Bellevue City Council Meeting
Tuesday, February 20, 2024 6:00 PM
Bellevue City Hall
1500 Wall Street
Bellevue, NE 68005

1. PLEDGE OF ALLEGIANCE
2. INVOCATION - Rev. Darryl Keeney, Lighthouse Baptist Church, 3919 Green Avenue.
3. CALL TO ORDER AND ROLL CALL
4. OPEN MEETINGS ACT - Posted on rear wall of the Council Chambers
5. APPROVAL OF AGENDA, CONSENT AGENDA, CLAIMS, AND ADVISORY COMMITTEE REPORTS:
    a. Approval of the Agenda
    b. Approval of the Consent Agenda ***(Items marked with an (*) are approved where this item is, unless otherwise removed)***
        1. * Acknowledge receipt of the January 25, 2024 Planning Commission Minutes.
        2. * Acknowledge receipt of January 9, 2024 Tree Board Minutes.
        3. * Approve February 6, 2024 City Council Minutes.
        4. * Acknowledge receipt of 2023 Nebraska Humace Society Annual Report.
6. * APPROVAL OF CLAIMS.
7. SPECIAL PRESENTATIONS: NONE
8. ORGANIZATIONAL MATTERS:
    a. * Establish a Budget Committee and Abolish the Budget Task Force. (Council President Cook)
9. APPROVED CITIZEN COMMUNICATION: NONE
10. LIQUOR LICENSES: NONE
11. ORDINANCES FOR ADOPTION (3rd reading):
    a. Ordinance No. 4145: Request to rezone Lots 1 and 2, Perez Addition Replat One, being a replat of Lot 3, Perez Addition, from RE to RE-PS, with site plan approval, for the purpose of single-family residential development; and waiver of Section 6-4, Subdivision Regulations. Applicant: TD2 Engineering and Surveying. General Location: 10715 Old 36th Street. (Planning Director)
        1. Request to Small subdivision plat Lots 1 and 2, Perez Addition Replat One.
12. ORDINANCES FOR PUBLIC HEARING (2nd reading):
    a. Ordinance No. 4146: Request to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.
    b. Ordinance No. 4147: Request to amend the City of Bellevue Subdivision Regulations regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.
13. ORDINANCES FOR INTRODUCTION (1st reading): NONE
14. PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES: NONE
15. RESOLUTIONS: NONE
16. CURRENT BUSINESS:
    a. Approve and authorize the Mayor to sign the agreement between the City of Bellevue and Earnest Construction Group, Inc. in the amount of $316,374.50 plus a 10% contingency of $31,637.45 for a total project cost of $348,011.95 for the 2024 Trail Renovations. (Public Works Director)
    b. Approve final payment application with Commonwealth Electric in the amount of $4,932.72. Approve and authorize the Mayor to sign Change Order No. 1 in the amount of $10,924.89.

Approve the project and authorize the Mayor to sign a Certificate of Substantial Completion, and accept final project quantities. (Public Works Director)

c. Approve purchase from Clark Boat Company of river rescue/police boat jointly used by the Police and Fire Departments in the amount of $85,600.00. (Police Chief)

d. Approve the MOU with the Bellevue Professional Management Association (BPMA) for the term October 1, 2021 through September 30, 2025. (HR Director)

e. Approve and authorize the Mayor to sign the Agreement and Lease with Prairie Hill Farm Development Authority. (Economic and Community Development Director)

17. ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports **(February report will be attached to March 5th meeting)**

18. CLOSED SESSION:

a. Discussion of Pending Litigation. (City Attorney)

19. ADJOURNMENT

MINUTE RECORD

The Bellevue Planning Commission held a regular meeting on Thursday, January 25, 2024, at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Hankins, Sims, Jacobson, Ackley, Lasenburg, and Perrin. Absent were Commissioners Taylor-Jones, Aerni, and Bennett. Also present were Tammi Palm, Planning Director, and Angela Curry Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times and posted in two public places. It was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Jacobson announced a copy of the Open Meetings Act was posted in the entry to the City Council Chambers.

Jacobson asked for a motion to approve the minutes of the December 21, 2023, regular meeting. Perrin stated there was an error in the minutes showing Mr. Jacobson as closing the public hearing on agenda item 3.a. He stated the public hearing was closed by Aerni.

Motion was made by Perrin, seconded by Ackley, to approve the minutes of the December 21, 2023, regular meeting as revised. Upon roll call, all present voted yes. Motion carried unanimously.

Jacobson asked if there were any updates or additions to staff reports. Palm stated an email was received for agenda item 3.a. from Mr. Dan Bellinger. She stated a copy was given to the Chairperson and members before the meeting and made part of the record.

Motion was made by Hankins, seconded by Sims, to accept into the record all staff reports, attachments, memos, and handouts regarding each application including the additional item regarding agenda item 3.a. Upon roll call, all present voted yes. Motion carried unanimously.

The following items were on the consent agenda.

Request to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue. Case #:178

Request to amend the City of Bellevue Subdivision Regulations regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue. Case # 179.

There was no one present to speak in favor of or opposition to this request.

Motion was made by Ackley, seconded by Perrin, to Approve the Consent Agenda items as presented. Upon roll call, all present voted yes. Motion carried unanimously.

These items will proceed to City Council for PUBLIC HEARING on February 20, 2024.

Jacobson explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone Lots 1 through 116, and Outlots A through E, Cornhusker Creek, being a platting of Tax Lot 30A1 located in the Southeast ¼ of Section 20, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from RS-72 to RD-60-PS, RG-50-PS, RG-20-PS, MU, and BG for the purpose of residential and commercial development, with site plan approval; and Preliminary Plat Lots 1 through 116, and Outlots A through E, Cornhusker Creek. Applicant: Cornhusker Creek, LLC. General Location: NW Corner of South 36th Street and Cornhusker Road. Case #'s: Z-2307-13, S-2307-12.

Jacobson asked staff for updates. Palm stated an email was received from Mr. Dan Bellinger regarding agenda item 3.a. Palm said Mr. Bellinger stated his opposition to the development and indicated he had concerns regarding traffic, home valuation, the development being outside of the Bellevue School District, and its location to Offutt Airforce Base. Palm gave a brief description of the application. She said the proposed area is just under 60 acres and the applicant is requesting various uses for the property which were shown on the site plan and color-coded to represent each use. These uses include duplexes, smaller single-family residential homes, and multi-family residential. The proposed lot on the corner of S. 36th Street and Cornhusker Road would be zoned MU (Mixed Use) and have a residential building with 15,000 square feet of commercial space. Another small commercial lot would be located along Cornhusker Road. Palm stated there had been interest in developing this property over the years; however it has proven to be difficult to develop due to topography, floodplain, and existing

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Omaha Public Power District infrastructure/easements. She said for those reasons and to manage setback issues, the applicant had requested a -PS (Planned Subdivision) overlay. Palm stated the applicant has submitted a specific site plan for the Mixed-Use lot. She said the applicant has presented a conceptual layout for the proposed RG-20-PS lot and would request site plan approval at a later date. This would be developed as a Sanitary and Improvement District. Palm stated the applicant has submitted a Mixed-Use Agreement and Subdivision Agreement. Both documents are currently under review by the City Attorney's office and would be presented as a part of the final plat.

Doug Kellner, 10836 Old Mill Road, Omaha, NE, was present on behalf of the applicant. Kellner stated issues with developing the site would include power and gas easements, sanitary sewer, floodplain, and grading. He said these issues are the reason for requesting the -PS overlay. Kellner stated there were outstanding technical issues that are being worked out with the City.

There was no one present to speak in favor of or opposition to this request. Subsequently, Jacobson closed the public hearing.

Palm stated there were minor technical revisions needed for this project. She stated the applicant was asked to address the minor revisions to the pavement exhibit for South 36th Street before moving forward to the City Council. Palm stated the traffic study completed for this proposal recommended improvements to South 36th Street and Cornhusker, and signalization at proposed South 38th Street and Cornhusker Road to be completed upon build-out. Palm stated there would be improvements to South 36th Street regarding turn lanes in and out of the development. Palm said the applicant was asked to update the Source and Use of Funds to include the necessary improvements for the lift station. She stated the city has an existing lift station located on South 36th Street near Landings Drive, south of The Landings Apartments. Palm said the proposed sewer would gravity flow down to the existing lift station currently maintained by the city. She stated the applicant's engineer and city staff are collaborating to determine what minor improvements would be needed to the lift station. Cost share would be a part of the proposed subdivision agreement. Palm said the developer and the city would enter an interlocal agreement for cost share on the improvements.

Palm said Mr. Jacobson had concerns about the landscape plan and areas around the OPPD easement. She stated OPPD did not offer comment on the landscaping after their initial review of the proposal. She stated the city has reached out to OPPD again regarding the specific areas of concern to verify that smaller trees and shrubs would be suitable for OPPD. Palm said if OPPD has apprehensions about the proposed trees and shrubs the city would request corrections to the landscape plan before moving forward to the City Council.

Lasenburg asked if the traffic count was completed in 2020. Palm stated the traffic count information is provided through MAPA (Omaha-Council Bluffs Metropolitan Area Planning Agency) and provides 2020 data for this area. She said the traffic study is a more recent count that looks at current and existing conditions, buildout, and future operating conditions. Lasenburg stated he was concerned the 2020 data could be skewed due to COVID and less traffic.

Hankins asked staff for comment on the Offutt flight path because of Mr. Bellinger's email. Staff explained this property lies outside the of Accident Potential Zone. She stated there are strict guidelines regarding development within the crash zones. Palm stated a small portion of the southwest corner of the property lies within one of the noise contours; however, it is not in one of the contours that would completely restrict development. She said Offutt suggested the developer use that portion for detention areas or open spaces and have the developer consider noise mitigation. Palm stated the applicant's site plan showed an outlot and detention system in this area and commented typical construction standards will be sufficient to mitigate noise.

Jacobson asked staff if the proposed mixed-use zoning was consistent with zoning of the surrounding area. Palm stated staff believes the use is compatible with what exists in the area. She stated the mix of residential and commercial space is a good plan for the area and it is overall consistent with the existing neighborhood and Comprehensive Plan.

Ackley asked Mr. Kellner if grading plans for the west side near Outlot B and Outlot E consist of flattening the area and making it more usable for housing. Kellner said the area is tree-lined and they would try to save as many trees as possible; however, they must maintain the east/west grades because of the gas line. Ackley asked if the newly proposed access at Lot 114 would be directly across from Trees Shrubs and More. Kellner said yes, it will match the existing access to the south.

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Ackley asked what was proposed for the BG lot due to its odd shape. Kellner stated it would be something complimentary to the mixed-use housing, possibly a coffee kiosk or something similar.

Jacobson asked staff if the sidewalks and trails in the development would tie in with trails in the area. Palm said yes, it matches the updated Parks Plan and should provide the east-west connection needed to connect to the Papio Trail to the west near South 48th Street and Cornhusker Road at some point in the future.

MOTION was made by Ackley, seconded by Lasenburg, to recommend APPROVAL of a request to rezone Lots 1 through 116, and Outlots A through E, Cornhusker Creek, being a platting of Tax Lot 30A1 located in the Southeast ¼ of Section 20, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from RS-72 to RD-60-PS, RG-50-PS, RG-20-PS, MU, and BG for the purpose of residential and commercial development, with site plan approval; and Preliminary Plat Lots 1 through 116, and Outlots A through E, Cornhusker Creek. Applicant: Cornhusker Creek, LLC. General Location: NW Corner of South 36th Street and Cornhusker Road. Case #'s: Z-2307-13, S-2307-12. APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations and lack of perceived negative impact upon the surrounding area. APPROVAL also based on completion of the technical deficiencies prior to being placed on the City Council agenda. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING on February 20, 2024.

Meeting adjourned at 6:37 p.m.

Angela Curry

Angela Curry
Assistant Planning Manager

TREE BOARD

City of Bellevue

January 09, 2024. Tree Board meeting minutes

Attendance: Due to the inclement weather, it was decided to hold the meeting over Zoom. Joanne Langabee, Don Preister, Scott Evans, Tom Mruz, Nancy Scott, and Deborah Woracek were present. Craig Kimball was excused. Rob Clatterbuck and Jim Shada did not attend the meeting.

Jo reminded all to turn their volunteer time and mileage to Deborah. **Jo will send in her hours and encouraged others to do so.**

Scott made a motion to approve the minutes of the December 2023 meeting. Jo seconded the motion. All approved the December minutes. **Deborah will send them to the City of Bellevue to be filed.**

There was no park report as Jim Shada did not attend the meeting, possibly due to the snowstorm.

Report on projects:

Jo asked members present if they had any changes or corrections to the role descriptions for the members of the tree board. It was sent out prior to the meeting. Don pointed out the Secretary and not the President send in the final version of the minutes of each board meeting to the city offices to be filed. All agreed. **Deborah will make the appropriate changes to the documents. Jo will update the new member folder and send it to Rob. This should include tree ordinances, the Board contacts, the role descriptions, etc.** Nancy asked about the Board members checking questionable trees for the city and Deborah pointed out the sentence in the President's role description. After discussion, **it was decided that Deborah add both the city logo and the tree board logo to the descriptions. Don pointed out Deborah may need to contact the city to get a digital copy of the city logo.**

Tree City USA application and Growth Points were submitted by Joanne in December. And the Mayor has signed off on it. Jo reported that the new form from Tree City USA asks for documentation for the Growth Points.

Annual Report additions/deletions - There being no additions or deletions to the annual report Don reminded all that **Deborah will send it in to the city along with the December minutes.**

Fall Festival of trees - Deborah suggested we have another brainstorming meeting to accomplish some of the necessary pre-planning that is needed for the Tree Festival. Don and Jo agreed. **Don will arrange this meeting at a future date.** The festival will be held at Banner Park in the fall.

A discussion followed about which schools to plant at for Arbor Day. Birchcrest Elementary was mentioned as well as Mission Jr. High. **Don will contact them to see if they want us to plant a tree for them.** No other grants will be sought to plant more trees. Jo had checked with Graham Herbst about having funds for tree services to offer replacement trees to clients who have a tree cut down. He was not familiar with any such grants.

Graham would like to do the Oak Blight Workshop during the first part of September and hold it during the week so city employees can attend as a workday. It would be a 3–4-hour workshop with the first part held indoors at the Reed Center and then the participants would move outside to the Cemetery to complete the workshop. **Jo will meet with Graham to plan this.** No plans have been made for the tree pruning workshop at American Heroes Park with the cherry picker demonstrations, etc. Don voiced concern that the Oak Blight Workshop might overlap the Tree Festival at Banner. It was pointed out that the festival would be on a Saturday in late September or early October and the Oak Blight Workshop would be during the week in early September.

Jo reported that the only part of the tree inventory that is not current is around the city buildings, and she will complete it when the leaves emerge in the spring. Don asked if the **new library grounds have been inventoried. They will be later. The Board will still take care of the pollinator garden at the current library location.**

Deborah asked the status of the Tree Plotter software. Jo and Don said nothing has been done yet.

Tom reported that the neighbors of Bellevue West High School appreciate the treeline wind break that was planted by the Board. He will check it in the fall to see if it needs pruning.

Jo asked if there were any other new projects to cover. There being none, **she reminded Don to let the Board know when the special meeting for the festival planning will be.**

There being no further business, Tom and Scott moved and seconded that we adjourn the meeting. All present approved. Our next Tree Board meeting will be February 13, 2024 at 9am in the conference meeting room on Wall Street.

Respectfully submitted,
Deborah L. Woracek, Secretary
Bellevue Tree Board

Tentative Agenda: February 13, 2024

Attendance

Minutes

Parks Report: Jim Shada

Old Business:

Year End Report status

Arbor Day

Earth Day

Tree Festival Work

Workshops with Graham Herbst

New Business

MINUTE RECORD

A regular meeting of the Mayor and Council of the City of Bellevue was called to order by Mayor Rusty Hike at the Bellevue City Hall on the 6th day of February 2024 at 6:00 p.m. Present were Council Members Rich Casey, Paul Cook, Jerry McCaw, Thomas Burns, Don Preister, and Kathy Welch.

Also present were City Administrator Jim Ristow and Assistant City Attorney Aimee Annie Mathews.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times and posted in two public places, the designated method for giving notice and was also given to the Mayor and all members of the City Council. Available in the Office of the City Clerk confirmation of the affidavit of publication, the certificate of posting, and the council's acknowledgment of receipt of notice.
All proceedings shown hereafter were taken while the convened meeting was open to the public.

PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Hike led in the Pledge of Allegiance. Pastor Andrew Diorio, Midlands Baptist Church, 2407 Chander Road East, provided the invocation.

OPEN MEETINGS ACT

Mayor Hike announced a copy of the Open Meetings Act is posted on the rear wall of City Council Chambers.

APPROVAL OF THE AGENDA:

Motion was made by Burns, seconded by Casey, to approve the agenda.

Roll call vote to approve the agenda was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

APPROVAL OF THE CONSENT AGENDA:

Motion was made by Preister, seconded by Cook, to approve the consent agenda.

Consent agenda included the following items: Approval of the January 16, 2024, City Council Minutes; and Approval of Claims.

Roll call vote to approve the consent agenda was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

SPECIAL PRESENTATIONS: NONE

ORGANIZATIONAL MATTERS: NONE

APPROVED CITIZEN COMMUNICATION:

Kyle Rhone - Nebraska Open Meetings Act and Entertainment District

Mr. Kyle Rhone, 1908 Madison Street, passed out a handout and requested the handout be placed in the official minute record. He provided a presentation on Nebraska Open Meetings Act and Entertainment District. He expressed concerns with three-on-three meetings that occur with City Council members.

Handout from Mr. Rhone submitted to Deputy City Clerk at Council meeting on February 6, 2024:

"Why I oppose a racetrack, Casino, and Waterpark.

- Government exists to protect the rights of Citizens not to be in real estate speculation. Speculation is for the private sector not governments. If so, how do the taxpayers share in any profit when we are assuming all the risk?

- Discussions concerning this project have been kept from the Citizens violating the intent of the Notice of Open Meeting Act (NOMA) (3 on 3 meetings).

- The study shows Bellevue as the first scenario not the best revenue generating site. The best is in Gering and Kimball NE. Because it is projected to take away $27 million from neighboring casinos. So the net proceeds will actually be $60 Million- $27 Million = $33 Million. Why is our Mayor promoting this so hard?

- The City of Bellevue increased its spending this year by 42%, placed greater property tax burden on Citizens, and the City Budget is in the red according to this month's administration report.

- The secret NC3 compound, land paid for by Bellevue Citizens for $3.2 million when it was valued at less than $200,000 by Sarpy County. Why is this project, with national security implications, not being placed within the security perimeter of Offutt Air Force Base?

- In September 2023 the Citizens of Bellevue owed $70 million in bond debt. If the Casino/Racetrack, Water Park, and Hotels don't pay taxes or generate revenue the Citizens will be burdened by increased property taxes to cover the debt service.

- The frontier district remains an empty lot.

It's time for a Tea Party!!!!!

Sign the Epic Option Petition

Email daily the following elected officials:

lpolikov@sarpy.gov the Sarpy County Attorney, concerning NOMA violations.

Tom.sage@nebraska.gov Director of the Nebraska racing and gaming commission. Asking to reject a gaming license for Bellevue NE.

Rsanders@leg.ne.gov she is the state senator for Bellevue area she can introduce legislation to clarify NOMA

Mayor Hike at Rusty.hike@bellevue.net Asking him to reduce the budget and pay down the debt.

If you need a sample letter, email me at kbrhone@gmail.com

Citizens, it's time to put tea in the harbor!!!!!!!!"

Diane Bruce - City Partnership and Economic Development

Ms. Diane Bruce, 1000 Galvin Road South, President/CEO Bellevue Chamber of Commerce, spoke regarding City Partnership and Economic Development. She thanked the city for the positive changes and growth.

LIQUOR LICENSES: NONE

ORDINANCES FOR ADOPTION: (Third Reading): NONE

ORDINANCES FOR PUBLIC HEARING: (Second Reading) NONE

Ordinance No. 4145: Request to rezone Lots 1 and 2, Perez Addition Replat One, being a replat of Lot 3, Perez Addition, from RE to RE-PS, with site plan approval, for the purpose of single-family residential development; small subdivision plat Lots 1 and 2, Perez Addition Replat One; and waiver of Section 6-4, Subdivision Regulations. Applicant: TD2 Engineering and Surveying. General Location: 10715 Old 36th Street. (Planning Director)

Ordinance No. 4145: An ordinance to amend the Official Zoning Map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 4104 by changing the zone classification of land located at or about 10715 Old 36th Street, more particularly described in Section 1 of the ordinance and to provide an effective date was read for the second time and a public hearing was held.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Mayor Hike stated the third reading and public hearing will be held February 20, 2024.

