

Planning Commission Meeting

Monday, May 24, 2021 5:00 PM

City Hall
704 6th Street
St. Paul, NE 68873

Agenda

1. A meeting of the St. Paul Planning Commission was convened in open and public session on the 24th day of May, 2021 at 5:00 p.m. held in the City Council Chambers, 704 6th Street, St. Paul, Nebraska.
2. Chairman Jerry Woodgate called the meeting to order at ___ p.m. with a statement regarding the Open Meeting Act, which is posted on the west wall of the City Council Chambers. Member roll call: Chairman Jerry Woodgate, Connie Becker, Arvilla Jacobs, Tyler Solko, and Tony Walch, along with Zoning Administrator Matt Helzer and Laura Berthelsen (minutes). Notice of the meeting was published in the Phonograph Herald, a legal newspaper in St. Paul, Howard County, Nebraska. The agenda was sent to the Board members prior to the meeting and was posted in four (4) public places.
3. Chairman Woodgate opens the public hearing on the proposed changes to the Zoning regulations.
4. Discuss - Approve / Deny the April 26, 2021 minutes.
5. Discuss - Approve / Deny the following Zoning Permit Applications:
 - (a) 2021-16 Fritz Lee - Demolish house at 222 8th Street
 - (b) 2021-17 Chris Meyer - Install fence at 1016 8th Street
 - (c) 2021-18 Anahuac & Marie Montanez - Construct carport and additions to sheds at 85 Jackson Street
6. Open public comment period for the public hearing on the proposed changes to the Zoning regulations. Members of the public are encouraged to speak in favor of or in opposition to the proposed changes.
7. Close public comment period for the public hearing on the proposed changes to the Zoning regulations. Discuss - Approve / Deny the proposed changes to the Zoning regulations.
8. Zoning Administrator Helzer Report
9. Public Comments
10. Chairman Woodgate announces the next Planning Commission meeting.
11. Adjournment

St. Paul Planning Commission
April 26, 2021
Meeting Minutes

A meeting of the St. Paul Planning Commission was convened in open and public session on the 26th day of April, 2021 in the front lobby at the City office, 704 6th Street, St. Paul, Nebraska.

Chairman Jerry Woodgate called the meeting to order at 12:09 p.m. with a statement regarding the Open Meetings Act; which is posted on the west wall of the City Council chambers. The notice of the meeting was published in the Phonograph Herald, a legal newspaper published in said City and Council. The agenda was sent to the Commission members prior to the meeting, and was posted in four (4) public places. Commission members present: Chairman Jerry Woodgate, Connie Becker, Arvilla Jacobs, and Tyler Solko. Commission members absent: Tony Walch. Also present Zoning Administrator Matt Helzer, Laura Berthelsen (minutes).

Commission member Solko moved to approve the April 12, 2021 meeting minutes. Commission member Jacobs seconded the motion. Commission members Becker, Jacobs, Solko, and Woodgate voted aye, nays none. Motion carried 4/0.

Zoning Administrator Helzer presented the following zoning permit applications:

- (a) 2021-9 Mandy Anderson – Install fence at 1111 7th Street
- (b) 2021-10 Allen Caudill – Install fence at 1403 Grant Street
- (c) 2021-11 Glen & Michele Killion – Construct shop/garage at 1131 Jansen Road
- (d) 2021-12 Tyler & Megan Stout – Construct shed at 523 6th Street
- (e) 2021-13 Isaac Howell – Construct deck and garden shed at 1104 Custer Street
- (f) 2021-14 Brad & Heather Markvicka – Install fence at 924 Sheridan Street
- (g) 2021-15 Peters Funeral Home – Addition to existing garage at 302 2nd Street

Commission member Becker moved to approve Zoning Permit applications 2021-9 through 2021-15. Commission member Solko seconded the motion. Commission members Becker, Jacobs, Solko, and Woodgate voted aye. Nays none. Motion carried 4/0.

Zoning Administrator Helzer reported that a property owner had indicated an interest in constructing a "barndominium" in city limits. Photos were distributed to Commission members similar to what the property owner is considering. It was noted that the zoning regulations do not allow vertical metal siding. The Commission members felt that other than the metal siding, the appearance of this particular "barndominium" would be allowed in a residential area. A zoning permit application will be required if the property owner decides to move forward with this project.

A draft ordinance was reviewed outlining potential changes to the zoning regulations. Additional changes were discussed for inclusion in the ordinance. A public hearing before the Planning Commission will be scheduled. The City Council will also be required to conduct a public hearing prior to the changes being officially approved and adopted.

The next St. Paul Planning Commission meeting is set for Monday, May 24, 2021 at 5:00 p.m.

Chairman Woodgate adjourned the meeting at 12:53 p.m.

Sincerely,

Matthew T. Helzer
Zoning Administrator

Jerry Woodgate
Chairman

Laura Berthelsen
Planning Secretary

Zoning Classification R-2

PERMIT NUMBER 2021-16
FEE \$10.00 CASH CHECK# pd 5/6/21

APPLICATION FOR A DEMOLITION PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Fritz Lee Contractor WAYNE CONTRACTING

Address 1221 WALLACE Address SAME

City, State, Zip ST. PAUL NE. Phone Number 308-374-0894

Phone Number 308-374-0894 Cell Phone _____

Complete Legal Description of the Property Lot 8, north 1/2 Lot 7 Block 106, original town

Address of Demolition Site 222 4th St St. Paul

Structure to be demolished HOUSE

Approximately when will demolition Start 30 days from approval Finish _____

Asbestos Inspection Conducted? Yes No _____ **Attach inspection report.**

To Whom Should the Improvements be assessed? Fritz Lee

Contact Utility Superintendent at (308) 754-4483 regarding Inspection. Date of visit May 6, 2021
(Matt Helzer's signature) Matt Helzer

Recommendations needed before approval: _____

MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING – CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date.

