

ZONING ORDINANCE
OF THE CITY OF
FORT CALHOUN, NEBRASKA

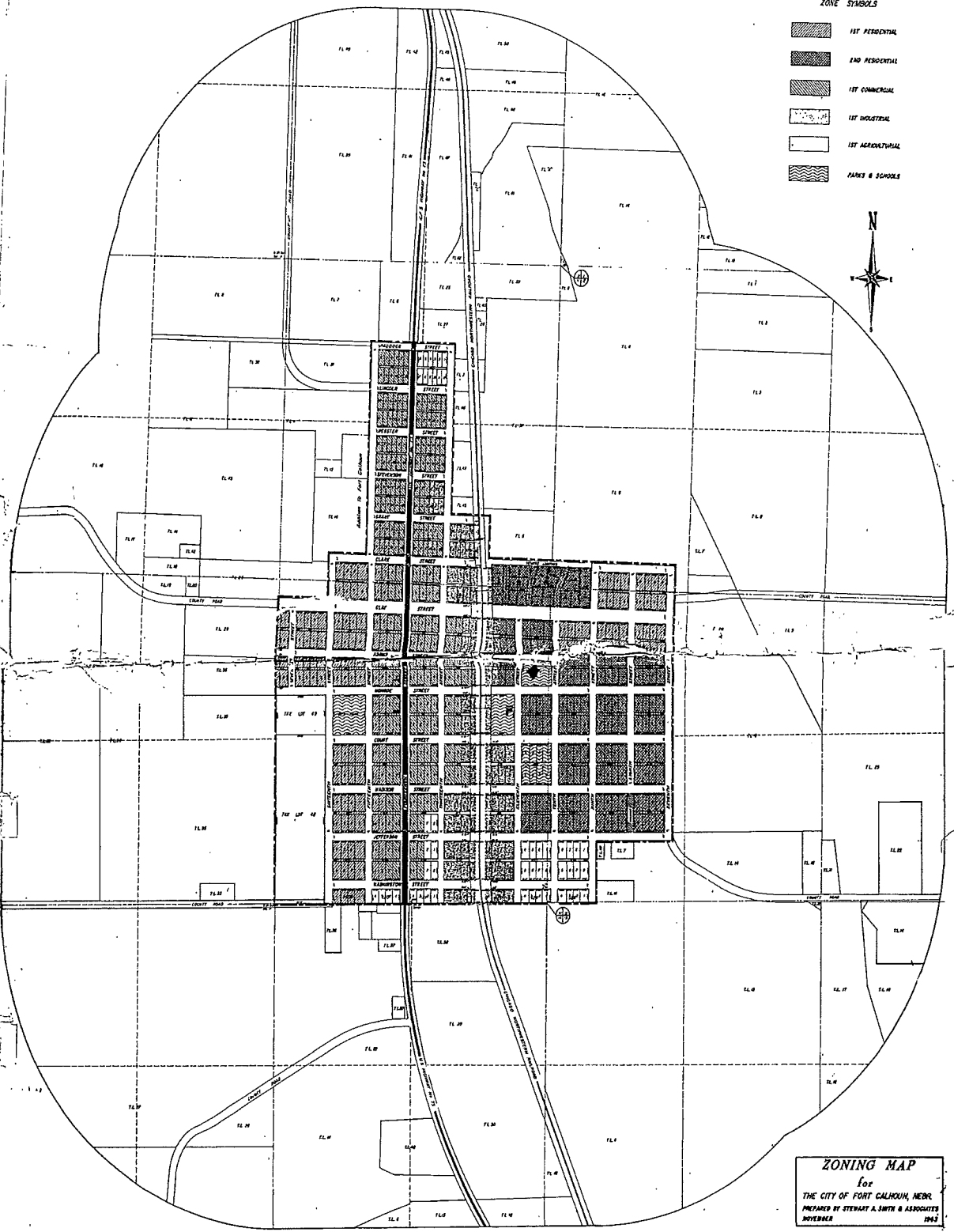
State of Nebraska }
County of Washington } ss. 840

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Numerical
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Luille K. Coulson
County Clerk

