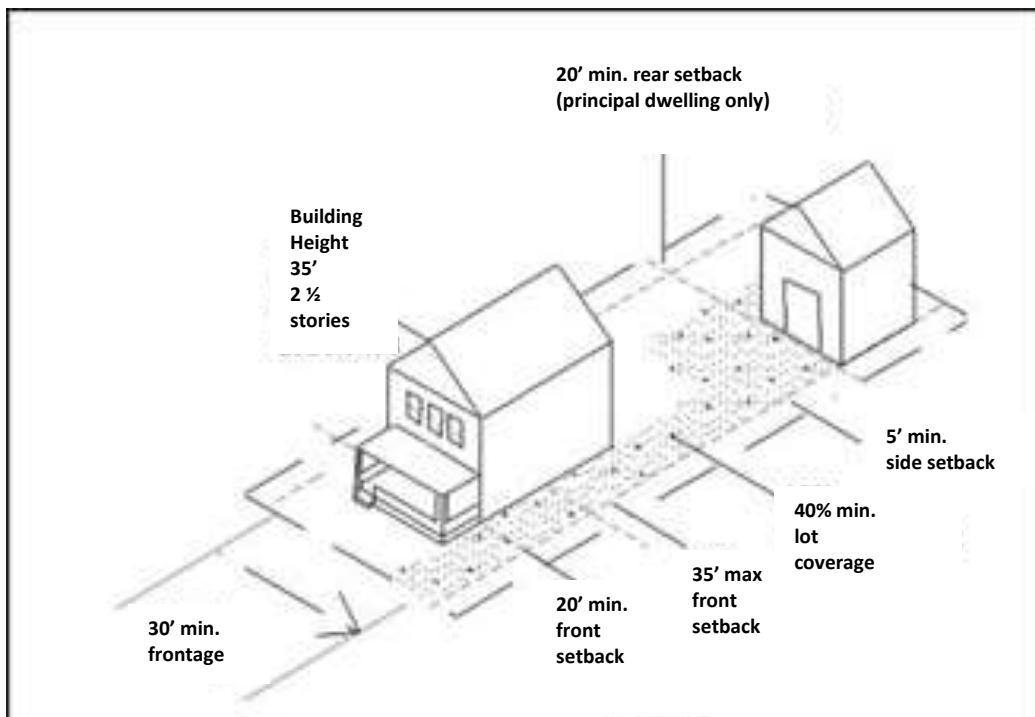
R-2 Multi-Family Residential zones provide for medium density residential development and allow certain public facilities and services which serve the development. They consist of both single and multi-family dwelling units. This allows for the economic use of land while maintaining a safe and attractive residential environment.

### Site Development Regulations

Zoning District	"R-2"
Lot size (minimum, square feet)	5,000
Density (maximum, dwelling units per gross acre)	9
Frontage (minimum, feet)	30
Lot width (minimum, feet)	45
Lot width (maximum, feet)	150
Height (maximum, feet)	35
Stories (maximum)	2 ½
Front setback (minimum, feet)	10
Maximum front setback (maximum, feet)	35
**Side setback (minimum, feet)	5
Rear setback (minimum, feet)	20
Lot coverage (maximum, percent)	40
Maximum building size (individual)	--
Maximum building size (aggregate)	--

A dash ("—") means "not applicable."