The signature also indicates permission granted to the Zoning Administrator to inspect the demolition site in which this permit is granted at any time until completed.

Signature of Applicant [Signature] Date May 6, 2021

Taxes must be paid in full prior to demolishing/removing any structure. Treasurer's certificate of approval to move or demolish the building MUST be attached.

For Office Use Only:

Permit is Approved _____ Denied _____ Date _____
Zoning Administrator

Reasons for Denial: _____



10612 West Schimmer Drive
Wood River, NE 68883-9658
Phone 308-379-7542
E-Mail garyhcarson@msn.com

CERTIFICATE OF NESHAP INSPECTION

In accordance with the United States Environmental Protection Agency (EPA) National Emission Standard for Hazardous Air Pollutants (NESHAP) inspection protocol, a pre-demolition survey including inspection of the interior and exterior of the building to identify suspect asbestos containing building materials (ACBM) was conducted. No suspect materials were present on the interior or exterior of the buildings. The building now meets the requirements to be free of asbestos containing materials in all areas based on initial "BUILDING INSPECTION" report dated April 5, 2021 and visual inspection of abatement on May 3, 2021.

Inspection Date May 3, 2021

Building Location: **House, 222 8th Street, St. Paul, NE**



1. House

Building Owner:

Fritz Lee
1021 Wallace St.
St. Paul, NE 68873

By


Signature

Name Gary Carson

Title Inspector MP-866

Consultant Quad-C Consulting

Quad-C Consulting Project # 21-095-01

2021-16

State of Nebraska

Department of Health and Human Services
Division of Public Health

Gary H Carson
Asbestos Project Designer

License #: 597
Status: Active

Expiration: 10/23/2021

State of Nebraska

Department of Health and Human Services
Division of Public Health

Gary H Carson
Asbestos Management Planner

License #: 888
Status: Active

Expiration: 10/18/2021

2021-16

Treasurer's Certificate

Prior to demolishing or removing any building or structure from property within the City limits, all taxes and liens must be paid on the property. The City of St. Paul requires the Howard County Treasurer to certify that all taxes on the property are paid, and that no liens exist on the property.

Type of Structure(s) to be Demolished / Moved _____

Property Address: 222 8th St St Paul NE 68873

Legal Description of Property: Lot 8 & N 1/2 Lot 7 Block 106 OT St Paul

I hereby certify that no taxes are due on the above-described property.

Date: 5/7/21

Howard County Treasurer's Office

By: Aimee Dixon
Aimee DIXSON (Printed Name)

Zoning Classification R-2

Value \$ 1200.00

PERMIT NUMBER 2021-17
FEE \$25.00 CASH CHECK# 2491 CC
pd 5/17/21

APPLICATION FOR A FENCE PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner CHRIS MEYER Contractor SELF
Address 1406 BRUCE ST Address SAME
City, State, Zip ST. PAUL NE. 68873 Phone Number
Phone Number 308-750-5941 Cell Phone

Complete Legal Description of the Property

Address of Fence Site 1016 8th Street Size & Kind White Vinyl Privacy

Replacement or New Fence: New

Approximately when will the construction: Start June 2021 Finish June 2021

To Whom Should the Improvements be assessed? Chris Meyer

Contact Utility Superintendent at (308) 754-4483 regarding Inspection Matt Helzer Date of visit 5-20-21
(Matt Helzer's signature)

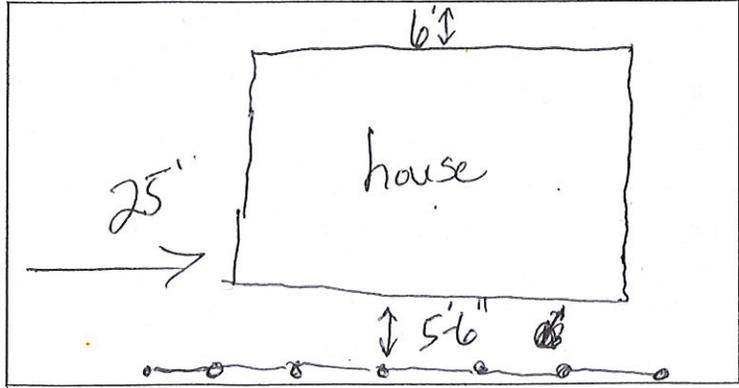
Recommendations needed before approval:

MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING - CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED. The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date.

The signature also indicates permission granted to the Zoning Administrator to inspect the site in which this permit is granted at any time until completed.

Signature of Applicant [Signature] Date 5/15/2021

N 43'
Drawing:
W 8th Street
25'



E Alley 8'
Lot size 132'
104' of Fence

For Office Use Only:
Permit is Approved Denied Date

Reasons for Denial:
Zoning Administrator

Zoning Classification AGR

Value \$ 4500

PERMIT NUMBER 2021-18
FEE \$25.00 CASH CHECK# paid 5/21/21

APPLICATION FOR A RESIDENTIAL ZONING PERMIT

St. Paul, Nebraska: DIRECTIONS: Fill in the following information as accurately and completely as possible. This application is not acceptable unless all required information is furnished.