Request to small subdivision plat Lots 1 and 2, Perez Addition Replat One.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Mr. Jonathan Revis, 10707 Old 36th Street, stated this application is to build a house.

Councilman Preister questioned if the house being built is on the opposite end of the property from the existing house. He questioned where the access will be. Mr. Revis advised the house will be built on the north side, opposite of the existing house. The access will follow the OPPD easement. OPPD has already approved this.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Mayor Hike stated the final approval will be heard at the Council meeting on February 20, 2024.

ORDINANCES FOR INTRODUCTION (First Reading):

Ordinance No. 4146: Request to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.

Ordinance No. 4146: An ordinance of the City of Bellevue, Nebraska to adopt the zoning regulations and official zoning map for the City of Bellevue, Nebraska; to provide for the repeal of ordinances inconsistent herewith; and to provide when this ordinance shall be in full force and effect.

Mayor Hike stated the second reading and public hearing will be held February 20, 2024.

Ordinance No. 4147: Request to amend the City of Bellevue Subdivision Regulations regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.

Ordinance No. 4147: An ordinance to amend Ordinance No. 4105, subdivision ordinance, by changing staff titles and adopting definitions for such; to repeal such ordinance as heretofore existing; and to provide an effective date of the ordinance.

Mayor Hike stated the second reading and public hearing will be held February 20, 2024.

Ordinance No. 4148: An ordinance creating Water Extension District No. 2024-1. (Public Works Director) **(Requesting to waive the rule requiring three readings, hold a public hearing tonight and vote after the public hearing at tonight's meeting)**

Ordinance No: 4148: An ordinance of the City of Bellevue, Nebraska, creating Water Extension District No. 2024-1; defining the boundaries and limits thereof; providing for the construction of water mains and other necessary and incidental work; approving plans, specifications, and estimates of cost; providing for the securing of bids; providing for the payment of such improvements and other incidental expenses by the issuance of warrants, bond anticipation notes and bonds; providing for assessment of the costs of such improvements against the property especially benefited thereby and the levy of general taxes; providing for the publication of this ordinance in pamphlet form; and related matters.

Motion was made by Cook, seconded by Welch, to waive the rule requiring three readings, hold a public hearing, and vote after the public hearing at tonight's meeting. Roll call to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Mr. Kyle Rhone, 1908 Madison Street, spoke in opposition to the ordinance. He is opposed because there are no dollar figures, maps, or plans. He believes this should be suspended to allow the citizens time to review the information.

Mr. Rich Severson, Finance Director, explained the water district needs to be created prior to the bond ordinance for $12,500,000.00 so that it could be leviable. This item is for a water main extension. The City Council voted on and approved the MOU months ago and approved an agreement with MUD. This is to reimburse the city with bonds to pay the bill. Everything for the water district was set in motion a while ago. Now the vendor is requesting to be paid. This was the best way to issue bonds, and make sure they are leviable in case the connection fees do not come in in a timely manner. The amount will be reimbursed by connection fees over time; it has a revenue source connected to it.

Councilman Casey requested clarification on what the connection fee is. Mr. Severson explained the city has put in the whole main extension. When developers are developing the project, they will need to hook up to the water main. They will pay the connection fee to the city.

Councilman Casey questioned if the connection fee is set up by MUD. Mr. Severson advised it is a fee where MUD asks the city the interest cost to add on. The city will get reimbursed overtime with interest.

Councilman Preister requested an explanation why the city is getting this late and suspending the rules. He stated this does not look good to the public. Mr. Severson explained the city received a demand for payment from MUD and the city owes them. He explained the water district needed to be created for the bonds to be authorized. The bonds are being authorized with the waiver of the three readings. The city will wait 15 days and make the payment to MUD. He advised if the rules aren't suspended to waiver the three readings the city would need to hold the check to pay MUD.

Mr. Mike Rogers, Gilmore and Bell, 2120 South 72nd Street, Suite 1000, Omaha, verified waiving the rule of three readings is important. The creation of the water district is foundational to the bond issue. It is a necessary first step. The request to waive the rule requiring the three readings isn't taken lightly. In this case, it is necessary on this ordinance and the bond ordinance to waive the three readings, to get the payment made in a timely manner. Councilman Preister questioned if the request to waive is unique. Mr.

Rogers replied it is not. Every time he has been in front of the City Council for a bond ordinance, they have waived the three readings. He explained this is because the bond market changes so fast.

Councilwoman Welch explained bond rates are like mortgage rates. She mentioned by suspending the rules the bond company can catch the rate at its prime time. Mr. Rogers replied that was correct.

Mr. Rhone questioned how long the city will have the debt in bonds. What is the estimated time and when will the return on investment be complete?

Mr. Severson advised these are long term bonds because it is unsure when the reconnection fees will be paid. He believes these are five-year call periods.

Councilwoman Welch questioned if this is normal operating procedure for cities on bonds. Mr. Severson explained he believes a lot of government entities do bonds. Bellevue tries not to bond but pay cash when they can.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Motion was made by Cook, seconded by Burns, to approve Ordinance No. 4148.

Councilman Burns clarified this ordinance is to create the district from Platteview Road to Harlan Lewis Road. Mr. Ristow replied correct.

Roll call to approve the motion as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: None. Motion carried.

Ordinance No. 4149: An ordinance approving the issuance of bonds to finance the water main extension. (Finance Director) **(Requesting to waive the rule requiring three readings, hold a public hearing tonight and vote after the public hearing at tonight's meeting)**

Ordinance No: 4149: An ordinance authorizing the issuance of general obligation bonds, Series 2024, of the City of Bellevue, Nebraska, in the principal amount of not to exceed twelve million five hundred thousand dollars ($12,500,000.00) to provide financing for the cost of water main improvements for the city; prescribing certain terms and form of such bonds and providing for the setting of certain terms and form of such bonds; providing for the levy of taxes to pay the interest on and principal of such bonds; providing for publication of this ordinance in pamphlet form or electronic form; and related matters.

Motion was made by Casey, seconded by Cook, to waive the rule requiring three readings, hold a public hearing, and vote after the public hearing at tonight's meeting. Roll call to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Mr. Rich Severson, Finance Director, mentioned this ordinance requires the suspension to get the bond authorized to make the payment to the vendor.

Mr. Cody Wickham, DA Davidson, 450 Regency Parkway, Suite 400, Omaha, was present as the underwriter. He explained the ordinance is to authorize not to exceed twelve million five hundred thousand dollars ($12,500,000.00) of general obligation water bonds. The first step was to create the district in order to have the general obligation authority behind it. Having the unlimited taxing authority behind the bonds helps garner a lower interest rate. The bond's maturity is 2035, 11 years. He pointed out in other cities it is not uncommon to see 20, 25, or 30-year bonds. Mr. Wickham advised the city has some existing bonds that will be dropping off in the next two to three years. The plan is to accelerate the debt and look at fitting this into the bond levy with a minimal tax increase up front and see a decrease after two years. Then have the final maturity and payoff by September 15, 2030. The projected interest rate is 3.1% tax exempt.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition. No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Motion was made by Burns, seconded by Welch, to approve Ordinance No. 4149.

Councilman Burns stated he is aware of the previous discussion where the total amount for the whole water main extension project is $18,000,000.00. This ordinance is for $12,500,000.00. He recalls the city's looking into grant funding. He requested an update.

Mr. Jim Ristow, City Administrator, explained $2,000,000.00 has been awarded by the State, which has already offset the cost. The third piece of the puzzle is a grant application being worked through, however that has to come after the bond. You can't have the bond extended and then apply for a grant afterwards. That has potential of up to $5,000,000.00 from the federal side. Discussion followed.

Councilman Burns stated it is important to provide clarity for the public on bond indebtedness and interest. He clarified the whole point of the water main extension is essentially to spark development in the Highway 34 Corridor. Discussion followed on development and investment in the area, along with connection to the

water main.

Roll call to approve the motion as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Ordinance No. 4150: An ordinance authorizing the issuance of bonds for the purchase of the land and construction of the Bellevue City Water Park, in an amount not to exceed $60,000,000.00. (Economic and Community Development Director) **(Requesting to waive the rule requiring three readings, hold a public hearing tonight and vote after the public hearing at tonight's meeting)**

An ordinance authorizing the issuance of tax supported municipal improvement bonds of the City of Bellevue, Nebraska, in the principal amount of not to exceed sixty million dollars ($60,000,000) for the purpose of paying the costs of certain capital improvements to be owned by the city; prescribing the form of said bonds; pledging funds to be received by a sales and use tax and property tax for the payment of said bonds; providing for the levy and collection of said taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser; providing for the disposition of bond proceeds; and ordering the ordinance published in pamphlet or electronic form.

Motion was made by Casey, seconded by McCaw, to waive the rule requiring three readings, hold a public hearing, and vote after the public hearing at tonight's meeting. Roll call to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Mr. Jim Ristow, City Administrator, explained the request for $60,000,000.00 is inclusive of both the purchase of the land for approximately $5,000,000.00 and approximately $55,000,000.00 for the water park. He explained in the Entertainment District, with the water park itself, along with the projected three hotels, are the only four scenarios used for revenue return. The return does not include any other amenities that could potentially come into the area. The profit and loss statement has been examined with what those four properties will produce, along with occupation tax, and property tax. In addition to that, the city has applied for the Good Life Tax District in the area. That is where the state has the 5.5% tax, which in turn will reduce their section to 2.75%. Then the city will initiate an occupation tax in the area for 2.75%.

Councilman Burns questioned what the projected annual revenue from this development will be. Mr. Ristow stated the estimated revenue from the water park alone is $15,000,000.00. Out of the revenue the city gets a percentage and the company the city contracts with to run the water park takes a percentage. This development with be a public/private partnership. The city will build it and own it. The city will contract with a private company to run the project. An outside consultant ran the numbers based on multiple markets and demographics. Conversation ensued.

Councilman Burns questioned if the $15,000,000.00 will be split in half.

Mr. Harrison Johnson, Director of Economic and Community Development, explained the complete analysis indicates there will be $2.4 million in gross operating profit. The city assumed half of that at $1.2 million to verify if the numbers worked and they still do. Councilman Burns clarified the $1.2 million will come back solely to the city. Mr. Johnson replied yes.

Councilman Burns questioned if the occupation tax is additional revenue. Mr. Johnson replied it is. The occupation tax goes onto all the sales and is in addition to the $1.2 million. Councilman Burns questioned what the estimated revenue is from occupation taxes. Mr. Johnson stated approximately $2.7 million. Councilman Burns questioned if the revenue from the occupation tax and sales tax goes towards paying the bond indebtedness. Mr. Johnson replied yes; without an increase in sales tax, it will be about $2.2 million.

Councilman Burns questioned if the mill levy will be reduced this budget cycle. Councilman Cook explained that is the goal and hope. Councilwoman Welch stated this project would not even be done until the 2026 budget cycle. Conversation ensued.

Mayor Hike commented that the city did not know what project they would announce first. This will be a catalyst that will drive the whole area. It's paying for itself and generating revenue from outside areas, creating jobs, and increasing the tax base. The goal is to get the whole corridor developed to help with taxes.

Mr. Ristow explained the operator has committed to developing a $25 million dollar hotel at their expense. There are also two other hotel operators who have expressed interest. The projected revenue is only from the three hotels and water park. Some of the agreements, on the back side, with the operator are other vendors and entertainment venues which will be brought in. Discussion followed.

Councilman Preister requested clarification on the Good Life District. Mr. Johnson explained the Nebraska Transformational Good Life Act, if approved, will take a 5.5% sales tax that the state applies to sales of goods and services and drops it in half. That allows the city to apply an occupation tax in the geographic area of the Good Life District which is this entertainment area. What the state dropped the city adds back as an occupation tax to the area. The city receives the funds to pay back to the bond area or use for other items. Conversation ensued.

Mr. Johnson provided a presentation of the project. He explained the water park is 100,000 square feet and

will cost $60,000,000 to build. It is projected to have 400,000 annual visitors. The projected annual economic impact is $72,000,000.00. An economic impact includes jobs, salaries, additional businesses, goods, and services not just within the park, but also in the surrounding community. The water park is operational for all four seasons. It has a retractable aluminum roof. There is a bar, restaurant, and arcade. One of the programs offered is a resident discount. There are also community youth programs. There are hotels, conferences, and corporate retreats. The goal is to have the grand opening the Summer of 2026. Mr. Johnson pointed out the water park will be owned and operated by the City of Bellevue. It will be managed by American Resort Management. He explained the construction funding will be by general obligation bonds. The city applies 2.75% occupation tax on water park and surrounding entertainment district. Annual revenue from occupation and sales taxes is projected in the amount of $2.3 million. Mr. Johnson referenced the location of the water park on a map.

Mayor Hike mentioned this is the first time this project was unveiled to the public. This type of project is kept private to protect the project from other entities trying to take the project. He thanked everyone involved for their hard work.

Councilman Cook questioned how long the Good Life District will exist. Mr. Johnson replied for twenty-five years.

Councilwoman Welch shared she had a discussion with Mr. Severson regarding what if the project goes sideways. She explained he advised her three companies have looked at this project and crunched all the numbers. They all three provided good data supporting this project.

Mr. Jim Moudry, 1207 Rebecca Court, questioned what the specifics are in terms of the bond.

Ms. Pat Beckham, 13601 South 18th Street, expressed concerns about financial risk on the project.

Mr. Kyle Rhone, 1908 Madison Street, questioned why there isn't private entrepreneurial investment in this project.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Mr. Severson stated the city will tell the bond council and the underwriter what bonds they want them to issue, when, and how much. The city may have the bonds issued in phases; it will be whatever makes the most since. It depends on when invoices come in. He stated he advised against the risk and downsides. Three experts reviewed the numbers, and he is not in the position to challenge them. The city will only take on as much debt as they need to. Hopefully this will be timed properly and hopefully issue into lower rates.

Mr. Wickham advised a common practice cities use is bond anticipation notes. The idea would not be going headfirst in and enter into selling twenty-year long-term bonds. There would be notes issued for interim financing to get the project off the ground while going through the construction process. They are typically structured as interest only on the shorter end of the curve. This is where the interest rates are lowest. Once the construction is complete and you start to see the revenues come in, is when you want to look into long term bonds. These are all built on revenue projections that are incredibly conservative. Another important distinction on the bonds is unlike the bonds approved earlier tonight that had the unlimited general obligation taxing authority of the city, these do not. These are municipal improvement bonds. You do not have the ability to raise an unlimited tax on property taxes. Therefore, the patrons of the city can rest assured they will not see a large property tax increase on these bonds.

Mayor Hike questioned what a general idea of rates would be. Mr. Wickham replied high twos, low threes.

Councilman Burns clarified this will not be all done at once. Mr. Wickham stated this could be issued in multiple series. Conversation ensued.

Councilwoman Welch questioned how much bonding the city could do and still be in good standing. Mr. Wickham explained the outstanding debt has an extremely short life. He believes all the debt would be paid off by 2034. Discussion followed.

Councilman Burns questioned what risk is involved. Mr. Severson stated if this doesn't work and the project just sits there, the city is looking at paying $5 million a year. Discussion followed.

Councilman Preister stated the city did this before when they built the convention center. He questioned if the project has paid for itself. Mr. Severson explained generally it has run the course of the business plan. Conversation ensued.

Councilman Preister mentioned in the past the public has stated they want a water park. He stated this project is year-round. It is a bold vision. The city is trying to broaden the tax base to lower the levy. Conversation ensued.

Councilman Preister explained the reasons for the three-on-three meetings. He stated if the public knows the taxing entity is interested in buying land the prices of the land will go through the roof. If other areas found out about the plans, they could jump in and derail the project.

Councilman Preister explained the Open Meetings Act includes other sections to allow these meetings to occur. The municipalities and entities have to be able to operate. To operate they are allowed reasonable rules and regulations. This allows the three-on-three meetings. Discussion followed.

Ms. Aimee Battalion, City Attorney, stated the Open Meetings Act does not apply to groups of three Council Members. For the Open Meetings Act to apply, there would need to be a quorum. She explained the rationale from the Attorney General and Nebraska Supreme Court. She explained the Attorney General has this information has been posted on his website.

Motion was made by Welch, seconded by McCaw, to approve Ordinance No. 4150. Roll call to approve the motion as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

Recommend approval of application for Thanksgiving Church to hold their Annual Community Easter EGGstravaganza at Thompson Park on Saturday, March 23, 2024, from 9:30 a.m. to 2:00 p.m. (Actual Event from 11:00 a.m. to 1:00 p.m.) with an alternate date of March 30, 2024. (same time). (City Clerk)

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Ms. Tammy Reuss, 2302 Madison Street, was present as the event coordinator. She stated the event is for the community, to enhance the community, and to keep the neighborhoods safe. She stated this is the kickoff to an annual event.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Motion was made by Burns, seconded by Welch, to recommend approval of application for Thanksgiving Church to hold their Annual Community Easter EGGstravaganza at Thompson Park on Saturday, March 23, 2024, from 9:30 a.m. to 2:00 p.m. (Actual Event from 11:00 a.m. to 1:00 p.m.) with an alternate date of March 30, 2024. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

RESOLUTIONS:

Resolution No. 2024-02: A resolution approving the Design and Construction Consultation Services Agreement and the Management Services Agreement with American Resort Management LLC for an indoor water park, with an estimate of $5,000,000.00 and authorize the Mayor to sign. (Economic and Community Development Director)

Motion was made by Welch, seconded by Cook, to recommend approving Resolution No. 2024-02: A resolution approving the Design and Construction Consultation Services Agreement and the Management Services Agreement with American Resort Management LLC for an indoor water park, with an estimate of $5,000,000.00 and authorize the Mayor to sign. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Resolution No. 2024-03: A resolution placing a ballot question on the ballot for the statewide primary election on May 14, 2024, to approve an increase in the local option sales and use tax by an additional one-half percent and authorize the Mayor to sign. (Economic and Community Development Director)

Motion was made by Burns, seconded by McCaw, to recommend approving Resolution No. 2024-03: A resolution placing a ballot question on the ballot for the statewide primary election on May 14, 2024, to approve an increase in the local option sales and use tax by an additional one-half percent and authorize the Mayor to sign.

Councilman Burns confirmed this is to only put the item on the ballot for the citizens of Bellevue to decide. Mayor Hike replied yes.

Councilman Burns clarified with the half cent increase this could be an additional $7 million in revenue. Mr. Ristow replied yes, it is citywide.

Councilman Burns requested clarification on the mill levy portion. Mr. Ristow explained if the voters approve this on the May ballot, it will go into effect October 31st. The city's first intent would be to have a portion of it to satisfy the city's debt to the water park itself. Another intention is to double the parks budget and take care of the existing city parks and adding amenities. The second intent is to reduce the mill levy by 10-12 percent. The third intent is with the Eastern Fire District and reduce that mill levy. Discussion followed.

Councilman Casey mentioned in the future there are going to be meetings to expand on the water park. He requested Mr. Ristow to expand on them. Mr. Ristow stated there are plans for a community forum

across the community. The meetings will address the water park and the sales tax and how to reduce the mill levy. The meetings are to educate the public and should begin in February or March.

Mayor Hike stated this is a ballot initiative and will take a super majority to be placed on the ballot. Therefore, five out of six votes are needed to pass.

Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

CURRENT BUSINESS:

Approve and authorize signature of the Contract between the International Association of Fire Fighters (IAFF) and the Bellevue Fire Department for the Peer Support Training Program for up to (30) BFD firefighters, in an amount not to exceed $9,000.00. (Fire Chief)

Motion was made by Cook, seconded by Welch, to approve and authorize signature of the Contract between the International Association of Fire Fighters (IAFF) and the Bellevue Fire Department for the Peer Support Training Program for up to (30) BFD firefighters, in an amount not to exceed $9,000. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize a purchase order issued to Geargrid Corporation for fire gear equipment lockers, in an amount not to exceed $54,981.01. (Fire Chief)

Motion was made by Welch, seconded by Preister, to approve and authorize a purchase order issued to Geargrid Corporation for fire gear equipment lockers, in an amount not to exceed $54,981.01. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve the final payment application for the 2023 Concrete Project with Earnest Construction, in an amount of $129,577.93; approve and authorize the Mayor to sign Change Order No. 2 in an amount of $92,307.68 for contract overrun; approve the project as substantially complete; and accept the final project quantities, making the total project cost of $965,898.25. (Public Works Director)

Motion was made by Casey, seconded by McCaw, to approve the final payment application for the 2023 Concrete Project with Earnest Construction, in an amount of $129,577.93; approve and authorize the Mayor to sign Change Order No. 2 in an amount of $92,307.68 for contract overrun; approve the project as substantially complete; and accept the final project quantities, making the total project cost of $965,898.25. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign Amendment No. 1 to the 2024 Concrete Project Engineering Agreement with JEO Consulting Group, Inc. for additional engineering services, in an amount not to exceed $24,995.00. (Public Works Director)

Motion was made by Cook, seconded by Preister, to approve and authorize the Mayor to sign Amendment No. 1 to the 2024 Concrete Project Engineering Agreement with JEO Consulting Group, Inc. for additional engineering services, in an amount not to exceed $24,995.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Jacobs for the drainage improvements - Quail Creek Topographic Survey Project, in an amount not to exceed $19,094.00. (Public Works Director)

Motion was made by Preister, seconded by Welch, to approve and authorize the Mayor to sign the Agreement with Jacobs for the drainage improvements - Quail Creek Topographic Survey Project, in an amount not to exceed $19,094.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Jacobs for College Heights Stormwater Outfall Repair - M146 (276A) Design Services, in an amount not to exceed $185,816.00. (Public Works Director)

Motion was made by Preister, seconded by Casey, to approve and authorize the Mayor to sign the Agreement with Jacobs for College Heights Stormwater Outfall Repair - M146 (276A) Design Services, in an amount not to exceed $185,816.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Felsberg Holt & Ullevig to continue to assist with obtaining funding for the 36th Street Improvements from Cornhusker to HWY 370, in an amount not to exceed $7,740.00. (Public Works Director)

Motion was made by Preister, seconded by McCaw, to approve and authorize the Mayor to sign the Agreement with Felsberg Holt & Ullevig to continue to assist with obtaining funding for the 36th Street Improvements from Cornhusker to HWY 370, in an amount not to exceed $7,740.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Alfred Benesch & Co. to provide Consulting Services and assist with Google Fiber Installation Professional Services Agreement, in an amount not to exceed $658,297.12 (with these costs to be recovered through the permitting process with Google Fiber NE, LLC). (Public Works Director)

Motion was made by Preister, seconded by Burns, to approve and authorize the Mayor to sign the Agreement with Alfred Benesch & Co. to provide Consulting Services and assist with Google Fiber Installation Professional Services Agreement, in an amount not to exceed $658,297.12 (with these costs to be recovered through the permitting process with Google Fiber NE, LLC).

Councilman Burns clarified the city will be reimbursed. Mr. Ristow explained the city contracts with Alfred Benesch. Alfred Benesch manages the plan review and permitting process for Google Fiber. Alfred Benesch bills the city and the city bills Google and adds on an administrative fee for city cost. Discussion followed.

Councilman Cook questioned if ALLO is a part of this. Mr. Ristow explained ALLO is going to do the installation. ALLO was the first one with the city to install cable, phone, and internet services. They have slowed down their process. Google negotiated with ALLO to do the installs.

Councilman Cook mentioned when ALLO came in front of the City Council there was conversation with back yard installations. Mr. Ristow advised that has not been determined yet.

Mr. Dave Goedeken, Public Works Director, stated ALLO is still in the permitting process. There is some backyard installation, but the majority will be in the front yards.

Councilman Cook mentioned he thought the agreement was to install in the backyard. Mr. Ristow stated there is some complexity to installing it in the backyard depending on the neighborhood itself. When they apply for the permitting, they will know if the installation will be in the front or back yard.

Councilman Cook stated he is going to have problems going through the front yards. He thought the conversation with ALLO was to go through the backyard.

Councilman McCaw stated he is pretty sure that conversation went on a long time with Google. Google was going to go where OPPD went, where the OPPD utilities were Google was going. Now ALLO is going to install Googles equipment and lines. That would tell him Google is going where OPPD is Mr. Ristow explained that will come with the permitting process. Conversation ensued.

Councilman Burns stated he does remember the conversation and Councilman McCaw explaining where OPPD was. He commented he would like the City Council to be involved in the decision-making process of the location of the pedestals.

Councilman Cook stated he would like the Council to have input in the permitting process and before a final decision is made.

Councilman McCaw advised reviewing the meeting minutes of the previous discussion on the location of the pedestals. Discussion followed.

Mayor Hike questioned if there is any time sensitivity to delay this request. Mr. Goedeken explained they want to start soon.

Discussion occurred on reviewing the minutes on placement of the pedestal and what was agreed to.

Councilman Cook questioned if an amendment could be made to the motion to include they install in the backyard unless there are unique circumstances. Mr. Ristow commented he would rather wait to see what they are permitting. Discussion followed.

Councilman Cook stated he would like to ask if they come back with the placement in the front yards, the permit is not approved, and they come back in front of the City Council.

Councilwoman Welch commented she is challenged by telling a company how to install when they know the easiest, quickest, and profitable way for them.

Mr. Ristow advised when a company's engineers come to town, they look at the entire city. They draft a plan on how they want to install. The installation locations will be available during the permitting process.

Mayor Hike confirmed the contract with Google has already been approved. Mr. Ristow replied yes.

Mayor Hike stated now this is to allow them to pull the permits. It will be hard to hold them to installing

in the backyard if that wasn't part of the motion. The minutes will need to be reviewed.

Councilman Preister stated this item is for a contract with Alfred Benesch.

Discussion followed addressing the concerns with pedestal installment when permits are submitted.

Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for traffic signal improvements, in an amount not to exceed $42,000.00. (Public Works Director)

Motion was made by Burns, seconded by McCaw, to approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for traffic signal improvements, in an amount not to exceed $42,000.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for Fort Crook and Fairview Road Planning Study, in an amount not to exceed $29,700.00. (Public Works Director)

Motion was made by Burns, seconded by Casey, to approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for Fort Crook and Fairview Road Planning Study, in an amount not to exceed $29,700.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Redevelopment Agreement and Redevelopment Promissory Note, allowing up to $350,000.00 plus accrued interest, to offset TIF eligible expenses, for Bapaji Maharaj, LLC, 1110 Fort Crook Road Redevelopment Project located on Lots 1B1B, 1B2A2, and 1B2B1, Twin Ridge II, more particularly described in Exhibit "C" of the agreement. (City Clerk)

Motion was made by Burns, seconded by Preister, to approve and authorize the Mayor to sign the Redevelopment Agreement and Redevelopment Promissory Note, allowing up to $350,000.00 plus accrued interest, to offset TIF eligible expenses, for Bapaji Maharaj, LLC, 1110 Fort Crook Road Redevelopment Project located on Lots 1B1B, 1B2A2, and 1B2B1, Twin Ridge II, more particularly described in Exhibit "C" of the agreement. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize Lease Agreement with Woodhouse Jeep for a 2024 Jeep Grand Cherokee for 36 months, in an amount of $709.00/month to be reimbursed by the United States Postal Inspection Service (USPIS). (Police Chief/Capt. Melvin)

Motion was made by Welch, seconded by Cook, to approve and authorize Lease Agreement with Woodhouse Jeep for a 2024 Jeep Grand Cherokee for 36 months, in an amount of $709.00/month to be reimbursed by the United States Postal Inspection Service (USPIS). Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) with the International Association of Firefighters Local 4906 (IAFF) to the collective bargaining agreement requiring revision to correct departmental paramedic shortages for the term February 6, 2024 through September 30, 2025. (Administration)

Motion was made by Cook, seconded by Burns, to approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) with the International Association of Firefighters Local 4906 (IAFF) to the collective bargaining agreement requiring revision to correct departmental paramedic shortages for the term February 6, 2024 through September 30, 2025. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent.

Approve and authorize Mayor to sign Interlocal Agreement with Eastern Sarpy County Suburban Fire Protection District to create a committee to discuss the construction and development of infrastructure project, including a swimming pool and water park facility. (Economic and Community Development Director)

Motion was made by Burns, seconded by Casey, to approve and authorize Mayor to sign Interlocal Agreement with Eastern Sarpy County Suburban Fire Protection District to create a committee to discuss the construction and development of infrastructure project, including a swimming pool and water park facility. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent.

ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports.
(Monthly reports are given at first Council Meeting of each Month - December and January reports are attached.

MINUTE RECORD

CLOSED SESSION:

ADJOURNMENT:

There being no further business to come before the Council at this time, on motion by Welch, seconded by Burns, the meeting adjourned at 8:46 p.m. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Shirey R. Harbin, Deputy City Clerk

Rusty Hike, Mayor

I, the undersigned, Deputy City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on February 6, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Shirley R. Harbin, Deputy City Clerk

MINUTE RECORD

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2/20/204

A regular meeting of the Mayor and Council of the City of Bellevue was called to order by Mayor Rusty Hike at the Bellevue City Hall on the 6th day of February 2024 at 6:00 p.m. Present were Council Members Rich Casey, Paul Cook, Jerry McCaw, Thomas Burns, Don Preister, and Kathy Welch.

Also present were City Administrator Jim Ristow and Assistant City Attorney Aimee Annie Mathews.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times and posted in two public places, the designated method for giving notice and was also given to the Mayor and all members of the City Council. Available in the Office of the City Clerk confirmation of the affidavit of publication, the certificate of posting, and the council's acknowledgment of receipt of notice. All proceedings shown hereafter were taken while the convened meeting was open to the public.

PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Hike led in the Pledge of Allegiance. Pastor Andrew Diorio, Midlands Baptist Church, 2407 Chander Road East, provided the invocation.

OPEN MEETINGS ACT

Mayor Hike announced a copy of the Open Meetings Act is posted on the rear wall of City Council Chambers.

APPROVAL OF THE AGENDA:

Motion was made by Burns, seconded by Casey, to approve the agenda.

Roll call vote to approve the agenda was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

APPROVAL OF THE CONSENT AGENDA:

Motion was made by Preister, seconded by Cook, to approve the consent agenda.

Consent agenda included the following items: Approval of the January 16, 2024, City Council Minutes; and Approval of Claims.

Roll call vote to approve the consent agenda was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

SPECIAL PRESENTATIONS: NONE

ORGANIZATIONAL MATTERS:

APPROVED CITIZEN COMMUNICATION:

Kyle Rhone - Nebraska Open Meetings Act and Entertainment District

Mr. Kyle Rhone, 1908 Madison Street, passed out a handout and requested the handout be place in the official minute record. He provided a presentation on Nebraska Open Meetings Act and Entertainment District. He expressed concerns with three-on-three meetings that occur with City Council members.

Handout from Mr. Rhone submitted to Deputy City Clerk at Council meeting on February 6, 2024:
"Why I oppose a racetrack, Casino, and Waterpark.

- Government existsto protect the rights of Ci.tizens not to be in real estate speculation. Speculation is for the private sector not governments. If so, how do the taxpayers share in any profit when we are assuming all the risk?

- Discussions concerning this project have been kept from the Citizens violating the intent of NOMA (3 on 3 meetings)

- The study shows Bellevue as the first scenario not the best revenue generating site. The best is in Gering and Kimball NE. Because it is projected to take away $27 million from neighboring casinos. So the net proceeds will actually be $60 Million- $27 Million = $33 Million. Why is our Mayor promoting this so hard?

- The City of Bellevue increased its spending this year by 42%, placed greater property tax burden on Citizens, and the City Budget is in the red according to this months administration report.

- The secret NC3 compound, land paid for by Bellevue Citizens for $3.2 million when it was valued at less than $200,000 by Sarpy County. Why is this project, with

national security implications, not being placed within the security perimeter of Offutt Air Force Base?

- In September 2023 the Citizens of Bellevue owed $70 million in bond debt. If the Casino/Racetrack, Water Park, and Hotels don't pay taxes or generate revenue the Citizens will be burdened by increased property taxes to cover the debt service.

- The frontier district remains an empty lot.

It'stimefor aTea Party!!!!!

Sign the Epic Option Petition

Email daily the following elected officials:

lpolikov@sarpy.gov the Sarpy County Attorney, concerning NOMA violations.

Tom.sage@nebraska.gov Director of the Nebraska racing and gaming commission. Asking to reject a gaming license for Bellevue NE.

Rsanders@leg.ne.gov she is the state senator for Bellevue area she can introduce legislation to clarify NOMA

Mayor Hike at Rusty.hike@bellevue.net Asking him to reduce the budget and pay down the debt.

If you need a sample letter, email me at kbrhone@gmail.com

Citizens, it's time to put tea in the harbor!!!!!!!!"

Diane Bruce - City Partnership and Economic Development

Ms. Diane Bruce, 1000 Galvin Road South, President/CEO Bellevue Chamber of Commerce, spoke regarding City Partnership and Economic Development. She thanked the city for the positive changes and growth.

LIQUOR LICENSES:

ORDINANCES FOR ADOPTION: (Third Reading): NONE

ORDINANCES FOR PUBLIC HEARING: (Second Reading) NONE

Ordinance No. 4145: Request to rezone Lots 1 and 2, Perez Addition Replat One, being a replat of Lot 3, Perez Addition, from RE to RE-PS, with site plan approval, for the purpose of single-family residential development; small subdivision plat Lots 1 and 2, Perez Addition Replat One; and waiver of Section 6-4, Subdivision Regulations. Applicant: TD2 Engineering and Surveying. General Location: 10715 Old 36th Street. (Planning Director)

Ordinance No. 4145: An ordinance to amend the Official Zoning Map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 4104 by changing the zone classification of land located at or about 10715 Old 36th Street, more particularly described in Section 1 of the ordinance and to provide an effective date was read for the second time and a public hearing was held.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Mayor Hike stated the third reading and public hearing will be held February 20, 2024.

Request to small subdivision plat Lots 1 and 2, Perez Addition Replat One.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Mr. Jonathan Revis, 10707 Old 36th Street, stated this application is to build a house.

Councilman Preister questioned if the house being built is on the opposite end of the property from the existing house. He questioned where the access will be. Mr. Revis advised the house will be built on the north side, opposite of the existing house. The access will follow the OPPD easement. OPPD has already approved this.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading will be heard at the Council meeting on February 20, 2024.

ORDINANCES FOR INTRODUCTION (First Reading):

Ordinance No. 4146: Request to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.

Ordinance No. 4146: An ordinance of the City of Bellevue, Nebraska to adopt the zoning regulations and official zoning map for the City of Bellevue, Nebraska; to provide for the repeal of ordinances inconsistent herewith; and to provide when this ordinance shall be in full force and effect.

Mayor Hike stated the second reading and public hearing will be held February 20, 2024.

Ordinance No. 4147: Request to amend the City of Bellevue Subdivision Regulations regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.

Ordinance No. 4147: An ordinance to amend Ordinance No. 4105, subdivision ordinance, by changing staff titles and adopting definitions for such; to repeal such ordinance as heretofore existing; and to provide an effective date of the ordinance.

Mayor Hike stated the second reading and public hearing will be held February 20, 2024.

Ordinance No. 4148: An ordinance creating Water Extension District No. 2024-1. (Public Works Director) **(Requesting to waive the rule requiring three readings, hold a public hearing tonight and vote after the public hearing at tonight's meeting)**

Ordinance No: 4148: An ordinance of the City of Bellevue, Nebraska, creating Water Extension District No. 2024-1; defining the boundaries and limits thereof; providing for the construction of water mains and other necessary and incidental work; approving plans, specifications, and estimates of cost; providing for the securing of bids; providing for the payment of such improvements and other incidental expenses by the issuance of warrants, bond anticipation notes and bonds; providing for assessment of the costs of such improvements against the property especially benefited thereby and the levy of general taxes; providing for the publication of this ordinance in pamphlet form; and related matters.

Motion was made by Cook, seconded by Welch, to waive the rule requiring three readings, hold a public hearing, and vote after the public hearing at tonight's meeting. Roll call to approve the motion was as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Mr. Kyle Rhone, 1908 Madison Street, spoke in opposition of the ordinance. He is opposed because there are no dollar figures, maps, or plans. He believes this should be suspended to allow the citizens time to review the information.

Mr. Rich Severson, Finance Director, explained the water district needs to be created prior to the bond ordinance for $12,500,000.00 so that it could be leviable. This item is for a water main extension. The City Council voted on and approved the MOU months ago and approved an agreement with MUD. This is to reimburse the city with bonds to pay the bill. Everything for the water district was set in motion a while ago. Now the vendor is requesting to be paid. This was the best way to issue bonds, and make sure they are leviable in case the connection fees do not come in in a timely manner. The amount will be reimbursed by connection fees over time; it has a revenue source connected to it.

Councilman Casey requested clarification on what the connection fee is. Mr. Severson explained the city has put in the whole main extension. When developers are developing the project, they will need to hook up to the water main. They will pay the connection fee to the city.

Councilman Casey questioned if the connection fee is set up by MUD. Mr. Severson advised it is a fee where MUD asks the city the interest cost to add on. The city will get reimbursed overtime with interest.

Councilman Preister requested an explanation why the city is getting this late and suspending the rules. He stated this does not look good to the public. Mr. Severson explained the city received a demand for payment from MUD and the city owes them. He explained the water district needed to be created for the bonds to be authorized. The bonds are being authorized with the waiver of the three readings. The city will wait 15 days and make the payment to MUD. He advised if the rules aren't suspended to waiver the three readings the city would need to hold the check to pay MUD.

Mr. Mike Rogers, Gilmore and Bell, 2120 South 72nd Street, Suite 1000, Omaha, verified waiving the rule of three readings is important. The creating of the water district is foundational to the bond issue. It is a necessary first step. The request to waive the rule requiring the three readings isn't taken lightly. In this case, it is necessary on this ordinance and the bond ordinance to waive the three readings, to get the payment made in a timely manner. Councilman Preister questioned if the request to waive is unique. Mr. Rogers replied it is not. Every time he has been in front of the City Council for a bond ordinance, they have waived the three readings. He explained this is because the bond market changes so fast.

Councilwoman Welch explained bond rates are similar to mortgage rates. She mentioned by suspending the rules the bond company can catch the rate at its prime time. Mr. Rogers replied that was correct.

Mr. Rhone questioned how long the city will have the debt in bonds. What is the estimated time and when will the return on investment be complete?

Mr. Severson advised these are long term bonds because it is unsure when the reconnection fees will be paid. He believes these are five-year call periods.

Councilwoman Welch questioned if this is normal operating procedure for cities on bonds. Mr. Severson explained he believes a lot of government entities do bonds. Bellevue tries not to bond but pay cash when they can.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Motion was made by Cook, seconded by Burns, to approve Ordinance No. 4148.

Councilman Burns clarified this ordinance is create the district from Platteview Road to Harlan Lewis Road. Mr. Ristow replied correct.

Roll call to approve the motion as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

Ordinance No. 4149: An ordinance approving the issuance of bonds to finance the water main extension. (Finance Director) **(Requesting to waive the rule requiring three readings, hold a public hearing tonight and vote after the public hearing at tonight's meeting)**

Ordinance No: 4149: An ordinance authorizing the issuance of general obligation bonds, Series 2024, of the City of Bellevue, Nebraska, in the principal amount of not to exceed twelve million five hundred thousand dollars ($12,500,000.00) to provide financing for the cost of water main improvements for the city; prescribing certain terms and form of such bonds and providing for the setting of certain terms and form of such bonds; providing for the levy of taxes to pay the interest on and principal of such bonds; providing for publication of this ordinance in pamphlet form or electronic form; and related matters.

Motion was made by Casey, seconded by Cook, to waive the rule requiring three readings, hold a public hearing, and vote after the public hearing at tonight's meeting. Roll call to approve the motion was as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

Mr. Rich Severson, Finance Director, mentioned this ordinance requires the suspension to get the bond authorized to make the payment to the vendor.

Mr. Cody Wickham, DA Davidson, 450 Regency Parkway, Suite 400, Omaha, was present as the underwriter. He explained the ordinance is to authorize not to exceed twelve million five hundred thousand dollars ($12,500,000.00) of general obligation water bonds. The first step was to create the district in order to have the general obligation authority behind it. By having the unlimited taxing authority behind the bonds helps garner a lower interest rate. The bond's maturity is 2035, 11 years. He pointed out in other cities it is not uncommon to see 20, 25, or 30-year bonds. Mr. Wickham advised the city has some existing bonds that will be dropping off in the next two to three years. The plan is to accelerate the debt and looking at fitting this into the bond levy with a minimal tax increase up front and see a decrease after two years. Then have the final maturity and payoff by September 15, 2030. The projected interest rate is 3.1% tax exempt.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition. No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Motion was made by Burns, seconded by Welch, to approve Ordinance No. 4149.