Deputy



Misc O-0375a

ORDINANCE NO. 187

AN ORDINANCE, to Promote Health, Safety, Morals and the General Welfare of the City of Fort Calhoun, Nebraska; Regulating and Restricting the Height, Number of Stories and Size of Buildings and other Structures, the Percentage of Lot that may be Occupied, the Size of Yards and other Open Spaces, the Density of Population and the Location and Use of Buildings, Structures and Land for Trade, Industry, Residence and other Purposes; Establishing Set-back Building Lines; Providing for the Issuance of Building Permits and Certificates of Occupancy; Providing the Methods of Amending and Changing Regulations, Restrictions, Boundaries and Maps Incident Thereto; Creating a Board of Adjustment; Prescribing Penalties for Violations Hereof; Repealing all Ordinances and Parts of Ordinances in Conflict Herewith and Providing when this Ordinance Shall Take Effect.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF FORT CALHOUN, NEBRASKA:

SECTION
I

The City of Fort Calhoun, Nebraska, and the area in all directions within one-half mile of the corporate limits thereof, as now existing or as hereafter extended, changed or altered, is hereby divided into Districts as follows:

- 1st Residence District
- 2nd Residence District
- 1st Commercial District
- 1st Industrial District
- 1st Agricultural District

The boundaries of the various Districts within said City are hereby established as shown on the official zoning map of the City of Fort Calhoun, which map with all its designations is hereby declared to be a part of this Ordinance.

Except as hereinafter provided:

- (a) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the District Regulations established by this Ordinance for the District in which the building or land is located.
- (b) No lot upon which a building has been erected shall be so reduced or diminished in area that the yards or open spaces shall be smaller than those prescribed by this Ordinance; nor shall the density of use be increased in any manner except in conformity with regulations hereby established for the District in which such property is located.
- (c) Every dwelling hereafter erected, or structurally altered, shall be located on a lot as herein defined and in no case shall there be more than one dwelling on one lot; and in no event shall any dwelling be constructed on a lot having a frontage of less than 66 feet.

SECTION
II1st RESIDENCE DISTRICT REGULATIONS

- (a) Use: The building or premises shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Churches.
 - (4) Schools, elementary and high.
 - (5) Publicly owned and operated libraries, museums, parks, playgrounds, fire stations, community buildings, non-commercial recreational uses.
 - (6) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of any business.
 - (7) Accessory buildings.
- (b) Height Regulations: No building shall exceed 2-1/2 stories, nor 35 feet, in height.
- (c) Area Regulations:
- (1) Building Area: No building for residential use shall be constructed in this District containing less than 1,000 square feet, exclusive of garages, porches, patios, and other attached accessory units; and no building for use as a two-family dwelling shall be constructed containing less than 2,000 square feet, or 1,000 square feet per unit, exclusive of garages and other attached accessory units.
 - (2) Front Yard: There shall be a front yard having a depth of not less than 30 feet.
 - (3) Side Yard: There shall be a side yard of not less than 15 feet in width on each side of a building.

- (4) Rear Yard: There shall be a rear yard of not less than 35 feet.

SECTION
III

3rd RESIDENCE DISTRICT REGULATIONS

- (a) Use: The building or premises shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Two-family dwellings.
 - (3) Churches.
 - (4) Schools, elementary and high.
 - (5) Publicly owned and operated libraries, museums, parks, playgrounds, fire stations, community buildings, non-commercial recreational uses.
 - (6) Accessory buildings.
 - (7) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of any business.
- (b) Height Regulations: No building shall exceed 2-1/2 stories, nor 35 feet, in height.
- (c) Area Regulations:
- (1) Building Area: No building for use as a single-family dwelling shall be constructed in this District containing less than 200 square feet, exclusive of garages, ^{porches, patios} and other attached accessory units, and no building for use as a two-family dwelling shall be constructed containing less than 1,600 square feet, or 800 square feet per unit, exclusive of garages and other attached accessory units.
 - (2) Front Yard: There shall be a front yard having a depth of not less than 30 feet.

- (3) Side Yard: There shall be a side yard of not less than 10 feet; provided, however, on that side where a garage is erected as an integral part of the dwelling, a side yard of 5 feet will be permitted.
- (4) Rear Yard: There shall be a rear yard of not less than 25 feet.

SECTION
IV

1st COMMERCIAL DISTRICT REGULATIONS

- (a) Use: A building or premises shall be used only for the following purposes:
- (1) On the west side of Main Street, any use permitted in 1st Residence District and subject to the requirements and regulations for that District; and on the east side of Main Street, any use permitted in 2nd Residence District subject to the requirements and regulations for that District.
 - (2) Retail Stores.
 - (3) Office buildings; studios.
 - (4) Filling stations.
 - (5) Bakeries.
 - (6) Ice delivery stations; newspaper depots.
 - (7) Laundry and/or cleaning establishments, when a permit for the operation of such business has been issued by the Mayor and City Council.
 - (8) Parking lots.
 - (9) Photograph shops.
 - (10) Barber and beauty shops.
 - (11) Automotive and implement salesrooms and repair shops.
 - (12) Restaurants, including drive-ins, liquor stores and bars.