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## NEIGHBORHOOD COMMERCIAL

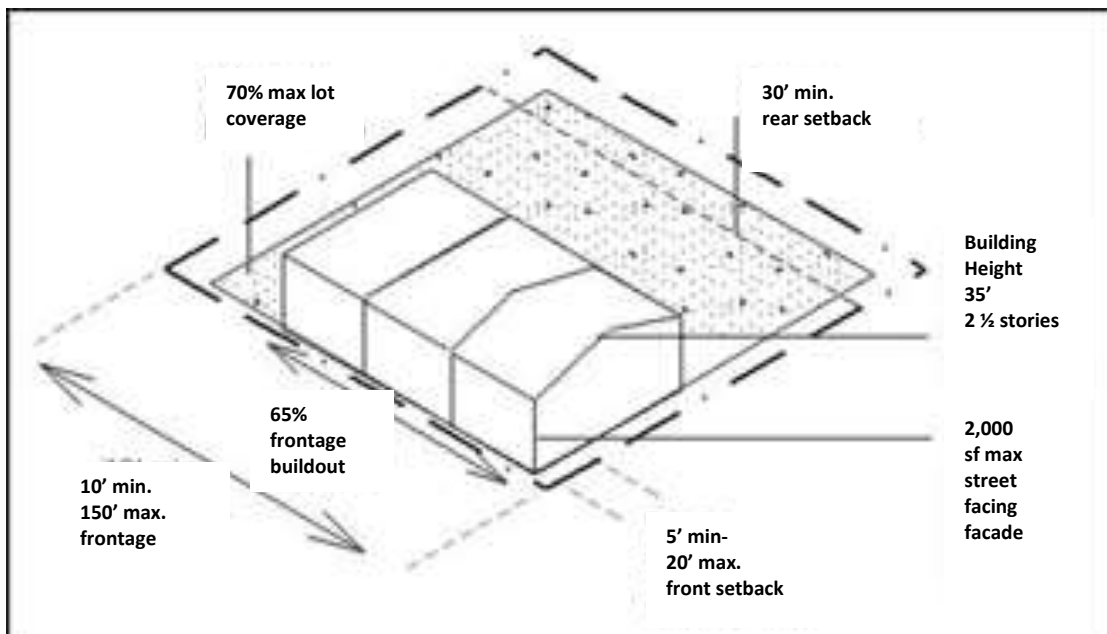
Neighborhood Commercial zones provide for commercial activity that reflects the economic needs of the nearby residential districts by providing facilities, services, and shop front retail. The intent of this district is to reduce the amount of automobile trips by providing everyday services in close proximity to dwellings. This encourages and protects the transitional elements between residential and commercial use.

### Site Development Regulations

Zoning District	"NC"
Lot size (minimum, square feet)	--
Density (maximum, dwelling units per gross acre)	--
Frontage (minimum, feet)	10
Lot width (minimum, feet)	--
Lot width (maximum, feet)	--
Height (maximum, feet)	35
Stories (maximum)	2 ½
Front setback (minimum, feet)	5
Maximum front setback (maximum, feet)	20
**Side setback (minimum, feet)	0
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	70
Maximum building size (individual)	2,000
Maximum building size (aggregate)	20,000
Minimum frontage built-out (percent)	65

A dash ("—") means "not applicable."

\*\*Side setbacks-corner lots shall have a street side setback of 25' excepting that pre-existing lots of record may reduce the street side yard setback to 15'



## GENERAL COMMERCIAL

General Commercial zones provide for areas which businesses requiring substantial space may be carried on. They contain a variety of commercial uses including uses that are oriented more toward services rather than retail activities, thus they are more appropriately located along major arterial streets or areas that can be buffered from residential districts. This district promotes a broad range of commercial operations and services necessary for large regions and supports economic diversification of the economic base of the community.

### Site Development Regulations

Zoning District	"GC"
Lot size (minimum, square feet)	--
Density (maximum, dwelling units per gross acre)	--
Frontage (minimum, feet)	40
Lot width (minimum, feet)	--
Lot width (maximum, feet)	--
Height (maximum, feet)	48
Stories (maximum)	4
Front setback (minimum, feet)	5
Maximum front setback (maximum, feet)	100
Side setback (minimum, feet)	0
Rear setback (minimum, feet)	30
Lot coverage (maximum, percentage)	80
Minimum frontage built-out (percent)	65

A dash ("—") means "not applicable."

\*\*Side setbacks-corner lots shall have a street side setback of 25' excepting that pre-existing lots of record may reduce the street side yard setback to 15'

### Building Scale Regulations

(A) Maximum Building Size (Square Feet) (Individual)	(C) Design Standards
15,000 or more	C
5,000 to 15,000	--
Less than 5,000	--

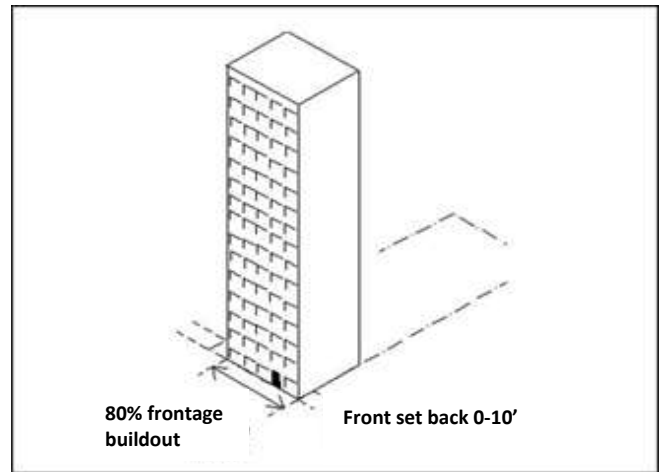
Uses with a building unit larger than 15,000 SF may be permitted as a Conditional Use that may have design standards imposed as a condition of granting the Conditional Use Permit



## DOWNTOWN

The Downtown zone provides for a vibrant mixture of uses designed to strengthen the town center’s role as the center of trade, services, and civic life.