Councilman Burns stated he is aware of the previous discussion where the total amount for the whole water main extension project is $18,000,000.00. This ordinance is for $12,500,000.00. He recalls the city looking into grant funding. He requested an update.

Mr. Jim Ristow, City Administrator, explained $2,000,000.00 has been awarded by the State, which has already offset the cost. The third piece of the puzzle is a grant application being worked through, however that has to come after the bond. You can't have the bond extended and then apply for a grant afterwards. That has potential of up to $5,000,000.00 from the federal side. Discussion followed.

Councilman Burns stated it is important to provided clarity for the public on bond indebtedness and interest. He clarified the whole point of the water main extension is essentially to spark development in the Highway 34 Corridor. Discussion followed on development and investment in the area, along with connection to the water main.

Roll call to approve the motion as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

Ordinance No. 4150: An ordinance authorizing the issuance of bonds for the purchase of the land and construction of the Bellevue City Water Park, in an amount not to exceed $60,000,000.00. (Economic and Community Development Director) **(Requesting to waive the rule requiring three readings, hold a public hearing tonight and vote after the public hearing at tonight's meeting)**

An ordinance authorizing the issuance of tax supported municipal improvement bonds of the City of Bellevue, Nebraska, in the principal amount of not to exceed sixty million dollars ($60,000,000) for the purpose of paying the costs of certain capital improvements to be owned by the city; prescribing the form of said bonds; pledging funds to be received by a sales and use tax and property tax for the payment of said bonds; providing for the levy and collection of said taxes to pay the same; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser; providing for the disposition of bond proceeds; and ordering the ordinance published in pamphlet or electronic form.

Motion was made by Casey, seconded by McCaw, to waive the rule requiring three readings, hold a public hearing, and vote after the public hearing at tonight's meeting. Roll call to approve the motion was as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition. No one else in the audience came forth to speak in support of or in opposition to the application.

Mr. Jim Ristow, City Administrator, explained the request for $60,000,000.00 is inclusive of both the purchase of the land for approximately $5,000,000.00 and approximately $55,000,000.00 for the water park. He explained in the Entertainment District, with the water park itself, along with the projected three hotels, are the only four scenarios used for revenue return. The return does not include any other amenities that could potentially come into the area. The profit and loss statement has been examined with what those four properties will produce, along with occupation tax, and property tax. In addition to that, the city has applied for the Good Life Tax District in the area. That is where the state has the 5.5% tax, which in turn they will reduce their section to 2.75%. Then the city will in turn initiate an occupation tax in the area for 2.75%.

Councilman Burns questioned what the projected annual revenue from this development will be. Mr. Ristow stated the estimated revenue from the water park alone is $15,000,000.00. Out of the revenue the city gets a percentage and the company the city contracts with to run the water park take a percentage. This development with be a public/private partnership. The city will build it and own it. The city will contract with a private company to run the project. An outside consultant ran the numbers based on multiple markets and demographics. Conversation ensued.

Councilman Burns questioned if the $15,000,000.00 will be split in half.

Mr. Harrison Johnson, Director of Economic and Community Development, explained the complete analysis indicates there will be $2.4 million in gross operating profit. The city assumed half of that at $1.2 million to verify if the numbers worked and they still do. Councilman Burns clarified the $1.2 million will come back solely to the city. Mr. Johnson replied yes.

Councilman Burns questioned if the occupation tax is additional revenue. Mr. Johnson replied it is. The occupation tax goes onto all the sales and is in addition to the $1.2 million. Councilman Burns questioned what the estimated revenue is from occupation taxes. Mr. Johnson stated approximately $2.7 million. Councilman Burns questioned if the revenue from the occupation tax and sales tax goes towards paying the bond indebtedness. Mr. Johnson replied yes; without an increase in sales tax, it will be about $2.2 million.

Councilman Burns questioned if the mill levy will be reduced this budget cycle. Councilman Cook explained that is the goal and hope. Councilwoman Welch state this project would not even be done until the 2026 budget cycle. Conversation ensued.

Mayor Hike commented that the city did not know what project they would announce first. This will be a catalyst that will drive the whole area. It's paying for itself and generating revenue from outside areas, creating jobs, and increasing the tax base. The goal is to get the whole corridor developed to help with taxes.

Mr. Ristow explained the operator has committed to developing a $25 million dollar hotel at their expense. There are also two other hotel operators who have expressed interest. The projected revenue is only from the three hotels and water park. Some of the agreements, on the back side, with the operator are other vendors and entertainment venues which will be brought in. Discussion followed.

Councilman Preister requested clarification on the Good Life District. Mr. Johnson explained the Nebraska Transformational Good Life Act, if approved, will take a 5.5% sales tax that the state applies to sales of goods and services and drops it in half. That allows the city to apply an occupation tax in the geographic area of the Good Life District which is this entertainment area. What the state dropped the city adds back as an occupation tax to the area. The city receives the funds to pay back to the bond area or use for other items. Conversation ensued.

Mr. Johnson provided a presentation of the project. He explained the water park is 100,000 square feet and will cost $60,000,000 to build. It is projected to have 400,000 annual visitors. The projected annual

economic impact is $72,000,000.00. An economic impact includes jobs, salaries, additional businesses, goods, and services not just within the park, but also in the surrounding community. The water park is operational for all four seasons. It has a retractable aluminum roof. There is a bar, restaurant, and arcade. One of the programs offered is a resident discount. There are also community youth programs. There are hotels, conferences, and corporate retreats. The goal is to have the grand opening Summer 2026. Mr. Johnson pointed out the water park will be owned and operated by the City of Bellevue. It will be managed by American Resort Management. He explained the construction funding will be by general obligation bonds. The city applies 2.75% occupation tax on water park and surrounding entertainment district. Annual revenue from occupation and sales taxes is projected in the amount of $2.3 million. Mr. Johnson referenced the location of the water park on a map.

Mayor Hike mentioned this is the first time this project was unveiled to the public. This type of project is kept private to protect the project from other entities trying to take the project. He thanked everyone involved for their hard work.

Councilman Cook questioned how long the Good Life District will exist. Mr. Johnson replied for twenty-five years.

Councilwoman Welch shared she had a discussion with Mr. Severson regarding what if the project goes sideways. She explained he advised her three companies have looked at this project and crunched all the numbers. They all three provided good data supporting the project.

Mr. Jim Moudry, 1207 Rebecca Court, questioned what the specifics are in terms of the bond.

Ms. Pat Beckham, 13601 South 18th Street, expressed concerns with financial risk on the project.

Mr. Kyle Rhone, 1908 Madison Street, questioned why there isn't private entrepreneurial investment in this project.

Mayor Hike declared the public hearing closed.

Mr. Severson stated the city will tell the bond council and the underwriter what bonds they want them to issue, when, and how much. The city may have the bonds issued in phases; it will be whatever makes the most since. It depends on when invoices come in. He stated he advised against the risk and downsides. Three experts reviewed the numbers, and he is not in the position to challenge them. The city will only take on as much debt as they need to. Hopefully this will be timed properly and hopefully issue into lower rates.

Mr. Wickham advised a common practice cities use is bond anticipation notes. The idea would not be going head first in and entering into selling twenty year long term bonds. There would be notes issued for interim financing to get the project off the ground while going through the construction process. The are typically structured as interest only on the shorter end of the curve. This is where the interest rates are lowest. Once the construction is complete and you start to see the revenues come in, is where you want to look into long term bonds. These are all built on revenue projections that are incredibly conservative. Another important distinction on the bonds is unlike the bonds approved earlier tonight that had the unlimited general obligation taxing authority of the city, these do not. These are municipal improvement bonds. You do not have the ability to raise an unlimited tax on property taxes. Therefore, the patrons of the city can rest assured they will not see a large property tax increase on these bonds.

Mayor Hike questioned what a general idea of rates would be. Mr. Wickham replied high twos, low threes.

Councilman Burns clarified this will not be all done at once. Mr. Wickham stated this could be issued in multiple series. Conversation ensued.

Councilwoman Welch questioned how much bonding the city could do and still be in good standing. Mr. Wickham explained the outstanding debt has an extremely short life. He believes all the debt would be paid off by 2034. Discussion followed.

Councilman Burns questioned what risk is involved. Mr. Severson stated if this doesn't work and the project just sits there, the city is looking at paying $5 million a year. Discussion followed.

Councilman Preister stated the city did this before when they built the convention center. He questioned if the project has paid for itself. Mr. Severson explained generally it has run the course of the business plan. Conversation ensued.

Councilman Preister mentioned in the past the public has stated they want a water park. He stated this project is year-round. It is a bold vision. The city is trying to broaden the tax base to lower the levy. Conversation ensued.

Councilman Preister explained the reasons for the three-on-three meetings. He stated if the public knows the taxing entity is interested in buying land the prices of the land will go through the roof. If other areas found out about the plans, they could jump in and derail the project.
Councilman Preister explained the Open Meetings Act includes other sections to allow these meetings to occur. The municipalities and entities have to be able to operate. To operate they are allowed reasonable rules and regulations. This allows the three-on-three meetings. Discussion followed.

Ms. Aimee Battalion, City Attorney, stated the Open Meetings Act does not apply to groups of three Council Members. For the Open Meetings Act to apply, there would need to be a quorum. She explained the rationale from the Attorney General and Nebraska Supreme Court. She explained the Attorney General has this information posted on his website.

Motion was made by Welch, seconded by McCaw, to approve Ordinance No. 4150. Roll call to approve the motion as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

Recommend approval of application for Thanksgiving Church to hold their Annual Community Easter EGGstravaganza at Thompson Park on Saturday, March 23, 2024, from 9:30 a.m. to 2:00 p.m. (Actual Event from 11:00 a.m. to 1:00 p.m.) with an alternate date of March 30, 2024. (same time). (City Clerk)

Mayor Hike opened the public hearing to give an opportunity for individuals to speak in favor of or in opposition.

Ms. Tammy Reuss, 2302 Madison Street, was present as the event coordinator. She stated the event is for the community, to enhance the community, and to keep the neighborhoods safe. She stated this is the kickoff to an annual event.

No one else in the audience came forth to speak in support of or in opposition to the application.

Mayor Hike declared the public hearing closed.

Motion was made by Burns, seconded by Welch, to recommend approval of application for Thanksgiving Church to hold their Annual Community Easter EGGstravaganza at Thompson Park on Saturday, March 23, 2024, from 9:30 a.m. to 2:00 p.m. (Actual Event from 11:00 a.m. to 1:00 p.m.) with an alternate date of March 30, 2024. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

RESOLUTIONS:

Resolution No. 2024-02: A resolution approving the Design and Construction Consultation Services Agreement and the Management Services Agreement with American Resort Management LLC for an indoor water park, with an estimate of $5,000,000.00 and authorize the Mayor to sign. (Economic and Community Development Director)

Motion was made by Welch, seconded by Cook, to recommend approving Resolution No. 2024-02: A resolution approving the Design and Construction Consultation Services Agreement and the Management Services Agreement with American Resort Management LLC for an indoor water park, with an estimate of $5,000,000.00 and authorize the Mayor to sign. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Resolution No. 2024-03: A resolution placing a ballot question on the ballot for the statewide primary election on May 14, 2024, to approve an increase in the local option sales and use tax by an additional one-half percent and authorize the Mayor to sign. (Economic and Community Development Director)

Motion was made by Burns, seconded by McCaw, to recommend approving Resolution No. 2024-03: A resolution placing a ballot question on the ballot for the statewide primary election on May 14, 2024, to approve an increase in the local option sales and use tax by an additional one-half percent and authorize the Mayor to sign.

Councilman Burns confirmed this is to only put the item on the ballot for the citizens of Bellevue to decide. Mayor Hike replied yes.

Councilman Burns clarified with the half cent increase this could be an additional $7 million in revenue. Mr. Ristow replied yes, it is citywide.

Councilman Burns requested clarification on the mill levy portion. Mr. Ristow explained if the voters approve this on the May ballot, it will go into effect October 31st. The city's first intent would be to have a portion of it to satisfy the city's debt of the water park itself. Another intention is to double the parks budget and take care of the existing city parks and adding amenities. The second intent is to reduce the mill levy by 10-12 percent. The third intent is with the Eastern Fire District and reduce that mill levy. Discussion followed.

Councilman Casey mentioned in the future there are going to be meetings to expand on the water park. He requested Mr. Ristow to expand on them. Mr. Ristow stated there are plans for a community forum across the community. The meetings will address the water park and the sales tax and how to reduce the mill levy. The meetings are to educate the public and should begin in February or March.

Mayor Hike stated this is a ballot initiative and will take a super majority to be placed on the ballot. Therefore, five out of six votes are needed to pass.

Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

CURRENT BUSINESS:

Approve and authorize signature of the Contract between the International Association of Fire Fighters (IAFF) and the Bellevue Fire Department for the Peer Support Training Program for up to (30) BFD firefighters, in an amount not to exceed $9,000.00. (Fire Chief)

Motion was made by Cook, seconded by Welch, to approve and authorize signature of the Contract between the International Association of Fire Fighters (IAFF) and the Bellevue Fire Department for the Peer Support Training Program for up to (30) BFD firefighters, in an amount not to exceed $9,000. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize a purchase order issued to Geargrid Corporation for fire gear equipment lockers, in an amount not to exceed $54,981.01. (Fire Chief)

Motion was made by Welch, seconded by Preister, to approve and authorize a purchase order issued to Geargrid Corporation for fire gear equipment lockers, in an amount not to exceed $54,981.01. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve the final payment application for the 2023 Concrete Project with Earnest Construction, in an amount of $129,577.93; approve and authorize the Mayor to sign Change Order No. 2 in an amount of $92,307.68 for contract overrun; approve the project as substantially complete; and accept the final project quantities, making the total project cost of $965,898.25. (Public Works Director)

Motion was made by Casey, seconded by McCaw, to approve the final payment application for the 2023 Concrete Project with Earnest Construction, in an amount of $129,577.93; approve and authorize the Mayor to sign Change Order No. 2 in an amount of $92,307.68 for contract overrun; approve the project as substantially complete; and accept the final project quantities, making the total project cost of $965,898.25. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign Amendment No. 1 to the 2024 Concrete Project Engineering Agreement with JEO Consulting Group, Inc. for additional engineering services, in an amount not to exceed $24,995.00. (Public Works Director)

Motion was made by Cook, seconded by Preister, to approve and authorize the Mayor to sign Amendment No. 1 to the 2024 Concrete Project Engineering Agreement with JEO Consulting Group, Inc. for additional engineering services, in an amount not to exceed $24,995.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Jacobs for the drainage improvements - Quail Creek Topographic Survey Project, in an amount not to exceed $19,094.00. (Public Works Director)

Motion was made by Preister, seconded by Welch, to approve and authorize the Mayor to sign the Agreement with Jacobs for the drainage improvements - Quail Creek Topographic Survey Project, in an amount not to exceed $19,094.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Jacobs for College Heights Stormwater Outfall Repair - M146 (276A) Design Services, in an amount not to exceed $185,816.00. (Public Works Director)

Motion was made by Preister, seconded by Casey, to approve and authorize the Mayor to sign the Agreement with Jacobs for College Heights Stormwater Outfall Repair - M146 (276A) Design Services, in an amount not to exceed $185,816.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Felsberg Holt & Ullevig to continue to assist with obtaining funding for the 36th Street Improvements from Cornhusker to HWY 370, in an amount not to exceed $7,740.00. (Public Works Director)

Motion was made by Preister, seconded by McCaw, to approve and authorize the Mayor to sign the Agreement with Felsberg Holt & Ullevig to continue to assist with obtaining funding for the 36th Street Improvements from Cornhusker to HWY 370, in an amount not to exceed $7,740.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Alfred Benesch & Co. to provide Consulting Services and assist with Google Fiber Installation Professional Services Agreement, in an amount not to exceed $658,297.12 (with these costs to be recovered through the permitting process with Google Fiber NE, LLC). (Public Works Director)

Motion was made by Preister, seconded by Burns, to approve and authorize the Mayor to sign the Agreement with Alfred Benesch & Co. to provide Consulting Services and assist with Google Fiber Installation Professional Services Agreement, in an amount not to exceed $658,297.12 (with these costs to be recovered through the permitting process with Google Fiber NE, LLC).

Councilman Burns clarified the city will be reimbursed. Mr. Ristow explained the city contracts with Alfred Benesch. Alfred Benesch manages the plan review and permitting process for Google Fiber. Alfred Benesch bills the city and the city bills Google and adds on an administrative fee for city cost. Discussion followed.

Councilman Cook questioned if ALLO is a part of this. Mr. Ristow explained ALLO is going to do the install. ALLO was the first one with the city to install cable, phone, and internet services. They have slowed down on their process. Google negotiated with ALLO do to the installs.

Councilman Cook mentioned when ALLO came in front of the City Council there was conversation with back yard installations. Mr. Ristow advised that has not been determined yet.

Mr. Dave Goedeken, Public Works Director, stated ALLO is still in the permitting process. There is some backyard installation, but the majority will be in the front yards.

Councilman Cook mentioned he thought the agreement was to install in the backyard. Mr. Ristow stated there is some complexity to installing it in the backyard depending on the neighborhood itself. When they apply for the permitting, they will know if the install will be in the front or back yard.

Councilman Cook stated he is going to have problems going through the front yards. He thought the conversation with ALLO was to go through the backyard.

Councilman McCaw stated he is pretty sure that conversation went on a long time with Google. Google was going to go where OPPD went, where the OPPD utilities were Google was going. Now ALLO is going to install Googles equipment and lines. That would tell him Google is going where OPPD is. Mr. Ristow explained that will come with the permitting process. Conversation ensued.

Councilman Burns stated he does remember the conversation and Councilman McCaw explaining where OPPD was. He commented he would like the City Council involved in the decision-making process of the location of the pedestals.

Councilman Cook stated he would like the Council to have input in the permitting process and before a final decision is made.

Councilman McCaw advised reviewing the meeting minutes of the previous discussion on the location of the pedestals. Discussion followed.

Mayor Hike questioned if there is any time sensitivity to delay this request. Mr. Goedeken explained they want to start soon.

Discussion occurred on reviewing the minutes on placement of the pedestal and what was agreed to.

Councilman Cook questioned if an amendment could be made to the motion to include they install in the backyard unless there are unique circumstances. Mr. Ristow commented he would rather wait to see what they are permitting. Discussion followed.

Councilman Cook stated he would like to ask if they come back with the placement in the front yards, the permit is not approved, and they come back in front of the City Council.

Councilwoman Welch commented she is challenged by telling a company how to install when they know the easiest, quickest, and profitable way for them.

Mr. Ristow advised when a company's engineers come to town, they look at the entire city. They draft a plan on how they want to install. The install location will be available during the permitting process.

Mayor Hike confirmed the contract with Google has already been approved. Mr. Ristow replied yes.

Mayor Hike stated now this is to allow them to pull the permits. It will be hard to hold them to installing in the backyard if that wasn't part of the motion. The minutes will need to be reviewed.

Councilman Preister stated this item is for a contract with Alfred Benesch.

Discussion followed addressing the concerns with pedestal installment when permits are submitted.

Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for traffic signal improvements, in an amount not to exceed $42,000.00. (Public Works Director)

Motion was made by Burns, seconded by McCaw, to approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for traffic signal improvements, in an amount not to exceed $42,000.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for Fort Crook and Fairview Road Planning Study, in an amount not to exceed $29,700.00. (Public Works Director)

Motion was made by Burns, seconded by Casey, to approve and authorize the Mayor to sign the Agreement with Felsburg Holt & Ullevig for Fort Crook and Fairview Road Planning Study, in an amount not to exceed $29,700.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Redevelopment Agreement and Redevelopment Promissory Note, allowing up to $350,000.00 plus accrued interest, to offset TIF eligible expenses, for Bapaji Maharaj, LLC, 1110 Fort Crook Road Redevelopment Project located on Lots 1B1B, 1B2A2, and 1B2B1, Twin Ridge II, more particularly described in Exhibit "C" of the agreement. (City Clerk)

Motion was made by Burns, seconded by Preister, to approve and authorize the Mayor to sign the Redevelopment Agreement and Redevelopment Promissory Note, allowing up to $350,000.00 plus accrued interest, to offset TIF eligible expenses, for Bapaji Maharaj, LLC, 1110 Fort Crook Road Redevelopment Project located on Lots 1B1B, 1B2A2, and 1B2B1, Twin Ridge II, more particularly described in Exhibit "C" of the agreement. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize Lease Agreement with Woodhouse Jeep for a 2024 Jeep Grand Cherokee for 36 months, in an amount of $709.00/month to be reimbursed by the United States Postal Inspection Service (USPIS). (Police Chief/Capt. Melvin)

Motion was made by Welch, seconded by Cook, to approve and authorize Lease Agreement with Woodhouse Jeep for a 2024 Jeep Grand Cherokee for 36 months, in an amount of $709.00/month to be reimbursed by the United States Postal Inspection Service (USPIS). Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent: none. Motion carried.

Approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) with the International Association of Firefighters Local 4906 (IAFF) to the collective bargaining agreement requiring revision to correct departmental paramedic shortages for the term February 6, 2024 through September 30, 2025. (Administration)

Motion was made by Cook, seconded by Burns, to approve and authorize the Mayor to sign the Memorandum of Understanding (MOU) with the International Association of Firefighters Local 4906 (IAFF) to the collective bargaining agreement requiring revision to correct departmental paramedic shortages for the term February 6, 2024 through September 30, 2025. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent.

Approve and authorize Mayor to sign Interlocal Agreement with Eastern Sarpy County Suburban Fire Protection District to create a committee to discuss the construction and development of infrastructure project, including a swimming pool and water park facility. (Economic and Community Development Director)

Motion was made by Burns, seconded by Casey, to approve and authorize Mayor to sign Interlocal Agreement with Eastern Sarpy County Suburban Fire Protection District to create a committee to discuss the construction and development of infrastructure project, including a swimming pool and water park facility. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, Preister, and Welch voted yes; voting no: none; absent.

ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports.
(Monthly reports are given at first Council Meeting of each Month - December and January reports are attached.

CLOSED SESSION:

ADJOURNMENT:

There being no further business to come before the Council at this time, on motion by Welch, seconded

MINUTE RECORD

by Burns, the meeting was adjourned at 8:46 p.m. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Burns, and Welch voted yes; voting no: none; absent: Preister. Motion carried.

Shirey R. Harbin, Deputy City Clerk

Rusty Hike, Mayor

I, the undersigned, City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on February 6, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Shirley R. Harbin, Deputy City Clerk

February 5th 2024

City of Bellevue
1500 West Wall Street
Bellevue, NE 68005

BELLEVUE 2023 ANNUAL REPORT

Nebraska Humane Society

The following report will provide data for the Nebraska Humane Society's enforcement actives for The City of Bellevue, Nebraska

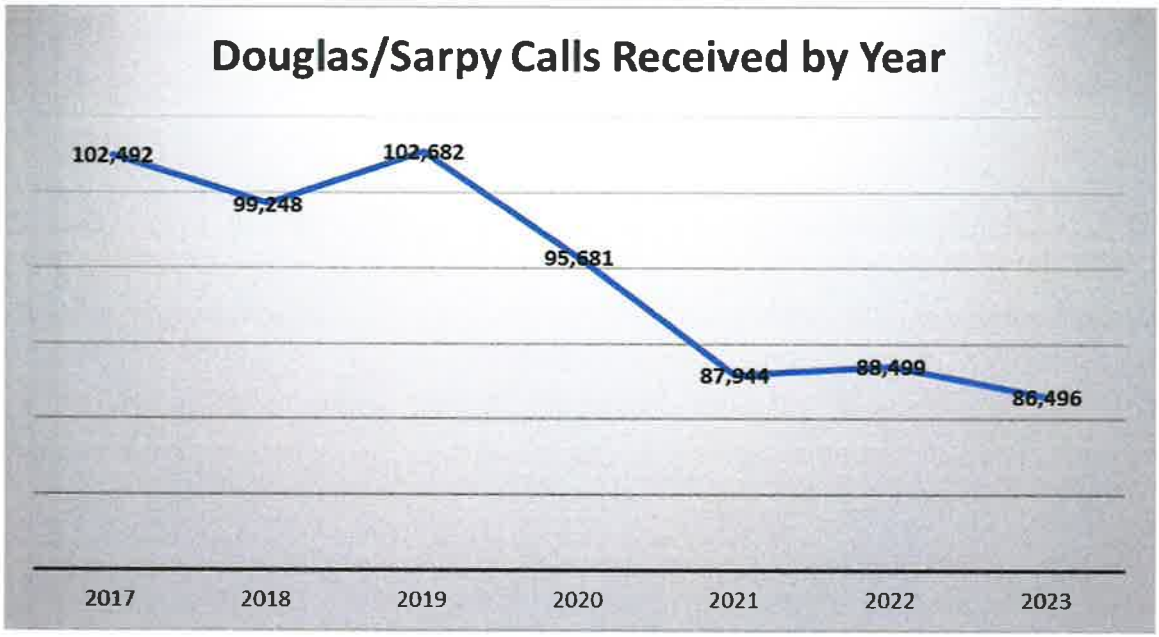
Steve Glandt
Vice President – Field Operations
sglandt@nehumanesociety.org
402-905-3411

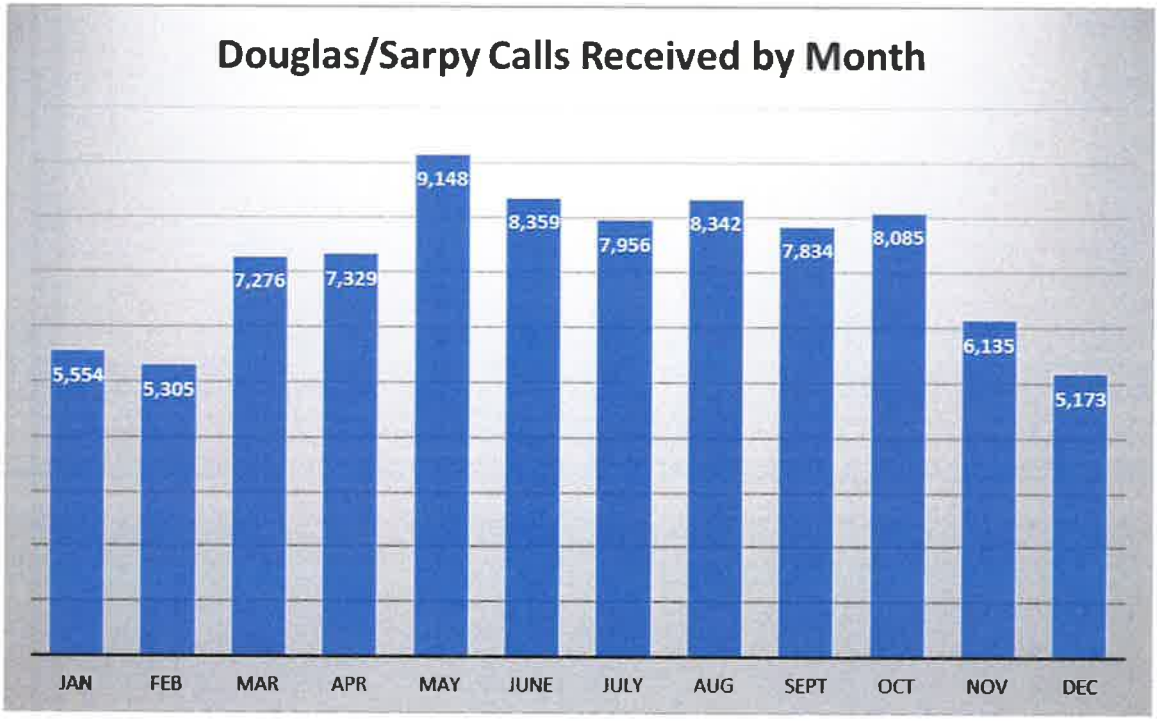
The Nebraska Humane Society's animal control service operates from the NHS campus located at 8929 Fort Steet in Omaha, NE. NHS employs 20 animal control officers that serve the greater Omaha area and Sarpy County, covering approximately 500 square miles with a population of approximately 762,000. Hours of operation are from 08:00 to midnight, every day of the week with emergency calls covered from midnight to 08:00. NHS uses a fleet of 15 vehicles specially equipped to handle animal control activities. The Nebraska Humane Society was founded in 1875, is the fifth oldest and one of the largest humane societies in the United States.

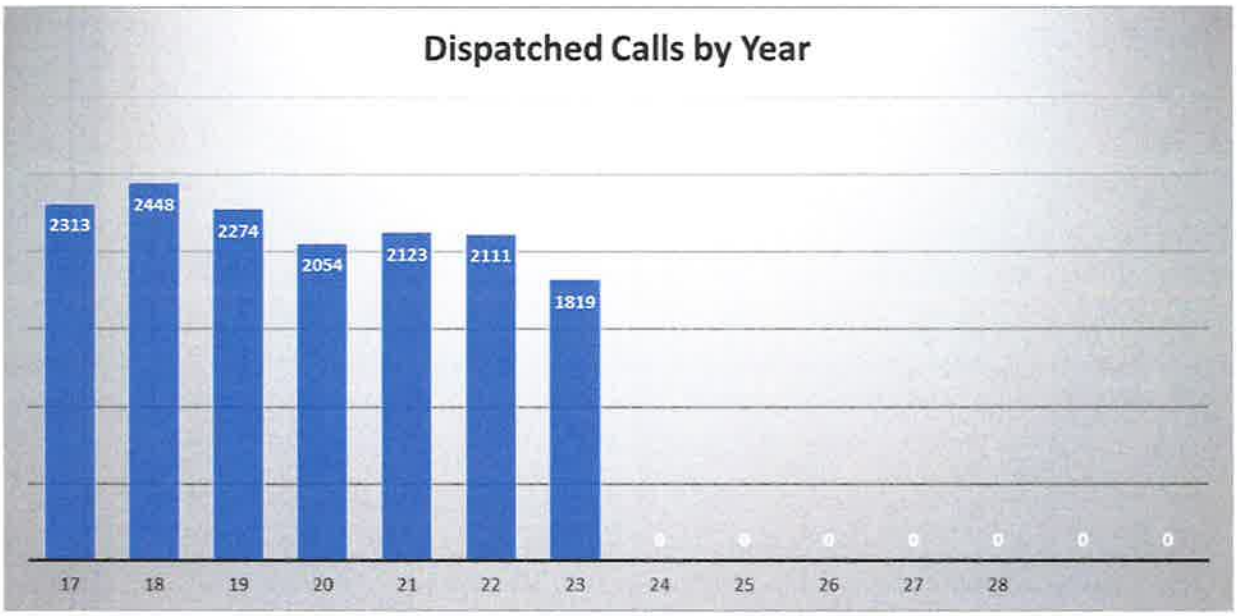
The animal control services division is supported by eight communication specialists who answer nearly 100,00 calls from Douglas and Sarpy counties annually; a Rabies Control Specialist that oversees all bites, suspected rabies exposures, and feral cat colonies; and a city Ordinance Administrator, who oversees potentially dangerous dogs, reckless owners, and citation data.

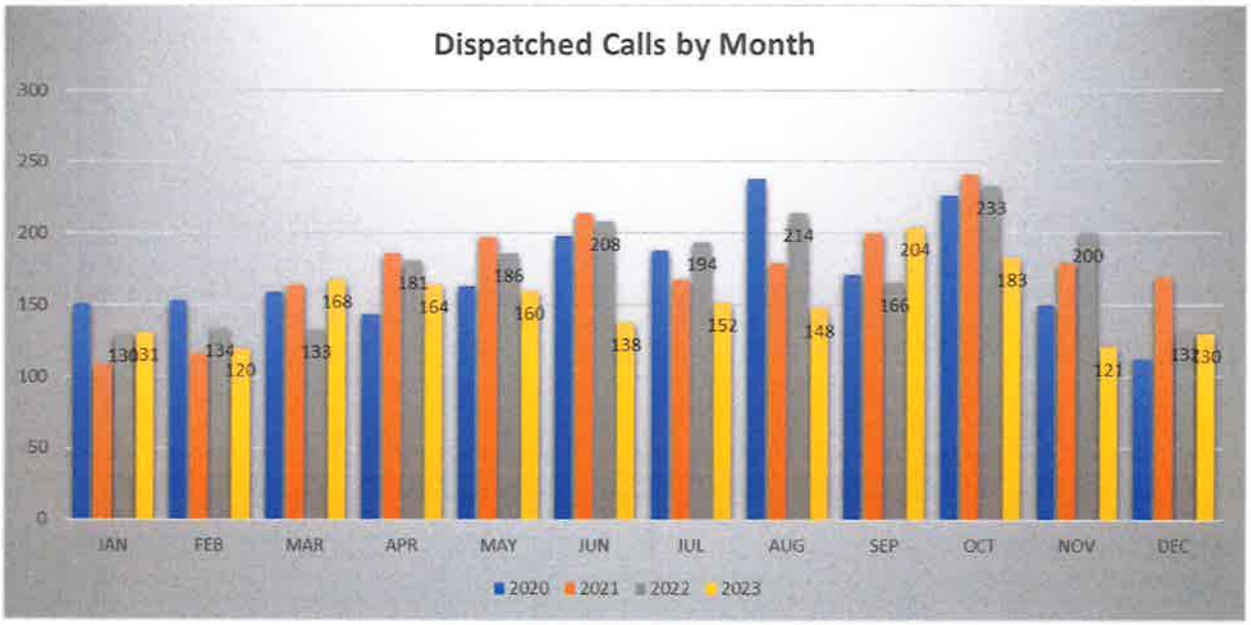
The Nebraska Humane Society maintains contracts with the cities of Omaha, Ralston, Waterloo, unincorporated Sarpy County, and all cities within Sarpy County for animal control services.

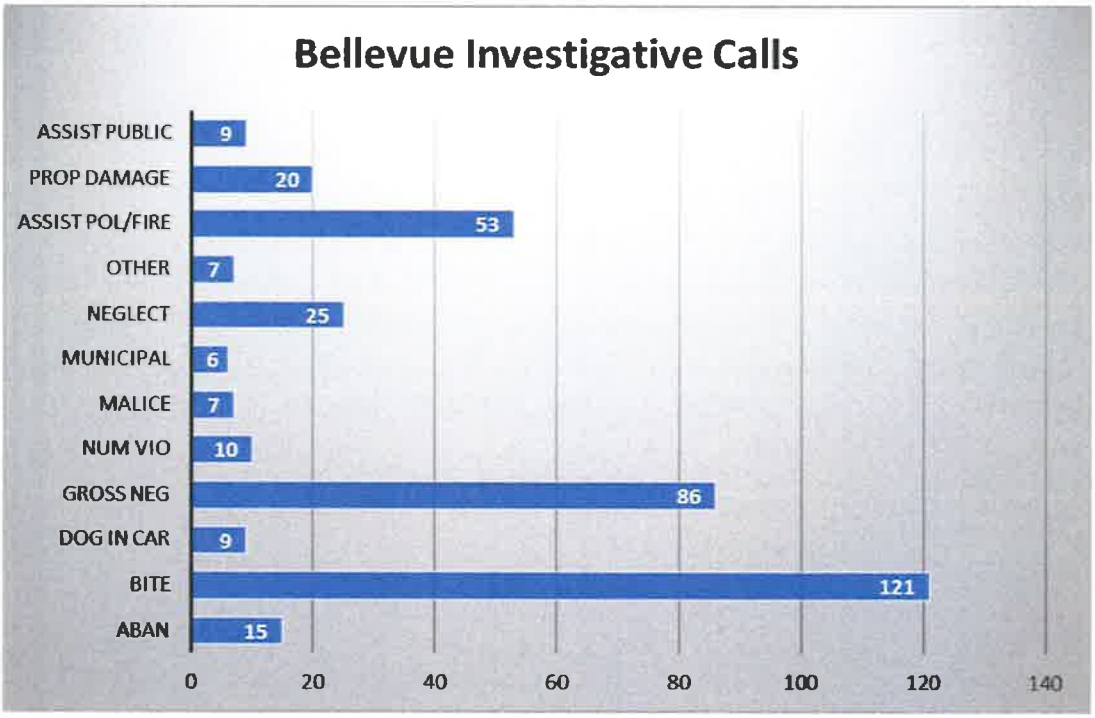
This report will provide data from the previous year regarding NHS animal control efforts.

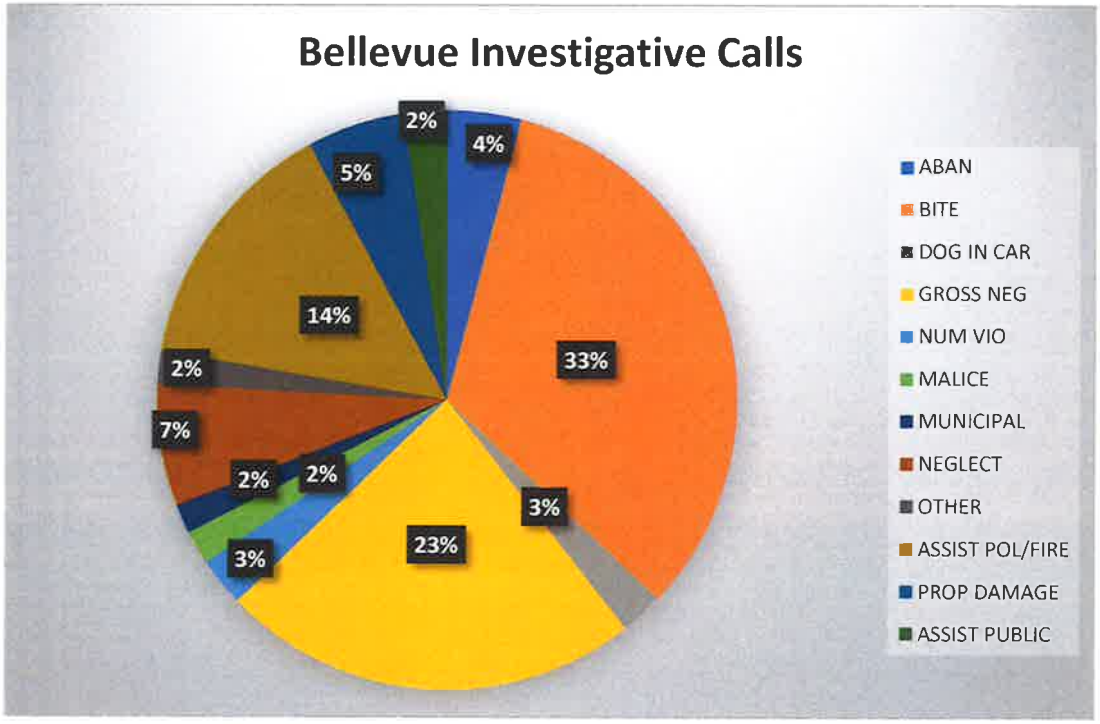

Douglas/Sarpy Calls Received by Year
102,492
99,248
102,682
95,681
87,944
88,499
86,496
2017
2018
2019
2020
2021
2022
2023

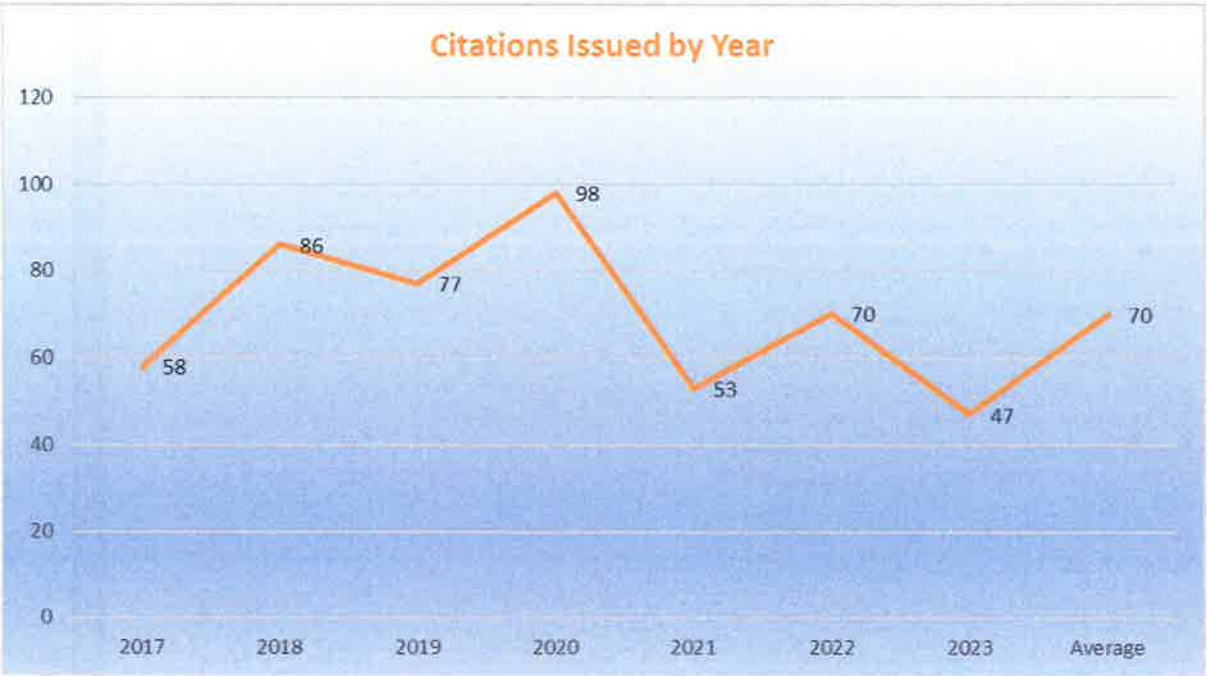

Douglas/Sarpy Calls Received by Month
5,554
5,305
7,276
7,329
9,148
8,359
7,956
8,342
7,834
8,085
6,135
5,173
JAN
FEB
MAR
APR
MAY
JUNE
JULY
AUG
SEPT
OCT
NOV
DEC