- (13) Motor transportation and drayage firms.
 - (14) Outdoor advertising signs and outdoor advertising structures, but only when attached to or made a part of the commercial structure in accordance with the Ordinances of the City of Fort Calhoun.
 - (15) Clinics, doctors and dentists.
 - (16) Greenhouses.
 - (17) Hotels.
 - (18) Recreational buildings, including bowling alleys and theatres.
- (b) Height Regulations: No building shall exceed 2-1/2 stories, nor 35 feet, in height.
- (c) Area Regulations: When the building or premises are used for residential purposes, the Area Regulations for the 1st Residence District shall apply. When used for commercial purposes, the following shall apply:
- (1) Front Yard: There shall be a front yard of not less than 20 feet.
 - (2) Side Yard: The side yard adjoining a residence district shall be not less than 5 feet. The side yard adjacent to a street for lots situated at the intersection of two or more streets shall be not less than 15 feet.
 - (3) Rear Yard: There shall be a rear yard of not less than 10 feet.

SECTION
V

1st INDUSTRIAL DISTRICT REGULATIONS

- (a) Use: In the 1st Industrial District, all buildings and premises may be used for any use permitted in the 1st Commercial District and, in addition, may be used for trailer courts. Also, said buildings and premises may

be used for warehouses or lumberyards or for any other similar non-noxious use when a permit for such use has been granted by the Mayor and City Council of the City of Fort Calhoun, Nebraska, which, after a public hearing, shall have found and determined that the use applied for in the place specified will not be injurious to public health, safety, convenience and general welfare, and not in conflict with the intent and purpose of this Ordinance, except for the following:

- (1) Acetylene gas manufacturing or storage.
- (2) Ammonia, bleaching powder or chlorine manufacture.
- (3) Arsenal.
- (4) Asphalt manufacture or refining.
- (5) Blast furnace.
- (6) Boiler works.
- (7) Brick, tile or terra cotta manufacture.
- (8) Burlap manufacture.
- (9) Bag cleaning.
- (10) Celluloid manufacture.
- (11) Cement, lime, gypsum or plaster-of-paris manufacture.
- (12) Coke ovens.
- (13) Coal and coke yards.
- (14) Coal tar products manufacture.
- (15) Crematory.
- (16) Creosote treatment or manufacture.
- (17) Disinfectants manufacture.
- (18) Distillation of bones, coal or wood.
- (19) Dyestuff manufacture.
- (20) Exterminator and insect poison manufacture.
- (21) Emery cloth and sandpaper manufacture.
- (22) Fat rendering.
- (23) Fertilizer manufacture and bone grinding.
- (24) Fireworks or explosives manufacture.
- (25) Forage plant.
- (26) Gas (illumination or heating) manufacture and storage.
- (27) Glue, size or gelatine manufacture.
- (28) Gunpowder manufacture or storage.
- (29) Incinerator or reduction of garbage, dead animals, offal or refuse.
- (30) Iron, steel, brass or copper foundry.
- (31) Lamp-black manufacture.
- (32) Junk yard.
- (33) Oilcloth or linoleum manufacture.

- (34) Oiled, rubber or leather goods manufacture.
- (35) Ore reduction.
- (36) Packing house.
- (37) Paint, oil, shellac, turpentine or varnish manufacture.
- (38) Paper and pulp manufacture.
- (39) Plating works.
- (40) Potash works.
- (41) Printing ink manufacture.
- (42) Peroxylene manufacture.
- (43) Rock crusher.
- (44) Rolling mill.
- (45) Rubber or gutta percha manufacture.
- (46) Salt Works.
- (47) Sauerkraut manufacture.
- (48) Sausage manufacture.
- (49) Shoe-blackening manufacture.
- (50) Slaughterhouse.
- (51) Smelter.
- (52) Soap manufacture.
- (53) Soda compound manufacture.
- (54) Stock yards.
- (55) Stone mill or quarry.
- (56) Storage or baling of scrap paper, iron, bottles, rags or junk.
- (57) Stove polish manufacture.
- (58) Sulphuric, nitric or hydrochloric acid manufacture.
- (59) Tallow, grease or lard manufacture or refining from animal fat.
- (60) Tanning, curing or storage of rawhides or skins.
- (61) Tar distillation or manufacture.
- (62) Tar roofing or waterproofing manufacture.
- (63) Tobacco (chewing) manufacture or treatment.
- (64) Vinegar manufacture.
- (65) Wool pulling or scoring.
- (66) Yeast plant.