Property Owner Anahua + Marie Montanez Contractor Self

Address 85 Jackson Street Address _____

City, State, Zip St. Paul, NE 68873 Phone Number _____

Phone Number 308-227-6425 Cell Phone _____

Complete Legal Description of the Property Lots 1,2,3,4,5,6 in W 1/2 NE 1/4 9-14-10 6 acres

Address of Construction Site 85 Jackson Street
(If none, one must be registered with the City of St. Paul) In the Flood Plain? _____

Proposed Structure 20'x21' Carport, ^{Additions to Sheds} 12'x12' and 20'x13' Dimension of Structure _____

Distance from Front property line 307' and 336' ^{East} 46' and 51' ^{West} Rear property line _____

Distance from Side property line 26' ^{North} 188' ^{South} Second Side property line _____

Is there a utility easement on either the back or side property? NO

Approximately when will construction Start May 2021 Finish Aug 2021

Contact Utility Superintendent at (308) 754-4483 regarding Inspection. Matt Helzer Date of visit 5-21-21
(Matt Helzer's signature)

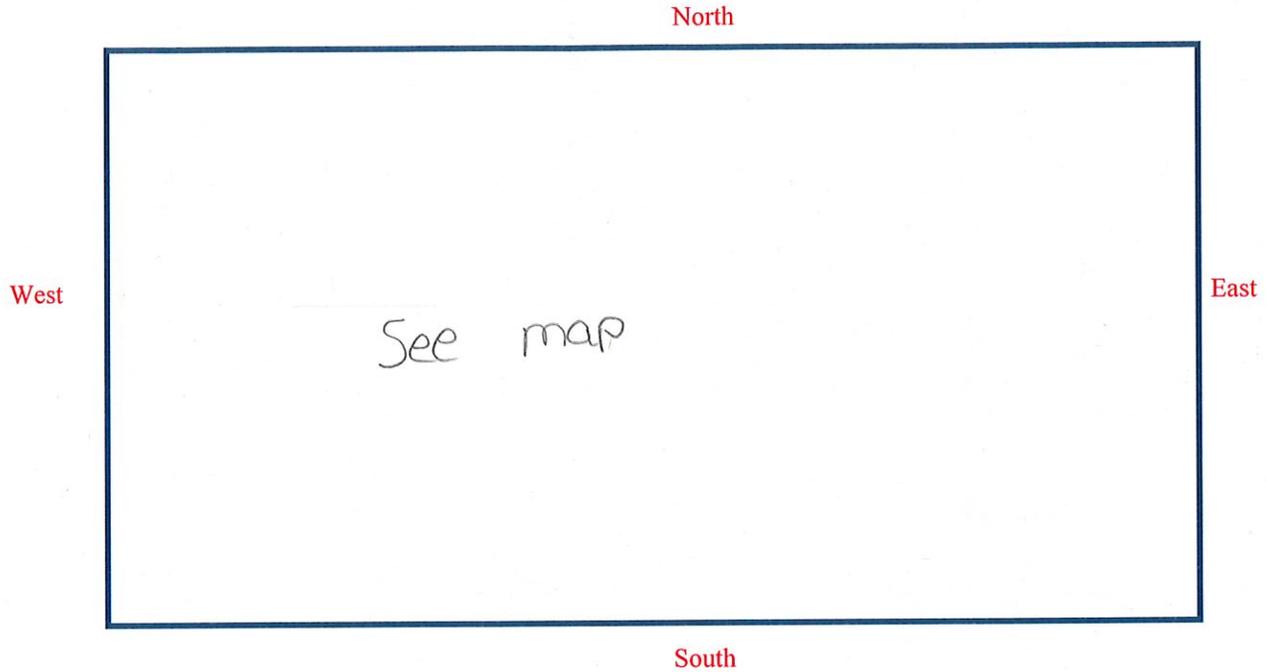
Recommendations needed before approval: _____

For Office Use Only:

- Is the proposed use permitted within this zoning district? YES NO
 - Does the proposed use meet all the required setback distances? YES NO
 - Is a conditional use required for the proposed use? YES NO
 - Has a Conditional Use Permit been issued for this proposed use? YES NO
- If yes, when does it expire? _____

(One Mile radius outside city limits) If the structure is a residence on less than 10 acres, indicate the date this property was platted as a separate parcel _____. Name of the Lot Split or Subdivision _____

Site Plan Sketch:



Street Name: North boundary _____ South boundary _____
 Street Name: West boundary _____ East boundary _____

Indicate, by drawing, the shape and dimensions of the land, shape and dimensions of all existing and proposed building and structures and the distances from the proposed building and structures to all lot lines (from road frontages, side and rear lot lines). Show the location of roads fronting the property. **MUST CALL DIGGERS HOTLINE @ 811 BEFORE DIGGING – CONSTRUCTION ON UTILITY EASEMENTS IS NOT PERMITTED.**

The above information is, to the best of my knowledge, true and accurate. It is understood and agreed that any error, misstatement or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application, or any alteration or change in plans made without the approval of the Zoning Administrator subsequent to the issuance of the Permit, shall constitute sufficient grounds for the revocation of such permit. This permit is valid for one (1) year from approval date and work must be started within the first 6 months.

The signature also indicates permission granted to the Zoning Administrator to inspect the construction site in which this permit is granted at any time until construction is completed.