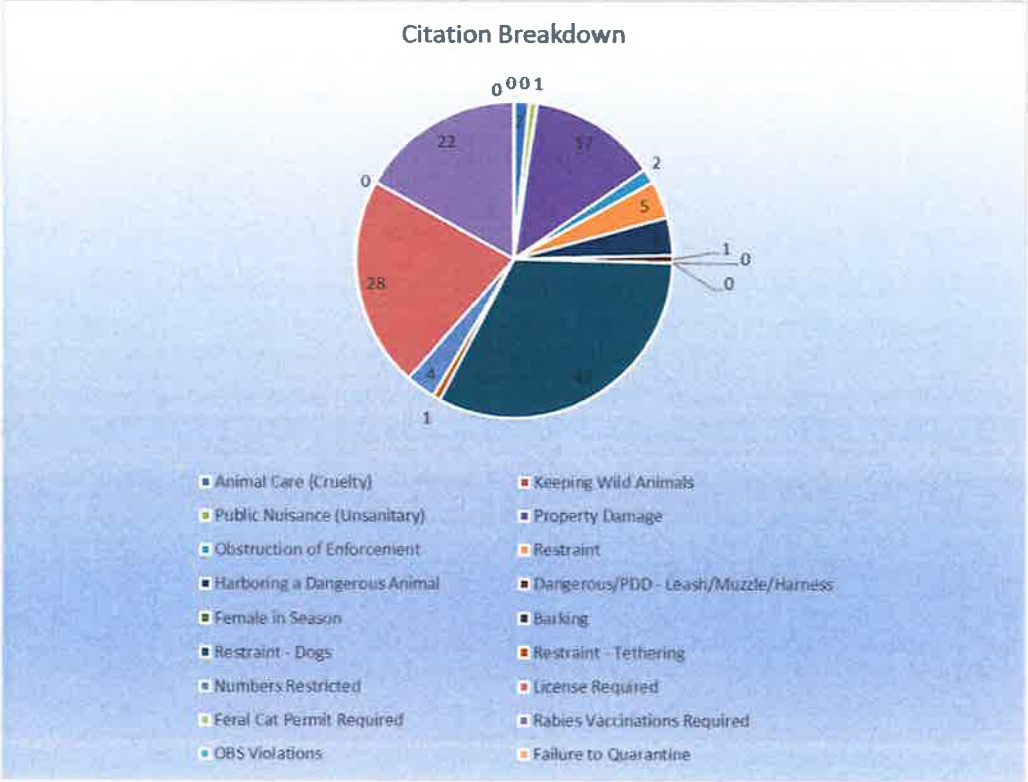

Dispatched Calls by Year
2313
2448
2274
2054
2123
2111
1819
0
0
0
0
0
0
17
18
19
20
21
22
23
24
25
26
27
28

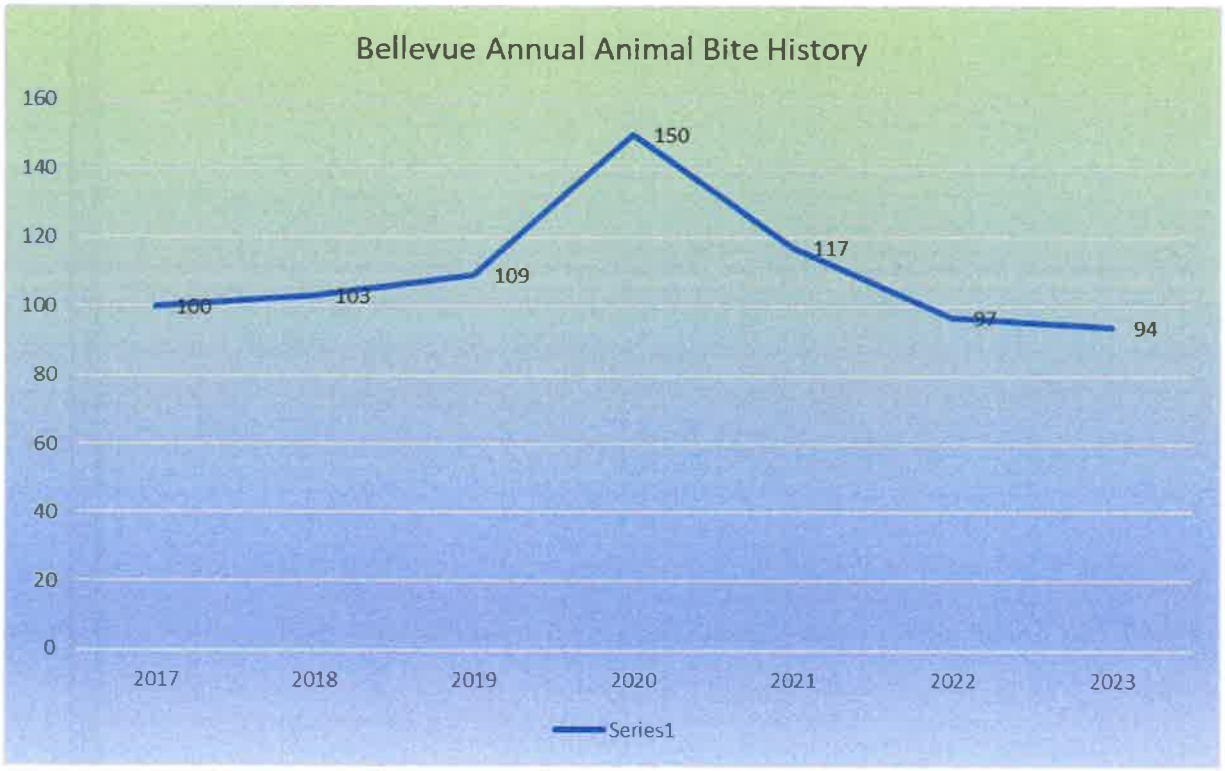

Dispatched Calls by Month
300
250
200
150
100
50
0
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
2020
2021
2022
2023

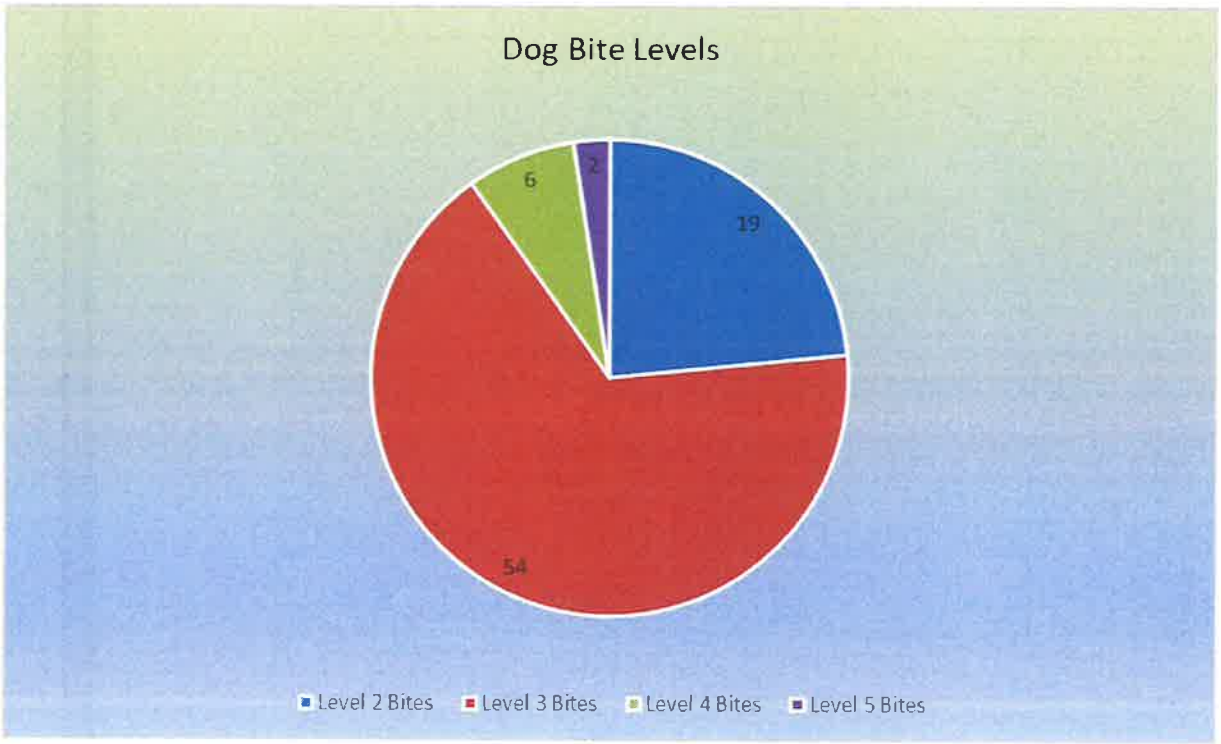

Bellevue Investigative Calls
ASSIST PUBLIC
PROP DAMAGE
ASSIST POL/FIRE
OTHER
NEGLECT
MUNICIPAL
MALICE
NUM VIO
GROSS NEG
DOG IN CAR
BITE
ABAN
9
20
53
7
25
6
7
10
86
9
121
15
0
20
40
60
80
100
120
140

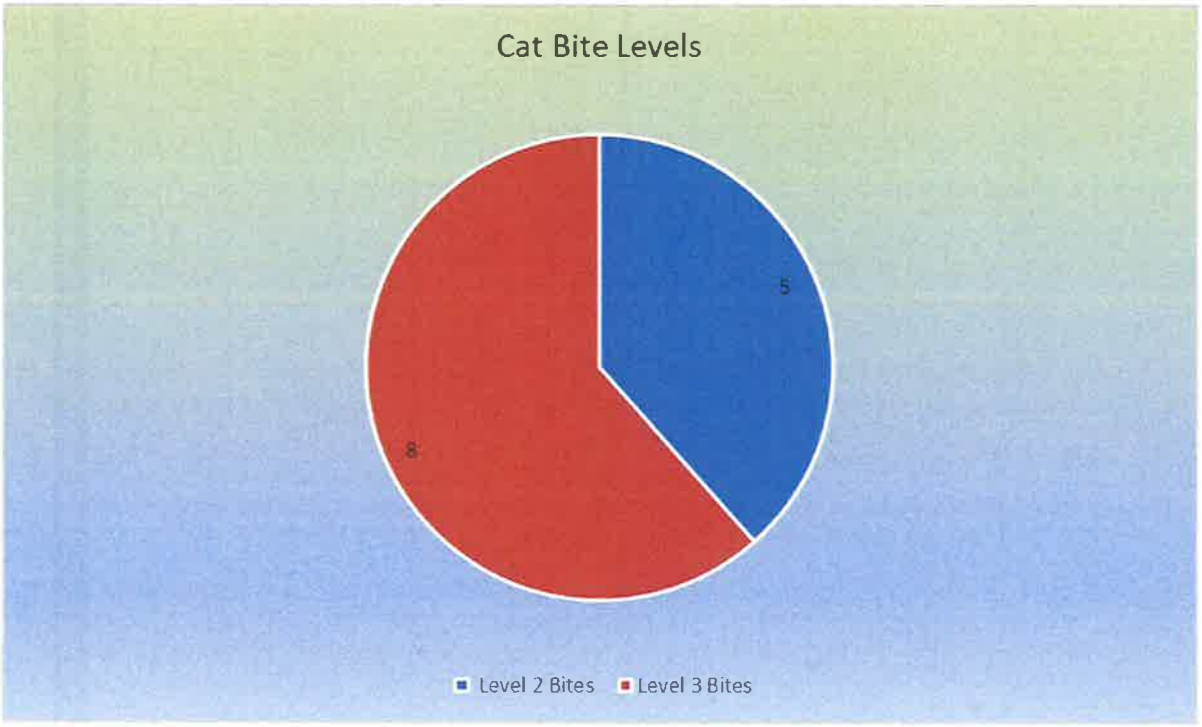

Bellevue Investigative Calls
2%
4%
5%
14%
33%
2%
7%
2%
2%
3%
3%
23%
ABAN
BITE
DOG IN CAR
GROSS NEG
NUM VIO
MALICE
MUNICIPAL
NEGLECT
OTHER
ASSIST POL/FIRE
PROP DAMAGE
ASSIST PUBLIC


Citations Issued by Year
120
100
80
60
40
20
0
58
86
77
98
53
70
47
70
2017
2018
2019
2020
2021
2022
2023
Average


Citation Breakdown
0
0
0
1
22
17
2
5
1
0
0
28
4
1
Animal Care (Cruelty)
Keeping Wild Animals
Public Nuisance (Unsanitary)
Property Damage
Obstruction of Enforcement
Restraint
Harboring a Dangerous Animal
Dangerous/PDD - Leash/Muzzle/Harness
Female in Season
Barking
Restraint - Dogs
Restraint - Tethering
Numbers Restricted
License Required
Feral Cat Permit Required
Rabies Vaccinations Required
OBS Violations
Failure to Quarantine

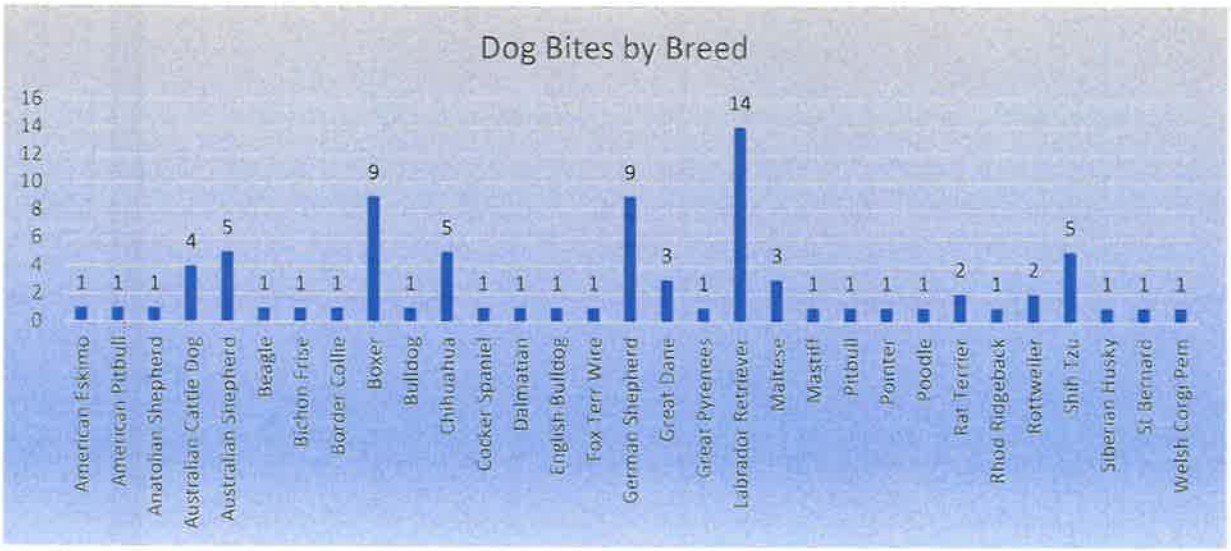

Bellevue Annual Animal Bite History
160
140
120
100
80
60
40
20
0
100
103
109
150
117
97
94
2017
2018
2019
2020
2021
2022
2023
Series1


Dog Bite Levels
19
54
6
2
Level 2 Bites
Level 3 Bites
Level 4 Bites
Level 5 Bites



Bite Levels for Dogs and Cats

Level1: Snap and Miss
Level 2: Skin contact by teeth but no punctures. However, may be skin nicks and slight bleeding.
Level 3: Single bite. 1-4 punctures from the teeth. At least one puncture as deep as half the length of the dog's canine teeth. Could have caused tearing, lacerations in a single direction, caused by victim pulling away or gravity.
Level 4: 1-4 punctures from a single bite with at least one puncture deeper than half the length of the canine teeth. Holds and shakes. Could have deep bruising around the wound or a laceration in both directions OR multiple bites from the jaw moving so quickly unable to count how many punctures.
Level 5: Multiple bite incident with at least two Level 4 bites or a multiple attack incident with at least one Level 4 in each bite. Mutilation.
Level 6: Bite incident with injuries that require critical care, victim requires hospitalization and has injuries considered life threatening. Significant loss or disfiguration of limb, digit, or body part.
Level 7: Death



This concludes the 2023 annual report.