SECTION
VI

1st AGRICULTURAL DISTRICT REGULATIONS

- (a) Use: A structure or premises may be used for only the following purposes:
- (1) Any use permitted in 1st Residence District.

- (2) Farming, specialized poultry, pigeon, rabbit and other animal farms, but not including the feeding or disposal of community or collected garbage or offal.
 - (3) Apiaries.
 - (4) Mushroom barns.
 - (5) Greenhouses.
 - (6) Nurseries.
 - (7) Dog Kennels.
 - (8) Removal of black dirt or topsoil, stone, gravel and clay only by special permit.
 - (9) Sale of products from any of the above uses.
 - (10) Storage of farm products.
 - (11) Recreational camps.
 - (12) Riding stables.
 - (13) Veterinary establishments.
 - (14) Athletic fields.
 - (15) Cemeteries.
 - (16) Commercial feedlots, but prohibiting the feeding or disposal of community or collected garbage or offal to swine or other animals.
 - (17) Sale and storage of stock in trade and commodities used in connection with or the production of any of the above uses.
- (b) Height Regulations: No building shall exceed 2-1/2 stories, nor 40 feet, in height.

(c) Area Regulations:

- (1) Front Yard: There shall be a front yard having a depth of not less than 30 feet.
- (2) Side Yard: There shall be a side yard of not less than 15 feet in width on each side of a building.

SECTION
VIIADDITIONAL REGULATIONS

- (a) Off-Street Parking: Off-street parking space shall be provided on land immediately adjoining the land on which the following uses are maintained:
 - (1) Residences and Multiple Dwellings: Space for at least one automobile for each residence or dwelling unit.
 - (2) Groceries, Department Stores, and Sales Establishments: Parking space at least equivalent to floor space devoted to selling.
 - (3) Restaurants, Taverns, Night Clubs and Places of Assembly: At least 200 square feet of parking area for each six seats located in such structure.
 - (4) Non-Retail Commercial Establishments Employing Five or More: At least 400 square feet of parking area for each four employees.
 - (5) Hotels: At least 200 square feet of parking space for each bedroom, cottage or cabin.
- (b) Obstruction to view: On any corner lot on which a set-back line is established by this regulation, no wall, fence or other structure shall be erected and no hedge, shrub, tree or other growth shall be maintained in such location between such set-back line and the street line as to cause danger to traffic, as may be determined by the City Building Inspector.

- (c) Basement and Cellar Houses: In none of the Districts set forth herein shall cellar or basement houses be allowed.
- (d) House Moving: No dwelling house or other structure shall be moved upon lands encompassed by any of the Districts herein set forth without obtaining a permit therefor. Application for such moving permit shall be in writing and shall be delivered to the City Clerk, who shall refer such applications to the City Council for rejection or authorization for issuance of a permit. No such permit will be granted unless satisfactory proof is submitted with the application that the dwelling house or other structure when attached to the realty will conform to required standards of the District to which same is being moved.
- (e) Exception to Setback Rules: In the event that 60 percent or more of the existing structures in any one block have a uniform set-back less than that prescribed herein, any new construction may, if the City Council approves, conform to the existing set-back.
- (f) Unless an unattached garage abuts the rear property line, it must conform to all area regulations of the District.

SECTION
VIII

NON-CONFORMING USES DISCONTINUED

- (a) The lawful use of a building and premises existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.
- (b) Whenever the use of a building becomes a non-conforming use through a change in the Zoning Ordinance or District boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

- (c) In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped, for a period of two years, the use of the same shall thereafter conform to the uses permitted in the District in which it is located.
- (d) No existing building devoted to a use not permitted by this Ordinance in the District in which such building is located, except when required to do so by law or order, shall be enlarged, extended or reconstructed unless such use is changed to a use permitted in the District in which such building is located.
- (e) When a building, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than fifty percent of its fair market value, it shall not be restored except in conformity with the District regulations of the District in which the building is situated.