Signature of Applicant  Date 5-21-21

For Office Use Only:
 Permit is Approved _____ Denied _____ Date _____
 _____ Zoning Administrator

Reasons for Denial: _____



Dirección particular



R

2021-18

S

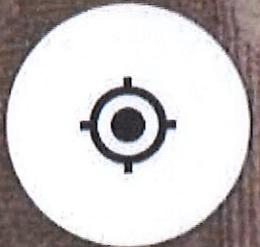


85 Jackson St



Jackson St

Redwood Ct



Google

20x13

12x12

ORDINANCE NO. _____

An Ordinance to amend the St. Paul Zoning Regulations; to amend Section _____; to clarify and/or make general corrections to various zoning regulations; to repeal any ordinance or parts of ordinances in conflict herewith; to provide for publication in pamphlet form, and to provide the effective date of this ordinance.

WHEREAS, the St. Paul Planning Commission held a public hearing on May 24, 2021 to hear public comment pertaining to recommended amendments to the zoning regulations identified herein; and

WHEREAS, the City Council of the City of St. Paul, Nebraska held a public hearing on June 7, 2021 to hear public comment pertaining to the recommended amendments to the zoning regulations identified herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of St. Paul, Nebraska:

SECTION 1: That Section 5.1.04 of the St. Paul Zoning Regulations is hereby amended to read as follows:

- 5.1.04 CONDITIONAL USES: A building or premise may be used for the following purposes in the Agricultural Residential District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.
1. Rural subdivision of two or more lots with single family, ranch and farm dwellings on lots having less than three acres, excluding road right-of-way, provided that:
 - a. Lot has at least one acre, excluding road right-of-way,
 - b. Lot is located adjacent to the corporate limits, and
 - c. Residence is hooked to public water and/or sewer.
 2. Sewage disposal and water systems, including agricultural irrigation wells, industrial pipelines and pumping stations, and asphalt or concrete batch plants
 3. Private uses including parks, recreational facilities, playgrounds, golf courses, country clubs, golf driving ranges, campgrounds, recreation uses, riding stables, dude ranches
 4. Airport
 5. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than 50 feet, subject to Section 9.13
 6. Bed and breakfast establishments
 7. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries
 8. Utility substations

9. Facilities used for commercial storage and motor vehicle storage yards
10. Bulk grain and produce storage, excluding commercial warehouses and storage facilities
11. Private cemeteries
12. Dog breeding establishments and kennels
13. Fairgrounds, race tracks and amusements parks
14. Amphitheaters, stadiums, drive-in movies, arenas and field houses
15. Greenhouses and garden centers
16. Veterinary clinics and facilities
17. Private elementary and high schools
18. Motor vehicle body shop and repair services
19. Restaurant and/or catering services

SECTION 2: That Section 5.2.06 of the St. Paul Zoning Regulations pertaining to the R1 – Residential District is hereby amended to change to read as follows:

5.2.06 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

Single Family Dwelling	7200**	66'	20'	6'	25'****	35'
Other Uses	10,000**	66'	20'	6'	25'****	35'
Accessory Uses			20'	6'***	6'***	25'

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise 1 acre with any combination of public and private water/sewer systems and 3 acres with both systems being private.

***Increased to 10.46 feet if vehicular access from alley, and shall not be located on a recorded easement.

****Or 20% of lot depth, whichever is less.

2. Building on corner lots shall provide front yard setbacks of twenty (20) ~~twenty-five (25)~~ feet on both street frontages; and designate remaining yards two side yards. All requirements of sight triangle shall be met.
3. Building and structures shall not exceed two and one half (2.5) stories in height. Accessory buildings shall not occupy more than thirty percent of the required area for the rear yard. Attached garages are considered part of principal building.

- All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

SECTION 3: That Section 5.3.06 of the St. Paul Zoning Regulations pertaining to the R2 – Residential District is hereby amended to read as follows:

5.3.06 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

- General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single Family Dwelling	7200**	66'	20'	6'	25'	35'
Two Family Dwelling	3,600 per family**	66' per family	20'	6', 0' of party wall	25'****	35'
Multifamily Housing	1,800 per family and 7,200 for lot**	66'	20'	6' or 10' if over 30' tall	25'****	45'
Town-houses	3,600 per family**	33'	20,	6' or 0' if party wall or 10' over 30' tall	25'****	35'
Other Uses	7200**	66'	20'	6'	25'****	35'
Accessory Uses			20'	6'****	6'****	25'

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise 1 acre with any combination of public and private water/sewer systems and 3 acres with both systems being private.

***Increased to 10.46 feet if vehicular access from alley, and shall not be located on a recorded easement.

****Or 20% of lot depth, whichever is less.

- Building on corner lots shall provide front yard setbacks of twenty (20) feet on both street frontages; and designate remaining yards two side yards. All requirements of sight triangle shall be met.
- Building and structures shall not exceed three (3) stories in height. Accessory buildings shall not occupy more than thirty percent of the required area for the rear yard. Attached garages are considered part of principal building.
- All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5. The side yard setback between individual units of two-family dwellings may be reduced to zero, if one (1) hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

SECTION 4: That Section 5.4.06 of the St. Paul Zoning Regulations pertaining to R3 – Residential District is hereby amended to read as follows:

5.4.06 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single Family Dwelling	5000**	44'	15'	6'	15'	35'
Two Family Dwelling	3,600 per family**	44' per family	15'	6', 0' of party wall	15'****	35'
Multifamily Housing	1,800 per family and 7,200 for lot**	44'	15'	6' or 10' if over 30' tall	15'****	45'
Town-houses	3,600 per family**	25'	15'	6' or 0' if party wall or 10' over 30' tall	15'****	35'
Other Uses	5000**	44'	15'	6'	15'****	35'
Accessory Uses			15'	6'***	6'****	25'

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise 1 acres with any combination of public and private water/sewer systems and 3 acres with both systems being private.