MINUTE RECORD

*6.
2/20/2024

CLAIMS FOR FEBRUARY 20, 2024

MAYOR			
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE		46.39
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE		13.02
		$	59.41
CITY ADMINISTRATOR			
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE		92.78
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE		497.08
CANTH AWARDS	PC-RETIREMENT CLOCK-JENNINGS		69.55
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE		25.20
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024		3,780.88
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE		26.05
NEBRASKA DIPLOMATS	MEMBERSHIP DUES 2024-RISTOW, JOHNSON		700.00
SPARTAN NASH STORES, LLC	PC-SUPPLIES FOR MEETING WITH SENATORS		17.98
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES		101.26
WALL ST JOURNAL	PC-SUBSCRIPTION TO WALL ST JOURNAL		30.81
WORKFORCE HOUSING	PC-WORKFORCE HOUSING TRAINING		75.00
		$	5,416.59
CITY COUNCIL			
LEAGUE OF NEBRASKA MUNICIPALITIES	MIDWINTER LEAGUE REGISTRATION-CASEY		455.00
		$	455.00
LEGAL			
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE		92.78
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE		87.72
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE		25.62
DROP BOX	PC-CASE MANAGEMENT		19.99
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024		2,116.99
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE		4.60
NEBRASKA SUPREME COURT ATTORNEY	PC-LICENSING		98.00
NEBRASKA.GOV	PC-CASE MANAGEMENT		49.00
SARPY COUNTY SHERIFF'S OFFICE	CIVIL PROCESS COLLECTION		36.92
UNITED STATES POSTAL SERVICE	PC-MAILING CHARGE		63.03
		$	2,594.65
CABLE ADVISORY			
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE		46.39
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE		438.60
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE		8.68
COX BUSINESS SERVICES	2024/01/19-02/18 MONTHLY SERVICE		9.04
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024		4,248.42
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE		22.98
		$	4,774.11
CITY CLERK			
AMAZON.COM, LLC	PC-PENS		17.17
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE		760.25
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE		13.02
CITY OF BELLEVUE	SARPY CNTY REG OF DEEDS - ANNEXATION FILING		100.00
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024		3,026.00
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE		39.83
UNIVERSITY OF NEBRASKA-OMAHA	PC-CLERK'S SCHOOL REGISTRATION-HARBIN		443.00
		$	4,399.27
FINANCE/RISK MANAGEMENT			
AMAZON.COM, LLC	PC-CALCULATOR, CHECK SCANNER, OFFICE SUPPLIES		1,381.59
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE		144.20
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE		643.28
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE		63.10

MINUTE RECORD

CLAIMS FOR FEBRUARY 20, 2024

FINANCE (CONT'D)		
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	3,955.09
INFOSAFE SHREDDING	SHREDDING SERVICE-FEB 2024	60.00
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE	33.71
QUADIENT FINANCE USA, INC	2023/12/19 REFILL POSTAGE METERS	1,999.21
QUADIENT, INC	PC-NEW POSTAGE MACHINE, 2023/12/08-2024/12/07 METER RENTAL	8,712.00
		$ 16,992.18
LIBRARY		
AMAZON.COM, LLC	PC-ADDRESS LABELS, BOOKS, CALENDAR, PROGRAM SUPPLIES, VIDEOS	2,094.32
BIBLIOTHECA, LLC	TAGGING CIRC STATION, MANAGE RFID CONV, SUBS, RFID STATION, TAG SQUARE, FULL DISC	43,706.66
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	1,564.44
CAPITAL BUSINESS SYSTEMS, INC	2023/12/31-2024/01/30 COPIER EXPENSE	294.16
CENGAGE LEARNING, INC	2024/04/19-2025/04/18 PETERSONS LIBRARY, CHILTON LIBRARY	4,929.44
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	43.41
CHICAGO DISTRIBUTION CENTER	PC-SUPPLIES	65.33
COLLABORATIVE SUMMER LIBRARY	PC-PROGRAM SUPPLIES	303.07
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	7,731.02
INGRAM LIBRARY SERVICES	BOOKS	2,917.36
MATRIX BUSINESS SYSTEMS INC	2023/12/31-2024/01/30 COPIER EXPENSE	8.16
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/04 MONTHLY SERVICE	111.25
MICHELLE BULLOCK	REIMB FOR PROGRAM SUPPLIES	35.48
OMAHA PUBLIC POWER DISTRICT	2023/12/11-2024/01/11 MONTHLY SERVICE	1,709.89
OVERDRIVE, INC	DEPOSIT ON ACCOUNT FOR PURCHASES	2,000.00
QUADIENT FINANCE USA, INC	2024/01/02-30 LIBRARY NEOSHIPMENTS	696.14
RUFF WATERS	AQUARIUM MAINTENANCE	75.00
SCOTT WELCH	2024/02/29M MONTHLY WEB SUPPORT	125.00
VALUE LINE	2024/04/19-2025/04/11 RENEW SUBSCRIPTION	1,167.00
VERIZON WIRELESS	2024/01/17-02/16 MONTHLY SERVICE	360.09
		$ 69,937.22
ADMINISTRATIVE SERVICES/PERSONNEL		
AMAZON.COM, LLC	PC-TONER FOR PRINTER	38.98
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	139.17
BENEFIT PLANS	2023/12/31Q4 ANNUAL PARTICIPANT FEE	1,070.00
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	497.08
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	60.66
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	11,026.49
INTEGRATED CARE, LLC	RANDOM DRUG TEST	240.00
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE	26.05
OMAHA PUBLIC POWER DISTRICT	2023/12/20-2024/01/23 MONTHLY SERVICE	264.01
ONE SOURCE	2024/01/01-2024/02/01 BACKGROUND CHECKS	63.80
SAM'S CLUB DIRECT	PC-PRIZES FROM DONATIONS	2,445.88
UPS	YEAR END MAILING CHARGE	19.44
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	2,137.81
WALMART COMMUNITY	PC-CREDIT-PRIZES FROM DONATIONS	(32.71)
		$ 17,996.66
CODE ENFORCEMENT		
AMAZON.COM, LLC	PC-STAMPS	27.76
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	432.15
AUTO BODY AUTHORITY	TOW, STORAGE -IR23038142	2,550.00
BELLEVUE PRINTING COMPANY	FORMS PADDED SETS	715.37
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	102.44
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	25.51
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	11,130.03

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CLAIMS FOR FEBRUARY 20, 2024

CODE ENFORCEMENT(CONT'D		
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/05 MONTHLY SERVICE	6.69
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	752.41
		$ 15,742.36
PUBLIC WORKS		
AMAZON.COM, LLC	PC-DESK ORGANIZER, PLANNER	60.29
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	392.11
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	172.02
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	52.09
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	6,730.95
MATRIX BUSINESS SYSTEMS INC	COPIER EXPENSE	184.00
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/05 MONTHLY SERVICE	11.23
NATIONAL SOCIETY OF PROFESSIONAL	PC-CONSTRUCTION CONTRACT SOFTWARE	290.00
NEBRASKA BOARD OF ENGINEERS &	PC-RENEW MEMBERSHIP	80.00
NEBRASKA FLOODPLAIN & STORMWATER	PC-MEMBERSHIP DUES-KRAGER	200.00
NEBRASKA UTILITIES CONFERENCE	PC-ANNUAL CONFERENCE REGISTRATION	436.00
ONE CALL CONCEPTS	2024/01/31M LOCATES	387.20
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	103.87
		$ 9,099.76
PARKS		
ALLIED OIL & SUPPLY COMPANY	OIL, DRY DIESEL	663.60
AMAZON.COM, LLC	PC-WATER FILTER	165.99
A-RELIEF SERVICES	2023/11/23-12/08 PORTABLE RESTROOMS	2,749.00
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	86.43
BAKERS BELLEVUE	PC-MEAL CARDS FOR SNOW CREW	300.00
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	1,886.33
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	39.06
DAY ELECTRIC SERVICE, INC	INSTALL QUAZITE COVER-AHP	1,416.72
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	7,947.90
HDR ENGINEERING, INC	BPW-211123 PROF SVCS 2023/12/21-2024/01/27	11,326.36
J & J SMALL ENGINE SERVICE	PC-POLE SAW	305.80
MENARDS	PC-BEAM BLADE, PAINT, HOSE, BEAM BLADE	717.00
METROPOLITAN UTILITIES DIST	2023/12/08-2024/01/09 MONTHLY SERVICE	686.53
OMAHA PUBLIC POWER DISTRICT	2023/11/30-2024/01/24 MONTHLY SERVICE	2,976.32
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	2,447.26
WALMART COMMUNITY	PC-ICE CONTROL	899.64
WESTLAKE ACE HARDWARE	PC-SUPPLIES	34.99
		$ 34,648.93
RECREATION		
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	92.78
BAKERS BELLEVUE	PC-GIFT CARDS FOR MEALS, PROMO ADVERTISING	150.00
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	54.84
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	2,768.64
MARIA MONTAMO	REFUND DEPOSIT FOR PARTY	375.00
MENARDS	PC-FLOOR MAT	11.02
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/04 MONTHLY SERVICE	232.49
NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY	SWIMMING POOL PERMIT-GILBERT, CASCIO, DOWDING	120.00
OMAHA PUBLIC POWER DISTRICT	2023/12/20-2024/01/23 MONTHLY SERVICE	172.03
TOMMY'S EXPRESS - PAPILLION	PC-VEHICLE WASH	24.99
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	185.10
		$ 4,186.89

PC- Purchases made with City Purchase card

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FACILITY MAINTENANCE		
AMAZON.COM, LLC	PC-RECESSEDLED LIGHTS, SHOWER FLOOR REPAIR KIT, WALL PACK LIGHTS	451.16
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	139.17
AVI SYSTEMS	2024/03/01-2025/02/28 RETAIL SALES	15,905.00
BIG RED LOCKSMITHS	REPAIR PANIC BUTTON, LOCK, SPINDLE	405.00
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	5,521.13
CARPENTER PAPER CO	HAND SOAP REFILL	700.46
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	4.34
COMMERCIAL RECREATION SPECIALISTS	DUMPING BELL REPLACEMENT KITS	5,884.40
CONTROL MASTERS, INC	CLEAN OUT DAMPERS	671.25
DAY ELECTRIC SERVICE, INC	MOVE OUTLET FOR WATER COOLER-DIST 1, TROUBLESHOOT PARKING LOT LIGHTS-1510 WALL ST	471.00
ECHO GROUP, INC	PC-SUPPLIES FOR LEGAL OFFICE	296.17
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	13,282.74
ENGINEERED CONTROLS	A/C CHECKUP-TRAINING SITE	338.00
FERGUSON ENTERPRISES INC #1657	PC-KITCHEN FAUCET-DIST 3, PLUMBING SUPPLIES	442.29
FIRE PROTECTION SERVICES, LLC	SEMI-ANNUAL FIRE ALARM INSPECTION-FLEET, SERVICE CALL-TRAINING SITE	290.00
GEARHART CONSTRUCTION & PLUMBING INC	REPAIR WATER SERVICE-LIBRARY	8,054.64
HANKS SPECIALTIES, INC	PC-MATERIALS FOR LEGAL OFFICES	117.40
HEARTLAND PNEUMATIC	INSTALL DRYERS FOR AIRBREAKS-DIST 3, REBUILD AIR COMPRESSOR-DIST 1	5,886.95
HOTSY EQUIPMENT CO	PC-VALVES, NOZZLES-PD	151.88
IDEAL PURE WATER COMPANY	BOTTLED WATER	33.00
INTERSTATE POWER SYSTEMS, INC	GENERATOR LABOR	523.36
JACKSON SERVICES, INC	DOOR MAT SERVICE-LIBRARY, PW, 1500 WALL ST	140.20
MCDONALD AND ASSOCIATES	PC-MEAL	11.01
MENARDS	PC-CLEANING SUPPLIES, LIGHTS, VACUUMS, MATERIALS FOR LEGAL OFFICES, PLUMBING	776.16
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/04 MONTHLY SERVICE	109.62
MMC MECHANICAL CONTRACTORS, INC	MULTIPLE AIR UNITS COLD-1510 WALL ST, CLASSROOM NOT COOLING-PD, INSTALL	1,465.55
OMAHA DOOR & WINDOW COMPANY, INC	NEW DOORS FOR LEGAL OFFICES	3,778.83
OMAHA PUBLIC POWER DISTRICT	2023/12/11-2024/01/24 MONTHLY SERVICE	1,129.41
ROCHESTER MIDLAND CORPORATION	WATER ENERGY TEAM FIXED BILLING-FEB 2024	421.20
SHERWIN WILLIAMS CO	PC-PAINT FOR LEGAL OFFICES	172.70
THE HOME DEPOT PRO	JANITORIAL SUPPLIES	2,339.59
TK ELEVATOR CORPORATION	ELEVATOR MAINTENANCE	529.98
TRICO MECHANICAL SERVICES	AC MAINTENANCE, LABOR	316.88
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	656.03
VOSS LIGHTING	PC-LIGHTS-PD	307.80
WESTLAKE ACE HARDWARE	PC-MATERIALS FOR LEGAL OFFICES, SILICONE, SUPPLIES, TIE WIRE	44.71
		$ 71,769.01

CEMETARY		
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	46.39
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	497.11
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	4.34
COX BUSINESS SERVICES	2024/01/22-02/21 MONTHLY SERVICE	91.99
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	2,942.85
MENARDS	PC-TOOLS	26.97
MOVING UP GARAGE DOOR COMPANY	PC-CREDIT-CHARGED BACK TO CARD	(65.79)
OMAHA PUBLIC POWER DISTRICT	2023/12/20-2024/01/23 MONTHLY SERVICE	843.51
PULVERENTE MONUMENT COMPANY, LLC	ENGRAVING NICHES	240.00
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	332.48
		$ 4,959.85

PC- Purchases made with City Purchase card

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STREETS

ALFRED BENESCH & COMPANY	BPW-220813 STREETSCAPING 2023/09/25-	6,525.00
ALFRED BENESCH & COMPANY	BPW-220813 STREETSCAPING 2023/11/20-	10,849.00
ALL PURPOSE CONSTRUCTION	BPW-230105 ODORANT BLDG REMODEL THRU	27,969.30
AMAZON.COM, LLC	PC-ELECTRONIC LED DRIVER	150.00
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	231.95
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	4,739.33
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	39.06
CITY OF BELLEVUE	SARPY CNTY REG OF DEEDS - 36TH ST FILING FEES	16.00
CITY OF OMAHA	SIGNAL MAINTENANCE-HARRISON ST	1,170.45
COMMONWEALTH ELECTRIC CO OF THE MIDWEST	MASTER ARM REPAR-FT CROOK RD, BPW-220712 36TH & BLINE-FINAL	5,930.38
CONCRETE SUPPLY, INC	CONCRETE	2,209.50
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	43,080.48
IMSA	ANNUAL DUES FOR WHITED, WILSON, WITKOVSKI, RENEW CERTIFICATION	390.00
INDEPENDENT SALT CO	SALT/ICE CONTROL	9,652.44
JMN CONSTRUCTION, LLC	BPW-210719 SCHILLING BRIDGE REMOVAL	146,225.25
KEYMASTERS OF GREATER OMAHA, INC	PC-PADLOCKS	167.94
LOGAN CONTRACTORS SUPPLY	TACK SPRAYER	19,800.00
MATHESON TRI-GAS INC	PC-WELDING SUPPLIES	30.25
MENARDS	PC-SUPPLIES, GLOVES	25.86
METROPOLITAN COMMUNITY COLLEGE	TUITION-J DAVIS	328.50
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE	503.49
OMAHA PUBLIC POWER DISTRICT	2023/11/20-2024/01/26 MONTHLY SERVICE	99,572.39
OMNI ENGINEERING	ASPHALT	1,508.50
P2W ARCH CARDS	SHIPPING, SNOW CREW MEAL CARDS	775.00
PRECISE MRM LLC	FLAT DATA PLAN	1,875.00
READY MIXED CONCRETE COMPANY	CONCRETE	7,994.33
RIEKES EQUIPMENT CO	PC-PALLET JACKS	535.00
SARPY COUNTY COURT	EASEMENT 36TH ST	8,860.00
UNL COOPERATIVE EXTENSION	PC-CREDIT-ROW PEST CONTROL TRAINING, ROW SPRAYING, GENERAL STANDARDS TEST	665.00
UNL MARKET PLACE	PC-ROW SPRAYING TRAINING	117.70
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	6,929.00
WESTLAKE ACE HARDWARE	PC-KEYS, SUPPLIES	44.92
		$ 408,911.02

FLEET MAINTENANCE

911 CUSTOM, LLC	OUTPUT EPXANSION MODULE, T-SERIES LIGHTS, LOW FREQUENCY SIREN SYSTEM, LIGHTS, PARTS, UNIVERSAL MOUNT	5,332.54
AA WHEEL & TRUCK SUPPLY, INC	PC-PARTS, PINTLE MOUNT, BOLT KIT	226.06
ACEK9	PC-HD FAN GUARD	110.74
AGRIVISION EQIPMENT GROUP	PC-BAR OIL, FUEL PUMP	100.57
ALLIED OIL & SUPPLY COMPANY	OIL, DRY DIESEL	6,275.04
AMAZON.COM, LLC	PC-BLOCKING STRAPS FOR BIKES, ENGINE HARNESS COVER, REAR CRANKSHAFT SEAL	604.01
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	46.39
AUTO VALUE PARTS - SOUTH OMAHA	FUEL INJECTOR, WIPER MOTOR, WIPER BLADES, SNOWBRUSHES, STEERING TIE ROD, ADJ SLEEVE, SERVICE STRUTS	368.73
AUTOMOTIVE WAREHOUSE DIST, INC	PARTS, THREAD SEALANT, BRAKLEEN, TRICO PARTS, BUSSMAN PARTS, RAYBESTOS PARTS	2,428.37
BAUER BUILT TIRE & SERVICE	PC-BATTERIES, TIRES, TIRES FOR STOCK FOR MED	2,886.72
BAUM HYDRAULICS CORP	ROLLER CHAIN	750.00
BAXTER FORD	PC-BOLTS, ELEMENT, SPARK PLUGS, HEATER, WIRE	3,129.00
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	3,194.81
BOBCAT OF OMAHA	PC-WHEELS, TIRES	1,162.82
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	30.38
CERTIFIED TRANSMISSION	TRANSMISSION FOR PO 626	2,009.54

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FLEET MAINTENANCE(CONT'D)

CITY OF BELLEVUE	TODD JAROSZ - REIMB FOR MEALS FOR SNOW CREW	87.23
CORNHUSKER INTERNATIONAL TRUCKS	PC- PIPE EXHAUST, CLAMP, SENSORS	1,006.18
CUMMINS SALES AND SERVICE	PC-ELECTRICAL CONNECTOR, SENSOR	294.81
DILLON BROTHERS H-D BUELL	PC-FOG LAMP	471.98
DULTMEIER SALES LLC	PC-BALL VALVE	88.50
EDWARDS CHRYSLER DODGE JEEP RAM	PC-HEATER HOSES, LOWER ARM, NUTS, UPPER ARMS,	1,041.47
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	19,468.99
FACTORY MOTOR PARTS CO	OUTLET	85.38
FORCE AMERICA DISTRIBUTING, LLC	PC-GAUGE	143.40
GALVIN GLASS	WINDSHIELD	294.98
GRAINGER	GLOVES	17.67
HENDERSON PRODUCTS, INC	HYD MOTOR, SPINNER FRAME ASSEMBLY, SPRING EXTENSION, CLEVIS PINS	1,888.00
INTERSTATE BATTERIES	PC-BATTERIES	2,126.78
J & J SMALL ENGINE SERVICE	PC-BAR OIL, FUEL LINE, FUEL PUMP	178.31
JIM HAWK TRUCK TRAILERS	PC-IP CARTRIDGE, MALE CONNECTORS, PURGE VALVE	276.55
JONES AUTOMOTIVE	DOME LIGHTS	246.60
KELLY SUPPLY COMPANY	PC-GREASELESS LUBRICANT	162.22
KRIHA FLUID POWER CO	PC-ELBOW, FITTINGS, HYD MOTOR, SWIVEL PIPE	439.93
LOGAN CONTRACTORS SUPPLY	PC-CHECK VALVE	108.81
MACQUEEN EMERGENCY GROUP	PC-HYD FILTERS, WASHERS, TANK SEAL, WEATHERSTR	616.63
MATHESON TRI-GAS INC	WELDING SUPPLIES	120.71
MATHESON TRI-GAS INC	PC-WELDING GLASSES, WELDING SUPPLIES	1,486.16
MENARDS	PC-CLEANING, BATTERIES, PARTS, CONDUIT, SPRAY PAINT, WALL CLOCK	290.49
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE	125.03
MGX EQUIPMENT SERVICES, LLC	PC-HYDRAULIC CYLINDER,PINS,SNAPRINGS,BUSHINGS, HYD MOTOR	7,877.91
MICHAEL TODD INDUSTRIAL SUPPLY	PC-PLOW BOLTS, BLADE	414.50
MIDWEST LININGS	DECKED UNIT, TONNEAU COVER	2,889.00
MURPHY TRACTOR	PC-FILTER ELEMENT, O-RINGS, SWITCH, CONTROL	5,138.30
NAPA AUTO PARTS	FILTER, GASKET SET, HOSE CLAMPS, GLOVES, BRAKE	4,103.30
NEBRASKA IOWA INDUSTRIAL FASTENERS, INC	PLOW BOLTS, LOCK NUTS, EYELETS, FENDER WASHERS, PARTS, BLACK TY-RAP, PLOW BOLTS, HEX	4,547.46
NEBRASKA IOWA INDUSTRIAL FASTENERS,	PC-TRACTOR PINS, LOCK NUTS	152.86
NMC GROUP, INC	PC-CAP PLUGS, KEY, O-RING, RUBBER TRACK	2,904.44
OMAHA PUBLIC POWER DISTRICT	2023/12/21-2024/01/24 MONTHLY SERVICE	1,116.17
O'REILLY AUTO PARTS	PC-BUSHING KIT, DEGREASER, DIMMER SWITCH, EXHAUST PIPE GASKET	172.01
ROGER'S TOWING	PC-TOW CHARGE	300.00
SWAN ENGINEERING, LLC	PC-TARP TIES	18.00
TESSCO	PC-HOLE SAW BLADES	91.83
THERMO KING CHRISTENSEN	ALTERNATOR	1,030.12
THERMO KING CHRISTENSEN	PC-HOSE CLIPS	9.55
TOOL SHED OF OMAHA	PC-REAMER	143.74
TOYNE, INC	TURN SIGNAL, MIRROR SWITCH	285.20
TRAINHR LEARNING	PC-TRAINING	295.00
TRUCK CENTER COMPANIES-OMAHA	PC-ASSY PRESET, FUEL TANK STRAP, PARTS, ENGINE BRACKET, TEMPERATURE SENSOR	1,166.85
TY'S OUTDOOR POWER & SERVICE	PC-HANDHELD CONTROL	350.00
UPS STORE	PC-MAILING CHARGE	200.05
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	637.79
WALKERS UNIFORM RENTAL	UNIFORM CLEANING SERVICE, FENDER COVERS	323.50
WATEROUS COMPANY	PC-WASHER FLAT COPPER	28.91
WAYTEK, INC	PC-CIRCUIT BREAKER, ELECTRICAL PARTS	1,137.17
WELDON PARTS INC	PC-MALE ELBOW, TRAILER SWITCH	107.51
WOODHOUSE PLATTSMOUTH	SERVICE WORK-PO 628	55.81
		$ 95,219.51