SECTION
IX

BUILDING PERMITS

- (a) It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement or extension of the exterior of any building or any part thereof when the cost of said work is over \$100, or to move or raze any building or structure, without first having applied to the City Clerk for a building permit to do so.
- (b) Application for a building permit shall be in writing and shall be delivered to the City Clerk, who shall refer such applications to the City Council for rejection or authorization for issuance of a permit. Such applications shall be accompanied by plans and specifications showing the size of the proposed building or structure and its location on the lot, and in all cases the proposed construction materials and details and type of construction to be used.
- (c) Blank forms shall be provided said City Clerk for the use of those applying for permits as provided

for in this Ordinance. Any permits authorized by the City Council shall be issued by the City Clerk and shall be on standard forms for such purposes and furnished by the City.

- (d) A careful record of all such applications, plans and permits shall be kept in the office of the City Clerk.
- (e) The fees to be charged for building permits from and after the passage of this Ordinance shall be as follows:
 - (1) For work costing over \$100 but not over \$1,000 -- \$3.00.
 - (2) For all work costing over \$1,000 -- \$1.00 for each additional \$1,000 increase in value or fraction thereof.
- (f) Any building permit under which no construction work has been commenced within six months after the date of issue of said permit, or under which the proposed construction has not been completed within two years of the date of issue shall expire by limitation; and no work or operation shall take place under such permit after such expiration. Upon payment of ten cents per month on each \$1,000 of the construction cost on which the original permit was issued, but not less than \$1.00 per month in any case, a building permit may be extended for a period not exceeding six months, by the City Clerk.

SECTION
31

CERTIFICATE OF OCCUPANCY

No vacant land shall be occupied or used, and no building hereafter erected or altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the City Clerk upon authorization by the City Council.

The use of an existing building or any land shall not be changed unless and until a Certificate of Occupancy shall have been obtained from the City Clerk upon authorization by the City Council.

Certificate of Occupancy for a new building, or for the alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within 30 days after the erection or the alteration of such building shall have been completed in conformity with the provisions of these regulations.

The Certificate of Occupancy shall describe the premises, the use proposed to be made thereof by the applicant, and shall state that such proposed use complied with the provisions of the Building Code and the Zoning Ordinances of the City of Fort Calhoun, or that such use is a permitted non-conforming use.

SECTION
XI

AMENDMENTS AND CHANGES

The regulations, restrictions, boundaries and maps may, from time to time, be amended, modified, changed or repealed by the Mayor and City Council of Fort Calhoun, Nebraska, in the following manner:

- (a) Upon recommendation of the Planning Board of the City of Fort Calhoun upon its own motion to the Mayor and City Council and after published notice and public hearing before the Mayor and City Council on such recommendation; or
- (b) By the Mayor and City Council, upon their own motion, after published notice and hearing, and after submission to and report from the Planning Board of the City of Fort Calhoun upon such proposed change; or
- (c) On petition signed by the owners of at least 20 per cent of the frontage of the property proposed to be altered or changed, and by the owners of at least 20 per cent of the frontage of the property immediately in the rear thereof, and by the owners of at least 20 per cent of the frontage of the property directly opposite to the frontage proposed to be altered, said petition to be filed with the City Clerk and to be submitted to the Planning Board, who shall make report and recommendation thereon to the Mayor and City Council, after which the Mayor

and City Council shall publish notice of hearing upon such report or recommendation and conduct hearings thereon, as provided by law.

SECTION
XII

BOARD OF ADJUSTMENT

The City Council shall act as a Board of Adjustment for the enforcement and interpretation of this Ordinance. The general powers of the Board are those contained in Sections 19-907 to 19-912, inclusive, Revised Statutes of Nebraska, 1943; and those statutes, together with any amendments thereto, are made a part hereof by specific reference, appeals from decisions of the Board of Adjustment to be had as provided by Section 19-912 of said Statutes.

SECTION
XIII

VIOLATION

The City Council of Fort Calhoun, Nebraska, shall appoint such agent or agents as shall be required to insure compliance with the provisions of this Ordinance; and in the event of any neglect, refusal or failure to comply with any provision hereof, such agents shall have the power to immediately stop any construction, alteration or other work in progress. If, after written notice directing compliance, any person neglects, refuses or fails to comply with the provisions of this Ordinance, such person shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed One Hundred Dollars (\$100). Each day following the receipt of such written notice in which there is no compliance shall be considered a separate and distinct offense hereunder.

SECTION
XIV

REPEAL

All Ordinances or parts thereof in conflict herewith are hereby repealed.