In its function as a commercial district, it should include a variety of activities such as office and retail functions, services, and transportations. In its function as a residential district, it should accommodate a broad range of housing stocking, including low, moderate, and upper income housing, single and multi-occupancy units, as well as housing for the elderly. Urban design standards should be utilized to create a pedestrian friendly environment and develop a complete neighborhood to enhance its image to both visitors and residents. Priority should be given to existing buildings whenever possible.



### Site Development Regulations

Zoning Code	“D”
Lot size (minimum, square feet)	--
Density (maximum, dwelling units per gross acre)	--
Frontage (minimum, feet)	--
Lot width (minimum, feet)	--
Lot width (maximum, feet)	--
Height (maximum, feet)	--
Stories (maximum)	--
Front setback (minimum, feet)	0
Maximum front setback (maximum, feet)	20
**Side setback (minimum, feet)	--
Rear setback (minimum, feet)	15
Lot coverage (maximum, percent)	--
Maximum building size (individual)	--
Maximum building size (aggregate)	--
Minimum frontage built out (percent)	8

A dash (“--”) means “not applicable.”

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## LIGHT INDUSTRIAL

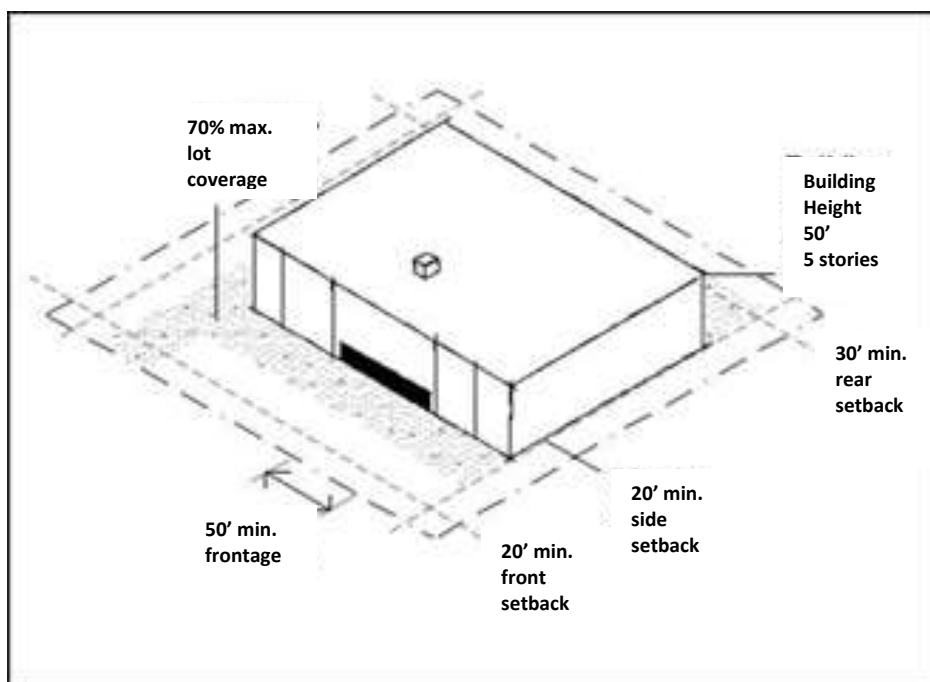
Light Industrial zones provide sights for the location of industrial uses with relatively limited environmental effects such as light manufacturing, office parks, flex spaces, and limited retail. Adequate parking and loading are necessary for this type of use. Residential and other similar uses are prohibited to limit the environmental effects associated with certain industrial use, regardless of best practice adherence.

### Site Development Regulations

Zoning Code	"LI"
Lot size (minimum, square feet)	--
Density (maximum, dwelling units per gross acre)	--
Frontage (minimum, feet)	50
Lot width (minimum, feet)	--
Lot width (maximum, feet)	--
Height (maximum, feet)	50
Stories (maximum)	5
Front setback (minimum, feet)	20
Maximum front setback (maximum, feet)	--
**Side setback (minimum, feet)	30
Rear setback (minimum, feet)	30
Lot coverage (maximum, percent)	70
Maximum building size (individual)	--
Maximum building size (aggregate)	--

A dash ("—") means "not applicable."