***Increased to 10.46 feet if vehicular access from alley, and shall not be located on a recorded easement.

****Or 20% of lot depth, whichever is less.

2. Building on corner lots shall provide front yard setbacks of fifteen (15) feet on both street frontages; and designate remaining yards two side yards. All requirements of sight triangle shall be met.
3. Building and structures shall not exceed three (3) stories in height. Accessory buildings shall not occupy more than thirty percent of the required area for the rear yard. Attached garages are considered part of principal building.
4. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5. The side yard setback between individual units of two-family dwellings may be reduced to zero, if one (1) hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

SECTION 5: That Section 5.7.02 of the St. Paul Zoning Regulations pertaining to Permitted Principal Uses and Structures in the B-1 Central Business District is hereby amended to read as follows:

5.7.02 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Automobile services and service stations
2. Automotive wash facilities
3. Electrical repair, radio and television repair; and watch, clock and jewelry sales and repair
4. Bakery
5. Banks, savings and loan associations, credit unions and finance companies
6. Barbershops, beauty parlors and shoeshine shops
7. Business offices and services, excluding any warehousing and storage services
8. Bus passenger terminals and taxicab transportation
9. Child care homes and centers
10. Welfare and charitable services; business associations; professional membership organizations; labor unions and similar labor organizations; and civic; social and fraternal associations
11. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses)
12. Public utilities, structures and facilities
13. Communication and utility building and uses, excluding towers over 45 feet;
14. Detached banking facilities, including ATMs
15. Dry cleaning or laundry establishments; apparel repair, alteration and cleaning pick-up services; shoe repair services
16. Eating and drinking places, including restaurants and taverns
17. Educational services
18. Garden Centers
19. Grocery Stores
20. Messenger and telegraph stations

21. Funeral homes and mortuaries
22. Motels and hotels
23. Museums; art galleries; planetaria; aquariums; historic and monument sites; motion picture theaters; legitimate theaters
24. Office buildings
25. Parking lots, parking garages and other off-street parking facilities
26. Personal and professional services, excluding adult entertainment and tattoo parlors
27. Photography studios
28. Private schools, including but not limited to business or commercial schools, and dance or music academies
29. Public and private charitable institutions
30. Public parks, buildings and grounds
31. Public uses of an administrative, public service or cultural type including City, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities
32. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings
33. Stores or shops for the sale of goods at retail
34. Temporary shelter for homeless
35. Bed and Breakfast guest home and/or Airbnb properties (not on ground floor);
36. Apartments above stores/businesses (not on ground floor)

SECTION 6: That Section 5.7.04 of the St. Paul Zoning Regulations pertaining to Conditional Uses in the B-1 Central Business District is hereby amended to read as follows:

5.7.04 **CONDITIONAL USES:** A building or premises may be used for the following purposes in the B-1 Central Business District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Bed and breakfast guest home;
2. Food storage lockers with slaughtering facilities, provided that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors;
3. Recycling center and collection points;

4. Apartments above stores/businesses (not on ground floor);
5. Churches and other religious institutions;
6. Private meeting halls, community centers and auditoriums

SECTION 7: That Section 5.8.02 of the St. Paul Zoning Regulations pertaining to Permitted Principal Uses and Structures in a HC – Highway Commercial District is hereby amended to read as follows:

5.8.02 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Automobile service stations excluding major repair services
2. Automobile wash facilities
3. Bus garaging and equipment maintenance
4. Commercial service oriented businesses, such as landscaping business, except those specifically provided within these regulations.
5. Communication and utility building and uses, excluding radio studios and towers over 45 feet;
6. Construction sales and services
7. Convenience store or filling station
8. Banks and detached banking facilities (ATM)
9. Eating and drinking places, such as restaurants and taverns
10. Electric and telephone substations
11. Farm products warehousing and storage, excluding stockyards
12. Food storage lockers with slaughtering facilities, provided that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors
13. Funeral and crematory services
14. Garden centers and nurseries;
15. Household goods warehousing and storage;
16. Libraries; museums; art galleries; planetaria; aquariums; historic and monument sites; exhibition halls; auditoriums
17. Mini storage facilities and general warehousing and storage;

18. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
19. Parks
20. Professional services, including business and governmental offices.
21. Reupholstery and furniture repair services;
22. Stores or shops for sale of household and grocery goods at retail;
23. Transportation and refrigerated warehousing;
24. Trucks and freight terminals and equipment maintenance;
25. Medical clinics.
26. Wholesale and retail sales of drugs, chemicals and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware; plumbing, heating equipment and supplies; equipment and supplies, beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; lumber and construction materials stored inside.
27. Agriculture, excluding feedlots, sales and auction yards, and barns.
28. Recycling collection points
29. Automobile sales and service
30. Marine sales and service

SECTION 8: That Section 5.8.04 of the St. Paul Zoning Regulations pertaining to Conditional Uses in a HC – Highway Commercial District is hereby amended to read as follows:

5.8.04 CONDITIONAL USES: A building or premises may be used for the following purposes in the HC Highway Commercial District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Automobile sales
2. Farm implement sales and services, excluding major repair services
3. Irrigation equipment sales and services;
4. Churches and other religious institutions
5. Private clubs and lodges

6. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals
7. Radio studios, transmitters and antenna
8. Recycling centers
9. Wholesale and retail sales of building materials stored outside, ~~motor vehicles, marine craft,~~ aircraft, mobile homes, trailers
10. Amphitheatres; stadiums; drive-in movie theaters, arenas and field houses; race tracks; fairgrounds; amusement parks; golf driving ranges, go-cart tracks; golf courses and country clubs; riding stables; play fields and athletic fields; bowling; swimming pools; campsites.
11. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than 45 feet, subject to 9.13.
12. Veterinary clinic with large and small animal facilities.
13. Motor vehicle body shop, provided that all work shall be performed and all materials stored in an enclosed building and provided further that all operable or inoperable motor vehicles determined by the Administrative Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than 50 percent.
14. Motor vehicle and machinery repair and services, provided that all work shall be performed and all materials stored in an enclosed building and provided further that all operable or inoperable motor vehicles determined by the Administrative Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than 50 percent.

SECTION 9: That Section 5.09.02 of the St. Paul Zoning Regulations is hereby amended as follows:

5.9.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Adult Establishments per Section 9.17
2. Agriculture, excluding the development and expansion of livestock feeding operations
3. Animal hospitals and shelters
4. Automobile sales and services
5. Automotive wash facilities
6. Bottling works

7. Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor or smoke
8. Carpenter, cabinet, plumbing or sheet metal shops
9. Carpet and rug cleaning and repair services
10. Communication and utility building and uses
11. Disinfecting and exterminating services
12. Dry cleaning, laundering and dyeing services
13. Dyeing and finishing of textiles
14. Educational and scientific research services
15. Electrical sales and services
16. Equipment rental and leasing services
17. Farm machinery and equipment - retail
18. Farm supplies - retail
19. Feeds, grains and hay - retail
20. Food lockers and storage services
21. Freight forwarding services
22. Furniture repair and reupholster services
23. Fur trading services
24. Garden centers and nurseries
25. Gas utility maintenance yard
26. Light manufacturing operation
27. Landscape sales and services
28. Mobile and modular home sales and manufacturing
29. Newspaper publishing plants and commercial printing
30. Photoengraving
31. Photo finishing services
32. Public facilities, utility and public service uses

33. Radios, televisions, phonographs, recorders, tape players and other similar devices repair services
34. Railroad equipment maintenance yards
35. Recycling collection points
36. Service stations
37. Stores or shops for the sale of industry goods at retail
38. Telephone services
39. Transportation warehousing
40. Truck wash services
41. Veterinarian services
42. Warehousing and storage except for products of a highly explosive, combustible or volatile nature
43. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature

Mini-warehouse

SECTION 10: That Section 5.09.04 of the St. Paul Zoning Regulations is hereby amended as follows:

5.9.04 **CONDITIONAL USES:** A building or premises may be used for the following purposes in the I-1 Light Industrial District if a conditional use permit for such use has been obtained in accordance with Article 6 of this Ordinance.

1. Recycling center;
2. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries;
3. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than 100 feet, subject to Section 9.13;
4. Airport;
5. Quasi-public uses of educational, recreational or religious types including schools, churches, parsonages, and other religious institutions, parks and playgrounds;
6. Motor vehicle body shop, provided that all work shall be performed and all materials stored in an enclosed building and provided further that all operable or inoperable motor vehicles determined by the Administrative Official to be a safety hazard or visual blight shall be screened from public

view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than 50 percent;

7. Motor vehicle and machinery repair service, provided that all work shall be performed and all materials stored in an enclosed building and provided further that all operable or inoperable motor vehicles determined by the Administrative Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than 50 percent.

SECTION 11: That Section 5.09.07 of the St. Paul Zoning Regulations is hereby amended as follows:

5.9.07 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (sq feet)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted and Conditional Uses	7,500**	75'	20'	10', 25' when abutting a residential district, street or road	20', or 25' when abutting a residential district, street or road	45'

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise 1 acre with any combination of public and private water/sewer systems and 3 acres with both systems being private.

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

SECTION 12: That Section 5.10.07 of the St. Paul Zoning Regulations is hereby amended as follows:

5.10.07 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted and Conditional Uses	10,000**	80'	20'	10', 25' when abutting a residential district, street or road	20', 25' when abutting a residential district, street or road	75', except for uses provided for herein

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise 1 acre with any combination of public and private water/sewer systems and 3 acres with both systems being private.

- All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

SECTION 13: That Section 7.1.08 of the St. Paul Zoning Regulations is hereby amended as follows:

7.1.08 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION		MINIMUM STACKING SPACE
Financial Institution – Electronic Teller		Two vehicles per lane*
Financial Institution – Personal Teller		Three vehicles per window or kiosk*
Car Wash – Self Service		Two vehicles per bay at entrance*
Car Wash – Automatic / Conveyor		One vehicle per bay at exit Two vehicles per lane*
Drive-through Restaurant		Four vehicles per window*
Coffee Kiosk		
-	Drive side service	Four vehicles per lane*
-	Passenger side service	Two vehicles per lane*
Drive-through Pharmacy		Two vehicles per lane*
Service Stations		
-	Service Islands	Two vehicles per pump lane*
-	Service bay	One vehicle per bay*
-	Quick lube / Oil change “starting gate design”	Two vehicles per bay*
-	(4 or more pump islands side by side, 18 feet apart)	One vehicle per lane*
Gated parking lot entrance		One vehicle per gate
Garage Unit or Overhead door	(Major streets only)	One vehicle per door
Other uses		Two vehicles per lane being serviced

* Stacking requirements are in addition to vehicle being served.