\*\*Side setbacks-corner lots shall have a street side setback of 25' excepting that pre-existing lots of record may reduce the street side yard setback to 15'



## HEAVY INDUSTRIAL

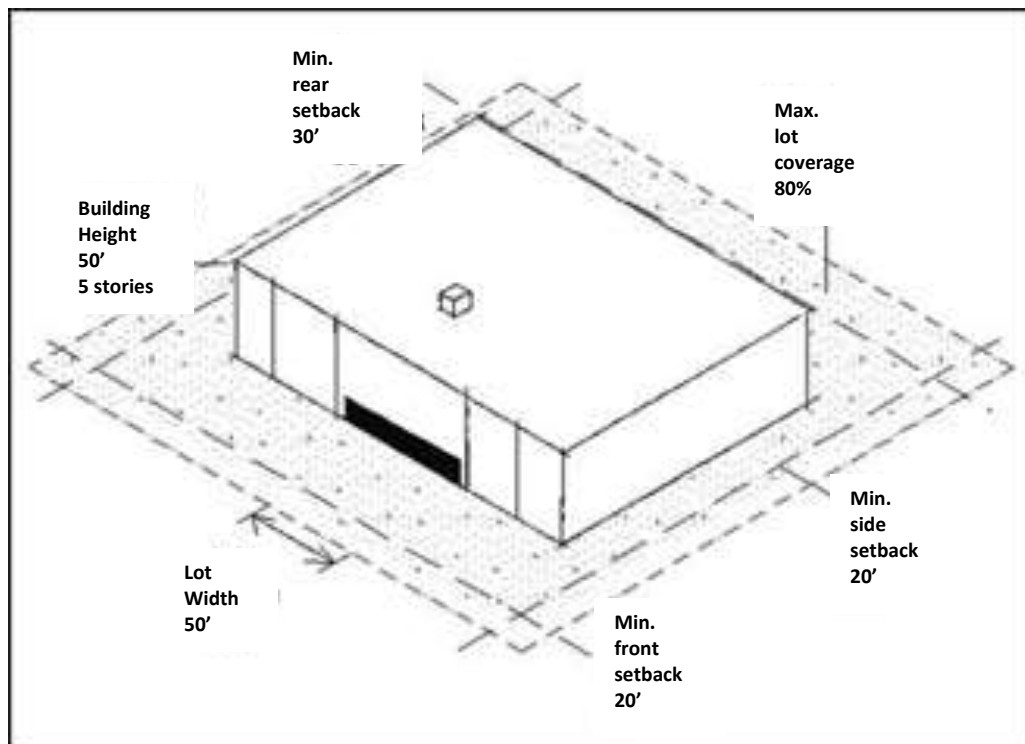
Heavy Industrial zones provide and open and environmentally attractive atmosphere for a wide variety of industrial uses, some of which may have significant external effects. This district should have a buffer area between it and other conflicting uses to preserve the character of the other areas.

### Site Development Regulations

Zoning Code	"HI"
Lot size (minimum, square feet)	--
Density (maximum, dwelling units per gross acre)	--
Frontage (minimum, feet)	100
Lot width (minimum, feet)	100
Lot width (maximum, feet)	--
Height (maximum, feet)	60
Stories (maximum)	5
Front setback (minimum, feet)	30
Maximum from setback (maximum, feet)	--
**Side setback (minimum, feet)	50
Rear setback (minimum, feet)	50
Lot coverage (maximum, percent)	80
Maximum building size (individual)	--
Maximum building size (aggregate)	--

A dash ("—") means "not applicable."

\*\*Side setbacks-corner lots shall have a street side setback of 25' excepting that pre-existing lots of record may reduce the street side yard setback to 15'



## **NONCONFORMING AND NONSTANDARD USES**

**INTRODUCTION:** As Governed by Nebraska Revised Statutes 19-904.01, the use of a building, structure, or land, existing and lawful at the time of the adoption of a zoning regulation, or at the time of an amendment of a regulation, may be continued, although such use does not conform with provisions of such regulation or amendment.

**PURPOSE:** The purpose of this section is to protect the rights of property owners who have lawfully established, and continuously maintained (in a lawful manner), a use prior to the adoption of these regulations which might render such use unlawful.

**CONTROLLING REGULATIONS:** Regulations controlling nonconforming uses are in addition to regulations controlling nonconforming structures. In the event of conflict, the more restrictive regulations shall be enforced.

**CONTINUATION OF NONCONFORMING USE:** Subject to the provision of this article, the lawful use of a building, dwelling, structure, lot, land or premises existing immediately prior to the effective date of these regulations may be continued although such use does not conform to the provisions stated within this document. Such use may be extended throughout the same building if no structural alteration of such building is proposed or made for the purpose of such extension.

Any use which is permitted as a conditional use in a zoning district under the terms of this ordinance, shall not be deemed a non-conforming use in such zoning district, but shall, without action, be considered a conforming use.

Subject to the requirements below, a nonconforming use not involving a building may be continued even though such use does not conform to the provisions hereof if no changes are made in regard to size or location of water lines, sewer lines or private roads.

**DISCONTINUANCE OF NONCONFORMING USE:** If such nonconforming use or structure is abandoned for a period of twelve months, such right to the nonconforming use shall be forfeited and any future use of the building and premises shall conform to the regulation.

**EXTENSION OR ENLARGEMENT:** Any nonconforming building, dwelling, structure, lot, land or premises devoted to a use not permitted by the zone in which the building or premises is located shall not be enlarged, extended, converted, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which the building or premises is located.

**RESTORATION AFTER DAMAGE:** When the use of a building is nonconforming as defined in this chapter and such building is damaged by a fire, explosion, or act of God to the extent of more than sixty percent (60%) of its fair market value, it shall not be restored except in conformity with the regulations of the district in which the building is located, or in conformance with a conditional use.

**EFFECT ON USE WHICH IS ILLEGAL UNDER PRIOR LAW:** Nothing in this resolution shall be interpreted as authorization for, or approval of, the continuance of the use of a building or premises in violation of zoning regulations in effect immediately prior to the effective date of this resolution.



## **SUBDIVISIONS**

Purpose: Serve the public health, safety, and general welfare of the City and its residents as well as provide for the orderly development and growth of the City by prescribing rules and standards for insuring the functional arrangements of streets, public improvements, open spaces, community facilities, and utilities.

**JURISDICTION AND APPLICABILITY:** this chapter shall be applicable to all property within the corporate limits and the extraterritorial jurisdiction. No owner of real property within this area may subdivide or plat such property into lots for buildings or any other use, streets, or other forms of dedication for public use without first gaining approval pursuant to these regulations. In addition, no individual may sell, offer to sell, or construct buildings on any lots or parts of real property that are not subdivided as required by State law or this section.

**PERMITS:** No building permit shall be issued for any piece of property less than ten(10) acres that has not first been platted in accordance with this chapter.

**INTERPRETATION, CONFLICT, AND SEVERABILITY:** These regulations shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision conflicts with any other provision, or any applicable state or federal law, the more restrictive provision shall be enforced. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, state, or federal ordinance or statute.

**EXEMPTIONS:** These regulations shall not apply in the following instances:

- The division of land for agricultural purposes into parcels or tracts of more than ten (10) acres and not involving any new streets or easements of access.
- A previously platted lot which may be divided as a minor subdivision with the provisions of this ordinance
- Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, state, or federal regulations, where no new street or easement of access is involved.
- Any transfer of title by operation of eminent domain or court ordered partition or decree.

**APPROVAL NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS:** All plans, plats, or replats of land laid out in building lots, and the streets, alleys, or other portions to be dedicated for public use, or for the use of purchasers or owners of the lots adjacent thereto shall be submitted to the Planning Commission for its consideration. The Commission's recommendations shall be submitted to the City Council for its review and action.

**APPROVAL SUBDIVISIONS:** This procedure shall be used for dividing a lot, tract, or parcel of land into two (2) or more parts. This includes minor subdivisions, which is the division of one (1) lot into two (2) or more lots or the combination of two (2) or more lots into two (2) or less lots. All applications shall be submitted to the Planning Commission for approval.

At a minimum, the application shall contain the following:

- Legal description of the property
- A survey attached to the application showing: proposed lots abutting lots; all existing structures, fences, and building set backs on lots; and all necessary easements and right of way dedications.
- Following review of the application, the Planning Commission will provide their recommendation to the City Council, who will approve or disapprove the application. In the event that the Planning Commission disapproves the application, the applicant may appeal to the City Council by filing a written notice of appeal with the City Clerk within ten (10) calendar days after receiving the notice of disapproval.
- Following approval, the subdivider must file the survey and certificate of approval with the appropriate County Register of Deeds. The subdivider shall submit a copy of the recorded document of such filing with the City Clerk within ninety (90) days of the date of approval or the document shall be null and void.
- The City Clerk shall keep a complete and accurate record of all subdivision approvals.