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be 22 feet long. Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

SECTION 14: That Section 7.2.01 of the St. Paul Zoning Regulations is hereby amended as follows:

- 7.2.01 The storage or keeping of motor vehicles not having a ~~property~~ properly issued current motor vehicle registration and current motor vehicle license plate ~~property~~ properly displayed; provided, however, that the following shall not constitute a violation of this subparagraph.
1. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.
 2. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned AGR, HC, E-1, I-1 or I-2 District and used in agricultural or industrial activity conducted on said premises.
 3. The storage of not more than one passenger type motor vehicle in good operable condition (owner shall be required, upon request, to provide proof of operability) and located on a hard surfaced driveway.

SECTION 15: That Section 8.4 of the St. Paul Zoning Regulations is hereby amended as follows:

8.4 SIGNS AND REGULATIONS FOR COMMERCIAL, BUSINESS, ELEVATOR AND INDUSTRIAL DISTRICTS

1. Business: No more than three business signs shall be permitted on any lot in a commercial, business, elevator or industrial zoning district, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets/roads or when the principal business building has public entrances to both a front and rear of the building, one additional sign shall be permitted.
2. Wall: The maximum sign face area for wall mounted business signs shall be limited to 20% of the area of the building façade which faces a public street or road up to a maximum 200 square feet. Such signs shall be limited to one wall sign per street frontage.
3. Billboard: Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety. No sign shall be located within 250 feet from the right-of-way line of any road intersection measured in any direction from the right-of-way line provided this restriction shall not apply to the intersection of frontage roads with State highways.

- b. No billboard, signboard, or similar advertising signs shall be located within 300 feet of any lot in a residential district.
 - c. Billboards may be single or double faced but no billboard shall have more than one face per side of the structure and the sign face shall not exceed 200 square feet in area. Double-stack billboards are prohibited.
 - d. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property and not within 1,500 feet to another billboard.
 - e. Each billboard shall be setback at least 25 feet from the street/road right-of-way line.
 - f. There shall be no more than two (2) billboards per mile, measured from section line to section line regardless of which side of the roadway the billboards are located.
 - g. No billboard shall be located within 1000 feet of the property line of a school, church, hospital, a care facility, cemetery, public building, park or playground, or National Register site.
 - h. No billboard shall be erected or maintained upon or immediately above the roof of any building.
 - i. Billboards shall have either a monopole or pedestal support.
 - j. No billboard shall exceed 35 feet in height measured from the average grade of the surrounding area to the highest point of the billboard.
 - k. Lighting on any billboard shall be shielded to light the sign face only. Light trespass from the sign face is prohibited.
 - l. Attention attracting devices are prohibited except for lighted message signs displaying time, date, temperature or weather or alert information. Lighted message sign displaying other information or advertising shall be prohibited.
 - m. Any billboard structure existing as of the effective date of this resolution may be restored at its current location provided that any restored billboard shall not exceed the size, height, and other limits of the existing structure. Any billboard existing as of the effective date of this resolution may be replaced at the same location, provide such requirements (c) and (h)-(l) herein are met.
 - n. Any billboard that is allowed to deteriorate to the point of being a public nuisance or a threat to the public safety, health or welfare because it has become so damaged, decayed, dilapidated, structurally unsafe or of such unstable condition that partial or complete collapse is possible, shall be caused to be removed. The owner shall remove the billboard and structure within 30 days of receiving notice that the city has declared the billboard a public nuisance or dangerous structure. Failure to remove such sign and structure shall be considered a violation to these regulations and punishable as such.
4. Low Profile or Ground Monument: Ground signs at least ten feet from any lot line or right-of-way line with a maximum height of ten feet. Ground signs shall not exceed 200 square feet per sign face.
 5. Projecting or Pole: One free standing or projecting sign for each enterprise on the premises of not more than 200 square feet per sign face, at a setback of at least ten feet from any lot line or right-of-way line, and not exceed the maximum height of 45 feet from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.
 6. Subdivision: Not more than one sign per entrance into the subdivision. No sign shall be greater than 50 square feet in size and shall not be higher than 42 inches in height. All signs shall be set back a minimum of ten feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility.
 7. Canopy and Awning signs shall be no closer than 80 inches from the bottom edge of the sign to grade below and shall not extend more than nine feet from the building façade to which they are mounted. Such signs shall count towards wall sign area.
 8. Electronic Information and Changeable Message Signs: One per premise and not exceeding 200 square feet in area. Such signs shall be classified as either a monument, ground or pole sign and constructed accordingly and shall not be programmed in a way that suggests or resembles a traffic control device. Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four seconds, however, full animation video is allowable provided such video does not flash or blink. The surface/face illumination of any sign shall not exceed 1,250 Nits after dusk or 7,500 Nits during daylight hours.

Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

SECTION 16: That Section 8.5 of the St. Paul Zoning Regulations is hereby amended as follows:

8.5 SIGNS AND REGULATIONS FOR AGRICULTURE AND RESIDENTIAL DISTRICTS

1. Residential: Limited to one per premise, not to exceed four square feet and shall not be illuminated, either directly or indirectly.
2. Civic Uses: Permitted or conditional uses in these districts shall be limited to a total of two ground, pole or monument signs per frontage.
3. Non-Residential, Non-Civic Uses: Two non-illuminated ground, pole or monument signs are permitted for any permitted use in the Agriculture district with each sign limited to **200 50** square feet and a maximum height of ten feet.
4. Wall: The maximum sign face area for wall mounted business signs in a commercial or industrial zoning district shall be limited to 10% of the area of the building façade which faces a public street or road up to a maximum 200 square feet. Such signs shall be limited to one wall sign per street frontage.
5. Low Profile or Ground Monument: Ground signs at least ten feet from any lot line or right-of-way line with a maximum height of ten feet. Ground signs shall not exceed **200 50** square feet per sign face.
6. Projecting or Pole: One free standing or projecting sign for each enterprise on the premises of not more than **200 50** square feet per sign face, at a setback of at least ten feet from any lot line or right-of-way line, and not exceed the maximum height of **45 25** feet from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.
7. Subdivision: Not more than one sign per entrance into the subdivision. No sign shall be greater than 50 square feet in size and shall not be higher than 42 inches in height. All signs shall be set back a minimum of ten feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility.
8. Canopy and Awning signs shall be no closer than 80 inches from the bottom edge of the sign to grade below and shall not extend more than nine feet from the building façade to which they are mounted. Such signs shall count towards wall sign area.
9. Electronic Information and Changeable Message Signs: One per premise and not exceeding **200 50** square feet in area. Such signs shall be classified as either a monument, ground or pole sign and constructed accordingly and shall not be programmed in a way that suggests or resembles a traffic control device. Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four seconds, however, full animation video is allowable provided such video does not flash or blink. The surface/face illumination of any sign shall not exceed 1,250 Nits after dusk or 7,500 Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

SECTION 17: That Section 8.9 of the St. Paul Zoning Regulations is hereby amended as follows:

8.9 SIGN PERMITS AND APPROVAL

All signs shall require a zoning permit from the Zoning Administrator prior to installing any new sign, unless otherwise exempted. All signs located adjacent to controlled highways must meet the Nebraska Department of Transportation Roads Outdoor Advertising Rules and Regulations as well as any applicable city regulations.

SECTION 18: That Section 9.5.02 of the St. Paul Zoning Regulations is hereby amended as follows:

9.5.02 No accessory building shall be erected in any required front and not beyond front line of principal building, and no separate accessory building shall be erected within ten (10) feet of any other building, six (6) feet from any property line, and shall not occupy more than 25% of the required rear yard. All garage vehicular entrances must have a minimum of ten (10) feet from the access street or alley. Attached garages or other buildings are considered part of principal building, however open breezeways do not constitute a structural connection. The maximum height of an accessory structure in the agriculture, commercial and industrial districts shall be designated maximum height of the primary structure.

SECTION 19: That Section 9.5.04 of the St. Paul Zoning Regulations is hereby amended as follows:

9.5.04 Public/Private Swimming Pools

1. Any in-ground swimming pool two (2) feet deep or more and eight (8) feet or more in diameter in all districts, except AGR located outside of corporate limits, shall be screened by a solid or semi-solid wall or fence at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than eighty percent (80%) per square foot, where the property on which the pool is located abuts a residential district except for the AGR District.
2. Shall not be located in a front yard.
3. Shall not be located no less than eight (8) feet from the side property line and six (6) feet from the rear property line.
4. Shall conform to the National Electric Safety Code and all applicable City Codes.

SECTION 20: That Section 9.8.01 of the St. Paul Zoning Regulations is hereby amended as follows:

9.8.01 The height limitation for fences and wall hedges shall be six feet above ground level except within an identified sight triangle and provided herein. The height of a fence shall be determined by a measurement from the ground beneath the fence to the top of the highest part of the fence. Manmade earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the fence. It is not intended that any structure other than a fence is permitted on any part of a lot or premises by this section, and all other structures must comply with these regulations.

1. No fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), wall, or hedge, which is located in a required front or corner side yard, on a corner lot, shall exceed a height of 48 inches, unless properties on side of block are similar in orientation without an interior lot, then such fence on that front yard may extend to 6 feet and be of solid construction ~~by conditional use permit.~~
2. No fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), wall, or hedge, which is located in a required front yard, on an interior lot, shall exceed 48 inches.
3. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved ~~through a Conditional Use Permit~~
4. No fence within the residential districts, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet.
4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall be a minimum of six feet and shall not exceed eight feet in height.
5. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated in the Comprehensive Plan or by the Nebraska Department of ~~Transportation Roads~~, shall not exceed eight feet in height.

SECTION 21: That Section 9.8.05 of the St. Paul Zoning Regulations is hereby amended as follows:

- 9.8.05 For any property containing ~~an in-ground a swimming pool or bathing facility with a depth of more than 24 inches and a diameter of eight feet or more~~, a fence with a self-closing, self-latching gate of a minimum of six feet in height but not more than eight feet and having a density of not less than 80% per square foot shall be installed around such pool or facility when located adjacent to a residential zoned district.

SECTION 22. That all parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

SECTION 23. That the amendments identified herein shall take effect on _____, 2021.

SECTION 24. That this ordinance shall be in force and take effect fifteen (15) days from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this ____ day of _____, 2021.

CITY OF ST. PAUL, NEBRASKA

By: _____
Joel M. Bergman, Mayor

ATTEST:

Connie Jo Beck, City Clerk