## **ADMINISTRATION AND ENFORCEMENT**

Purpose: This section establishes the methods for implementation of the Zoning Regulations.

**ENFORCEMENT:** A Zoning Administrator shall be appointed by the Governing Body and it shall be the duty of said Zoning Administrator to enforce this regulation. Appeal from the decision of the Zoning Administrator may be made to the Board.

**ZONING PERMITS:** Prior to the erection of any structure, including structures for agricultural uses, an application for a zoning permit shall be prepared on forms provided and shall be submitted to the Zoning Administrator accompanied by a plot plan in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, required setbacks, points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces, service areas, and such other information as may be necessary to provide for the enforcement of this regulation. A record of the applications, plans and permits shall be kept by the Zoning Administrator. The Zoning Administrator may accept lessor information providing adequate data is available to render a decision. This zoning permit may be a part of or termed a building permit.

**TEMPORARY ZONING PERMITS:** The Planning Commission may issue a temporary zoning permit for uses in any district for the purpose of uses and buildings incidental and required in the construction, provided that such use be of a temporary nature and does not involve the erection of substantial buildings. Such permits shall be granted in the form of temporary and revocable permit for not more than six months subject to conditions as will safeguard the public health, safety, and general welfare.

### **APPLICATION FOR A ZONING PERMIT**

1. Written application forms prescribed and furnished by the Planning Commission stating such information as may be required for the enforcement of these regulations shall be submitted and shall be accompanied by a site plan, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, the exact location, existing and intended use of each building or structure or part thereof, the number of families or housekeeping units the building is designed to accommodate and when no buildings are involved, the location of the present use and proposed use to be made of the lot, existing and proposed water and sanitary sewer facilities, as may be necessary to determine and provide for the enforcement of these regulations. One copy of such plans shall be returned to the owner when such plans shall have been approved by the Planning Commission together with such zoning permits as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
2. The Planning Commission shall issue a written permit, or denial, thereof, with reasons in writing within 15 days from the date of the acceptance of the application. Those proposed uses requiring a zoning permit that are affected directly through these Regulations by another use currently in the conditional use process must yield until such use is permitted or denied.

3. Except where an extension has been obtained in writing from the Planning Commission, permits issued shall expire after two years when the work has not been completed.

**VIOLATION & PENALTY:** The owner or agent of a building or premise in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed \$100.00 for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to connect or abate such violation or to prevent the occupancy of said building, structure or land.

## **BOARD OF ADJUSTMENT**

**INTENT:** A Board of Adjustment is hereby created in accordance with Nebraska Revised Statutes 19-907-912. The Board shall be an appeals body and shall be given de novo standard of review to decide any decision brought before it.

**MEMBERSHIP:** The Board shall consist of five (5) members, plus one (1) additional member designated as an alternate who shall serve only when one of the regular members is unable to do so for any reason. Members of the Board shall be appointed by the Mayor with approval of the City Council to a term of three (3) years and may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member of the Board shall be appointed from the Planning Commission, and the loss of membership on the Commission by such member shall also result in the immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board.

### **RULES AND MEETINGS:**

1. The Board of Adjustment shall adopt rules in accordance with these regulations and the laws of the State of Nebraska pursuant to Sections 19-901 to 19-914. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall have the power to administer oaths and compel witnesses to attend meetings. They shall keep minutes of their proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records of their examinations and other official actions, all of which shall be immediately filed with the City Clerk and shall be public record.

2. An appeal to the Board of Adjustment may be taken by any persons aggrieved or by any officer, department, board, or bureau of the City by any decision, other than the approval or denial of a conditional use permit application, of an administrative officer, and/or City Board, depending upon the nature of agreement. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment, by filing with the Board a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person, by agent, or by attorney.

**POWERS:** The Board of Adjustment shall, subject to such appropriate conditions and safeguards as may be established by the City Council, have only the following powers:

1. **Administrative Review:** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, or refusal made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures
2. **Interpretation of Zoning Map:** To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized to by such regulations to pass, and
3. **Variance Review:** Where, because of undue hardship created by shape, narrowness, or shallowness not created by the land owner themselves, of a specific piece of property at the time of the adoption of the zoning regulations, or because of an exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in a peculiar and exceptional practical difficulties, the Board shall authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantially impairing the intent and purpose of any zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:
  - a. The strict application of the resolution would produce undue hardship
  - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity
  - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance, and
  - d. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
4. In exercising the above-mentioned powers, the Board may, in conformity with the provision of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as shall be proper, and to that end shall have the power of the officer of agency from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order,

requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulations or to effect any variation in such regulations.

**BOARD DECISIONS:** any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any officer, departments, board or bureau of the City may seek review of such decision by the District Court for the County in the manner provided by the laws of the State and particularly by Section 19-912 of the Nebraska Revised Statutes, and any such amendments thereto.

**USE VARIANCE:** Use variances shall not be granted by the Board of Adjustment. Parties wishing to make an impermissible use permissible may request that the zoning regulations may be amended.

## **PROCEDURE FOR CONSIDERATION OF AN AMENDMENT**

**PLANNING COMMISSION RECOMMENDATION:** All proposed amendments shall first be submitted to the Planning Commission for recommendation and report prior to public hearings.

**NOTICE OF HEARING:** Upon the development of tentative recommendations, the Planning Commission shall:

1. Hold at least one public hearing.
2. Provide notice of the time and place of which shall be given by the publication thereof in a newspaper of general circulation in the City one time at least 10 days prior to such hearing.
3. Notice of the time and place of such hearing shall be given in writing to the Chairman of any municipal, City, or joint planning commission, or, if no planning commission exists, to the clerks of the local government units, which have jurisdiction over land within three miles of the property affected by the proposed amendment.
4. Notice, in all cases, shall contain a statement regarding the proposed changes in regulations or restrictions or in the boundaries of any district.
5. If the proposed amendment will affect specific property, it shall be designated by legal description and general street location, and, in addition to publication notice, written notice shall be mailed to all owners of land located within 1,000 feet of the area proposed for amendment if said neighboring property is located within the City's jurisdiction.
6. If said neighboring property is located within a municipal jurisdiction, notice shall be sent to property owners within 300 feet of the property to be rezoned.
7. Failure to receive notice, however, shall not invalidate any subsequent action taken by the Planning Commission so long as such notice was in fact published and mailed in accordance with these provisions.

**HEARING ON PROPOSED AMENDMENT:** The Planning Commission shall hold a public hearing on each proposed amendment and shall cause an accurate written summary to be made of the proceedings which summary shall be preserved by the Planning Commission.

The Planning Commission shall submit a written recommendation of approval or disapproval of such proposed amendment to the Planning Commission within 30 days, which recommendation shall make findings based upon the evidence presented of:

1. The existing uses of land zoning classifications of property in the area that will be affected by the proposed amendment;
2. the suitability of the property in question to the new zoning classification;
3. the effect of the proposed amendment on the use of land and administration of zoning in the City;
4. the accessibility of the property to City services; streets and roads, sewage and water facilities and refuse disposal services; and
5. the general health, safety, and welfare of the community and any other considerations deemed appropriate by the Planning Commission in furtherance of the objectives of zoning and the City comprehensive plan.

**PROTEST:** If a protest against a proposed amendment is filed in the Office of the City Clerk within 14 days after the Planning Commission public hearing, duly signed and acknowledged by the owners of 20% or more either of the area of the lots, including in the proposed amendment, or of those immediately adjacent to the rear of thereof extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such proposed amendment shall not become effective except by the favorable vote of a 2/3 majority of the Planning Commission.

## SUPPLEMENTAL REGULATIONS

**ACCESSORY BUILDINGS:** accessory buildings shall include detached garages and carports. Accessory buildings are subject to the design guidelines below and may not exceed the maximum building coverage and impervious coverage of the zoning district they are located within.

Size (sf)	Permit	Front Yard	Interior Side Yard	Street Side Yard	Rear Yard	Separation Between Buildings	Height of Building
Less than 120	No	Not Permitted	3'	25'	3'	*10'	15' to peak
120 to 720	Yes	25'	3'	25'	3'	*10'	15' to peak
720 to 1200	Yes	25'	Greater of: 7' OR 10% of lot width up to 15'	25'	5' with no alley; 10' with alley	10'	20' to peak

\* Buildings may be four (4) feet apart when offset corner-to-corner.

**Foundation and Driveway:** All carports and detached garages must be built upon a permanent foundation and must have paved entrances.

**Time of Construction:** No accessory building shall be built upon any lot until construction of the principal building has begun.

**Permits:** A permit is required for an accessory use building that is greater than one hundred twenty (120) square feet.

**Total Number of Accessory Buildings:** A property, with an accessory building equal to or less than seven hundred twenty (720) square feet in area, may have one (1) additional accessory building, which does not exceed two hundred (200) square feet in area. A property with an accessory building greater than seven hundred twenty (720) square feet is not permitted additional accessory buildings.

**Total Lot Coverage:** All buildings on a site, taken together, must comply with the building coverage requirements for the zoning district and accessory buildings shall not occupy more than thirty percent (30%) of any rear yard.

**Multiple Frontage Lots:** Multiple-frontage lots require a minimum twenty-five (25) foot setback along on all street frontages.

**Easements:** No accessory building shall be located within any easement or right-of-way along the rear or side property line. Easements may be incorporated into required setbacks.

**Materials:** Any accessory building shall have a minimum vertical rise of two and one-half (2½) inches in each twelve (12) inches of horizontal run and a building design that is harmonious with the character of the neighborhood. No portion of any accessory building shall be covered with unpainted galvanized metal or corrugated sheets or panels.



**Attached Accessory Structures:** Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.

**Allowable Uses:** Accessory buildings shall be used only for use types that are permitted within the zoning district.

**FENCES:** The regulations contained in this section apply to all fences with a height above grade of thirty (30) inches and over.

**General Requirements:** Fence construction in all Zoning Districts is subject to the following provisions:

**Permit Required:** A permit to erect a fence is required in all zoning Districts except AG, RR-1 and RR-2 Districts.

**Location Restrictions:** No fence shall be erected on any lot or tract outside the surveyed lot lines. No fence shall be erected on public land by a private party or individual. Removal of any such fence shall be at the expense of the owner.

**Sight Obstruction at Street Intersections in All District:** It shall be unlawful for any person within the City to erect a fence in such manner as to be unsafe, injurious or annoying to the public.

**Effect on Adjacent Properties and Drainage:** In all Districts, fences shall be erected and maintained so as to avoid limiting or obstructing the flow of water in natural drainage courses, or drainageways created within easements.

**Fence Construction on Utility Easement:** In all Districts, a fence erected on a tract of land subject to an easement for the construction, maintenance, operations, or replacement of any water, sanitary or storm sewer, gas line, electric power, telephone, or other utility poles, or other cables or lines shall be designed and constructed to be readily removable to permit the use of the easement. Such fences shall be subject to removal by request whenever necessary to permit access. The cost of removal or replacement shall be the responsibility of the owner of the fence.

**Protective Fences around Swimming Pools:** A fence with a minimum height of four (4) feet shall be required around public or private swimming pools. Any gate around a protective fence shall be lockable and maintained in a locked state when the pool is not in use.

**Residential Fences:** Fences constructed within Residential Districts or on land used for residential purposes are subject to the following special provisions:

**Open Fence:** A fence where the design contains openings that constitute not less than fifty percent (50%) of the surface area of the fence. The surface area is the product of a length of fence, measured from the inside edge of one support post or column to the inside edge of the next adjacent support post or column; times the height of the same section of fence.

Fifty percent (50%) of the surface area shall be open, in order to qualify as an “open fence”. Support posts or columns less than two (2) feet in width are not considered part of the fence design.

**Closed Fence:** A fence where the design of the fence has more than fifty percent (50%) of the surface area closed.

**Construction Requirements:** fences in all districts shall adhere to the following design requirements:

**Height:** The maximum height of all fences excluding supports, posts or attached ornaments shall be six (6) feet.

**Openings:**

Front Yards: All fences built in required front yard building setbacks shall be constructed as an open fence.

Street Yards: All fences built in required street-side building setbacks shall be constructed as an open fence.

Interior Side Yards and Rear Yards: All fences built outside of a required front or street-side building setback may be constructed as a closed fence.

Arterial Street Yards: Fences built within the required street-side building setback on arterial streets, may be constructed as a closed fence, except when such fence is located in a street side-yard adjacent to a neighboring front yard. A fence erected within twenty-five (25) feet of the common property pin of a street side-yard and a front yard shall be constructed as an open fence.

Materials: Fences shall be constructed of wood, chain-link, PVC/resin, stone or masonry materials, or ornamental metals only. Wood fences shall utilize traditionally accepted residential fence materials. Mesh or chain-link fences may exceed six (6) feet in height to enclose public or private recreational sports complexes.

Barbed Wire: Barbed wire and/or electrified fences are not permitted within the City limits of the City of Arapahoe, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

**HATCHERIES AND POULTRY HOUSES:** shall be considered a Conditional, Accessory Use, and are subject to requirements listed in the Arapahoe Municipal Code, Title IX Chapter 91.55 thru 91.99.