SOLID WASTE

PAPILLION SANITATION	GLASS RECYCLING-JAN 2024	437.36
		$ 437.36

PC- Purchases made with City Purchase card

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PLANNING		
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	46.39
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	155.60
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	13.02
COLUMN SOFTWARE, PBC	LEGAL AD	38.62
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	2,950.07
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/05 MONTHLY SERVICE	10.16
NEBRASKA PLANNING & ZONING	CONFERENCE REGISTRATION-HANKINS, CURRY	470.00
		$ 3,683.86
PERMITS & INSPECTIONS		
CORNHUSKER AUTO WASH	VEHICLE WASH-UNIT PI7, COOK, DUSTIN	57.94
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	278.34
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	207.90
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	21.70
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	13,845.05
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/05 MONTHLY SERVICE	13.58
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	907.45
		$ 15,331.96
POLICE		
AMAZON WEB SERVICES, INC	2024/01/31M AWS SERVICE CHARGES	529.90
AMAZON.COM, LLC	PC-BATTERIES, CABLE FOR TV, FILE FOLDERS, OFFICE SUPPLIES, SURFACE PRO TABLET	4,128.09
AMERICAN SOCIETY OF EVIDENCE- BASED POLICING	MEMBERSHIP DUES-JASHINSKE	40.00
A-RELIEF SERVICES	2023/11/17-2024/01/11 PORTABLE RESTROOMS	272.00
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	6,080.91
AVERY L LOSCHEN	RENT FOR K9 BUILDING-MARCH 2024	1,300.00
BELLEVUE ANIMAL HOSPITAL	VET VISIT-MAX	371.32
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	3,684.29
BLUE 360 MEDIA, LLC	NEB CRIMINAL & TRAFFIC LAW MANUALS	563.55
BROWNELLS	CLEANING AND REPAIR SUPPLIES	485.89
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	371.92
CITY OF BELLEVUE	SPACHER - UNIFORM SHOES, SARPY CNTY DMV - POLICE VEHICLE, KIRWAN - SUPPLIES FOR SWAT	166.26
CITY OF COUNCIL BLUFFS	TRAINING FACILITY USE	150.00
CITY OF LAVISTA	TUITION FOR 3 RECRUITS, SDLEA MANUALS FOR 3	9,213.00
CITY OF OMAHA	FORENSIC SERVICES-Q4/2023	1,150.00
COSTCO	PC-WELCOME CEREMONY SUPPLIES	11.99
COX BUSINESS SERVICES	2024/01/02-02/01 MONTHLY SERVICE	285.00
CULLIGAN OF OMAHA	BOTTLED WATER	406.60
DILLON BROTHERS H-D BUELL	MOTORCYCLE HELMETS, INSTALL BAGS, GUARDS ON MOTORCYCLE, 2023 KAWASAKI MOTORCYCLE	10,193.35
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	153,496.33
FAMILY FARE	PC-TRAINING EVENT SUPPLIES, WELCOME CEREMONY	74.75
FBI LEEDA	PC-TRAINING-JARVIS, SHELL	1,590.00
FEDERAL EXPRESS CORPORATION	MAILING CHARGES	46.48
GALLO PROFESSIONAL POLYGRAPH	POLYGRAPH SERVICE	400.00
GALL'S, LLC	HINGED CUFFS	260.40
GREAT PLAINS UNIFORMS	UNIFORM-RIGGLE, FRANKS, LAND	490.00
HOPE VALENTINE, LLC	MENTAL HEALTH-JANUARY 2024	300.00
ID ENHANCEMENTS, INC	PC-KEY FOBS	287.77
INFOSAFE SHREDDING	SHREDDING SERVICE	180.00
INTERNATIONAL ASSOCIATION FOR PROPERTY AND EVIDENCE	PC-IAPEMEMBERSHIP-HOFFMAN	65.00
INTERNATIONAL ASSOCIATION OF CHIEF OF	PC-RENEW MEMBERSHIP-CLARY, TRAINING-MARRS	840.00
JACK NADEL I NC	DEPARTMENT JOURNALS	2,276.35
JACKSON SERVICES, INC	DOOR MAT SERVICE	157.97

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POLICE(CONT'D)		
JO DONS	OFFICER OF THE YEAR, OF THE QUARTER PLAQUES, PARKING SIGNS FOR FUNERAL, MAGNETS, LETTERS	519.00
LEGAL & LIABILITY RISK MGT INSTITUTE	PC-TRAINING-BEES	175.00
MATRIX BUSINESS SYSTEMS INC	COPIER EXPENSE	325.11
MENARDS	PC-SWAT ACCESSORIES	282.68
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/05 MONTHLY SERVICE	240.58
MGIA NEBRASKA	PC-TRAINING-CARRILLO, MONAY, STALDER	485.70
MICHAEL JARVIS	REIMB TRAINING EPXENSES	324.50
MOTOROLA SOLUTIONS, INC	2024/02/22-2025/02/21 BODY CAMERA LICENSE	975.00
MULTI-HEALTH SYSTEMS INC	PC-EMOTIONAL TESTING	1,100.00
MYZONE, INC	PC-WELLNESS PROGRAM	1,080.00
MYZONE, INC	PC-WELLNESS SPROGRAM	75.00
NATIONAL ASSOCIATION OF SCHOOL RESOURCES OFFICERS	PC-TRAINING-BROWN, MOORE, SEVERN, VANN	1,550.00
NATIONAL INSTITUTE OF CRIME PREVENTION	PC-TRAINING-DUCKER, KOLBE	850.00
NEBRASKA FURNITURE MART	PROJECT DISMOUNT	200.00
NEBRASKA SECRETARY OF STATE	PC-NOTARY COMMISSION-BENSHOOF	30.00
NEWMAN SIGNS INC	SPECIAL TRAFFIC SIGN	46.13
NSCA	PC-RECERTIFICATION FEE-BAILEY	55.00
OFFUTT COLLISION REPAIR CENTER	BODY DAMAGE REPAIR	1,607.33
OMAHA PUBLIC POWER DISTRICT	2023/12/11-2024/01/11 MONTHLY SERVICE	64.54
PORTABLE STORAGE OF NEBRASKA, LLC	PC-EVIDENCE STORAGE 2023/12/26-2024/02/01	328.00
POWERDMS, INC	2024/04/01-2025-04/01 TRAINING SUBSCRIPTION	7,815.49
RAY ALLEN MANUFACTURING CO	ADVANCE E-COLLARD FOR K9	536.97
RESCUE ESSENTIALS	MEDICAL SUPPLIES	620.21
SALOMON	PC-SWAT UNIFORMS	2,720.00
SAM'S CLUB DIRECT	PC-WELCOME CEREMONY SUPPLIES	20.98
SCOOTERS COFFEE HOUSE	PC-TRAINING EVENT SUPPLIES	60.00
SOUTHWEST AIRLINES	PC-TRAVEL FOR TRAINING-PAGE	356.95
SPARTAN NASH STORES, LLC	PC-WELCOME CEREMONY SUPPLIES	5.97
STREET COP TRAINING	PC-TRAINING (14 EMP)	2,985.00
SURVEY MONKEY.COM, LLC	PC-ANNUAL RENEWAL 2023/12/27-2024/12/26	468.00
TRI-TECH FORENSICS, INC	SCALE	55.50
U.S. CELLULAR	2024/01/04-02/08 MONTHLY SERVICE	177.52
UNIVERSITY OF NEBRASKA MEDICAL CENTER	TOXICOLOGY SUPPLIES	2,276.00
UNMANNED VEHICLE TECHNOLOGIES, LLC	QUICK TAC BUNDLE-DRONE	13,656.89
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	7,613.53
VERIZON WIRELESS	2024/01/24-02/23 MONTHLY SERVICE	769.24
VISTA PRINT	PC-BUSINESS CARDS	96.29
VITKOS	PC-UNIFORMS	148.70
WALMART COMMUNITY	PC-WELCOME CEREMONY SUPPLIES	6.48
		$ 250,572.41

FIRE & RESCUE		
AIRGAS USA, LLC	MEDICAL OXYGEN	422.45
AMAZON.COM, LLC	PC-CALENDARS, OFFICE SUPPLIES, TONER CARTRIDGES, SWEATSHIRTS	1,005.58
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	1,861.42
BELLEVUE PRINTING COMPANY	PRESENTATION AWARDS	516.60
BLACK HILLS ENERGY	2023/11/30-2024/02/01 MONTHLY SERVICE	4,209.90
BOUND TREE MEDICAL, LLC	2023/11-2024/10 INVENTORY LICENSES, MEDICAL	27,590.69
CENTURY LINK	2024/01/22-02/21 MONTHLY SERVICE	110.63
CITY OF BELLEVUE	SARPY CNTY DMV - FIRE VEHICLE REGISTRATION	16.00
COX BUSINESS SERVICES	2024/02/01-29 MONTHLY SERVICE	240.00
EC DATA SYSTEMS, INC	PC-SHARE OF FAX SERVER	7.95
ED M FELD EQUIPMENT CO	CYLINDER REPAIR	21.70
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	109,514.06
GO.DADDY	PC-RENEW MEMBERSHIP-FIRE	899.98

MINUTE RECORD

CLAIMS FOR FEBRUARY 20, 2024

FIRE & RESCUE(CONT'D)		
GREAT PLAINS UNIFORMS	UNIFORM ITEMS	5,397.88
HEARTLAND PNEUMATIC	AIR DRYER	6,087.80
MARCO TECHNOLOGIES, LLC	NEW SHARP COPIER 3501412Y	8,133.12
MENARDS	PC-HEATER, SUPPLIES	418.62
METROPOLITAN UTILITIES DIST	2023/12/07-2024/01/08 MONTHLY SERVICE	4,558.02
NEBRASKA FURNITURE MART	PC-REFRIGERATOR	499.95
OHD	PC-ANNUAL CALIBRATION	75.00
OMAHA PUBLIC POWER DISTRICT	2023/11/30-2024/01/24 MONTHLY SERVICE	5,843.01
PATRICIA HAUPTMAN	REIMB FOR SERVICE	89.05
SANDRY FIRE SUPPLY, LLC	HELMETS, BUNKER GEAR	30,649.00
STRYKER SALES CORPORATION	2024/01/01-2024/12/31 SERVICE CONTRACT, LIFEPAK AED'S, COT MATTRESS	23,338.08
TELEFLEX FUNDING, LLC	MEDICAL SUPPLIES	2,440.50
THE NEBRASKA MEDICAL CENTER	2023/10-2023/12 Q2 MEDCAL DIRECTOR	11,925.35
TRANSNET, LLC	2023/12/29-2024/01/15 TRANSCRIPTION SERVICE	298.32
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	9,506.10
ZOLL DATA SYSTEMS INC	2024/02/29M BILLING, 2024/03/01M BILLING	3,309.60
ZOLL MEDICAL CORPORATION	MEDICAL SUPPLIES	1,381.80
		$ 260,368.16
NON-DEPARTMENTAL - CONTRACTS		
CENTURY LINK	2023/12/20-2024/02/21 MONTHLY SERVICE	1,323.56
FORVIS, LLP	CAPITAL ASSET MAINTENANCE THRU 2023/09/30	2,475.00
LOCKTON COMPANIES, LLC	2024/02/29M WELLNESS CONSULTING FEE	1,875.00
METRO AREA TRANSIT	2023/10/31M MAT SERVICE 2186 MILES	5,385.00
NEBRASKA WORKERS' COMP COURT	2023/12/31Y WORK COMP ASSESSMENT	27,025.00
SARPY COUNTY COURT HOUSE	ANIMAL CONTROL-MAR 2024	17,535.00
SCOTT WELCH	PC-MONTHLY WEB MAINTENANCE	125.00
TRAVELERS	PAID LOSS CALCULATION	40.00
		$ 55,783.56
INFORMATION TECHNOLOGY		
AMAZON.COM, LLC	PC-EARPIECES, CHARGER, WALL MOUNT SERVER	247.83
DELL MARKETING L.P.	ALL IN ONE COMPUTERS (12)	17,220.00
HOSTGATOR.COM	PC-MONTHLY DOMAIN MAINTENANCE	69.95
INTERSTATE ALL BATTERY CENTER	BATTERIES	391.70
MNJ TECHNOLOGIES DIRECT, INC	FAST TRACK SOFTWARE	4,874.25
MOTOROLA SOLUTIONS, INC	CABLE ASSEMBLY, HOLSTER CARRY ACCESSORIES	619.62
ONE CALL CONCEPTS	JANUARY 2024 LOCATES	0.80
TESSCO	DOCKING STATION, ANTENNA	1,152.65
TJ CABLE	JANUARY 2024 LOCATES	50.00
		$ 24,626.80
2206 LONGO DR (ANNEX)		
ROGGE GENERAL CONTRACTORS, INC	BPW-210311 LIBRARY THRU 2024/01/31	204,030.90
C&E INDUSTRIES	2023/12/17 MONTHLY JANITORIAL SERVICE	3,991.10
COX BUSINESS SERVICES	2023/12/27-2024/01/26 MONTHLY SERVICE	126.82
METROPOLITAN UTILITIES DIST	2023/12/05-2024/01/04 MONTHLY SERVICE	1,148.07
MMC MECHANICAL CONTRACTORS, INC	AHA HUMIDITY ALERT AT VA SUPPLY ROOM	475.75
OMAHA PUBLIC POWER DISTRICT	2023/11/21-12/21 MONTHLY SERVICE	4,771.92
PAPILLION SANITATION	2024/01/01-31 MONTHLY SERVICE	332.68
PRESTO-X	2023/12/20 PEST CONTROL SERVICE	115.56
SELDIN LLC	MANAGEMENT FEES, PLUMBING REPAIRS, REPLACED LIGHT BULBS	4,476.63
STERICYCLE, INC	2024/01/31 MONTHLY SERVICE	172.24
TAILORED LAWNS, INC	SPRINKLER WINTERIZATION	250.00
WATERLINK INC	2024/01/01 MONTHLY WATER TREATMENT SVC	431.63
		$ 220,323.30

PC- Purchases made with City Purchase card

MINUTE RECORD

CLAIMS FOR FEBRUARY 20, 2024

FEDERAL FORFEITURES - JUSTICE FUNDS		
VERIZON WIRELESS	2024/01/22-02/21 MONTHLY SERVICE	585.33
		$ 585.33
G.O. BONDS		
UMB BANK - TRUST OPERATIONS	UMB FEES 2023/06/01-2024/05/31	173.33
		$ 173.33
WASTEWATER		
AMAZON.COM, LLC	PC-CREDIT-OFFICE SUPPLIES, PC-FILE FOLDERS	38.29
AT&T MOBILITY	2023/12/22-2024/01/21 MONTHLY SERVICE	690.49
CENTURY LINK	2023/12/22-2024/02/21 MONTHLY SERVICE	619.48
CITY OF OMAHA	SEWER FEES-OCT 2023	560,012.17
COX BUSINESS SERVICES	2024/01/04-03/03 MONTHLY SERVICE	440.00
ELLIOTT EQUIPMENT CO	HY-TORQUE ROOT CUTTER	6,346.50
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE - JANUARY 2024	13,930.91
FEDERAL EXPRESS CORPORATION	PC-FREIGHT	231.50
GENERAL FIRE & SAFETY CO	GAS DETECTOR CALIBRATION	819.00
HDR ENGINEERING, INC	BPW-181013 QUAIL CREEK 2023/12/31-	796.52
HOA OPTIMIZATION & AUTOMATION	SCREENCONNECT HOSTING 2024	500.00
KERSTEN PRECAST CONCRETE LLC	RISERS	1,460.00
MENARDS	PC-BOOK SHELF, SUPPLIES, WATER, BOOK SHELF	380.94
METROPOLITAN COMMUNITY COLLEGE	TUITION-D ENGEL	328.50
METROPOLITAN UTILITIES DIST	2023/12/06-2024/01/05 MONTHLY SERVICE	663.92
OMAHA PUBLIC POWER DISTRICT	2023/12/11-2024/01/24 MONTHLY SERVICE	3,158.01
THE CHARLES MACHINE WORKS, INC	REPAIR MOTOR, CAMERA	3,502.35
US BANK VOYAGER FLEET SYSTEMS	2023/12/31M FUEL PURCHASES	2,801.52
		$ 596,720.10
COMMUNITY BETTERMENT		
NEBRASKA DEPARTMENT OF REVENUE	QRTLY LOTTERY TAX 51-C 2024Q1 12/31/23	53,341.00
OMAHA PUBLIC POWER DISTRICT	2024/01/26 MONTHLY SERVICE	100.21
		$ 53,441.21
COMMUNITY DEVELOPMENT		
COLUMN SOFTWARE, PBC	LEGAL AD	52.81
		$ 52.81
	TOTAL CLAIMS FOR FEBRUARY 20, 2024	**$ 2,249,262.61**
	TOTAL PAYROLL FOR FEBRUARY 2, 2024	**$ 1,651,210.05**

PC- Purchases made with City Purchase card

*8a.
2/20/204

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 02/20/2024		SUBMITTED BY: Council President Paul Cook pc			
AGENDA ITEM:		CONSENT AGENDA	☑	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	☐	OTHER	☐

SUBJECT:
Establish a Budget Committee and Abolish the Budget Task Force

SYNPOSIS/BACKGROUND:
The City of Bellevue will soon begin the process of creating the Annual Budget for 2024-2025. I am requesting to establish a Budget Committee and abolish the Budget Task Force. Per Council Policy Resolution 17, a Committee is established to deal with matters that involve a continuous flow of the City's work. Please read the attached memorandum for additional details of the Budget Committee.

FISCAL IMPACT: None | BUDGETED FUNDS?: NO | GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:	NO	COUNTER-PARTY:		INTERLOCAL AGREEMENT:	NO
CONTRACT DESCRIPTION:					
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:		CONTRACT END DATE:	
PROJECT NAME:					
START DATE:		END DATE:		PAYMENT DATE:	
INSURANCE REQUIRED:	NO				
CIP PROJECT NAME:		CIP PROJECT NUMBER:			
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):			
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:
Council President Paul Cook is recommending approval for this request.

ATTACHMENTS:

1.	Memorandum	2.		3.	
4.		5.		6.	

SIGNATURES:

LEGAL APPROVAL AS TO FORM: Tammy Brittain

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

February 20, 2024

To; Bellevue Mayor Rusty Hike
Bellevue City Council members

Subject: Establish a Budget Committee and Abolish the Budget Task Force

The City of Bellevue will soon begin the process of creating the Annual Budget for 2024-2025. I am requesting to establish a Budget Committee and abolish the Budget Task Force. Per Council Policy Resolution 17, a Committee is established to deal with matters that involve a continuous flow of the City's work. The purpose of the Budget Committee is to create an acceptable Annual Budget to present to the Mayor and all Council members, and to address additional budget issues during the year. The Budget Committee's goal is to bring forward a budget which meets the needs of the City of Bellevue. The Budget Committee will consist of up to three (3) Council members and the following city personnel.

I am requesting the appointment of the following members to the Budget Committee;

Councilman Rich Casey	City Administrator	Chief of Police Department
Councilman Jerry McCaw	Finance Director	Chief of Fire Department
Councilwoman Kathy Welch	Public Works Director	

The Council members will serve 4-year terms. In order to stagger the terms, I am requesting the following terms be used beginning on March 1, 2024. Upon completing these terms, Council members will begin to serve 4-year terms.

Councilman Rich Casey serves a one-year term starting March 1, 2024
Councilwoman Kathy Welch serves a two-year term starting March 1, 2024
Councilman Jerry McCaw serves a three-year term starting March 1, 2024

The City Administrator will bring forward the needs of the remaining city staff that do not report directly to the above mentioned Directors and Chiefs.

The Budget Committee will meet quarterly. However, additional meetings may be necessary to address additional budget issues during the year. To ensure all Council members have the opportunity to provide input, the Budget Committee Council members will each be assigned a non-committee Council member to work with during the creation of the Annual Budget.

The Mayor may attend meetings and provide input to the committee. The Budget Committee will utilize the assistance and expertise of the City Attorney's Office.

I appreciate your support to create a Budget Committee and abolish the Budget Task Force.

Respectfully submitted,

Paul Cook

Paul Cook
City Council President
Ward III

11a.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: January 16, 2023			SUBMITTED BY: Tammi Palm, Planning Director		
AGENDA ITEM:		CONSENT AGENDA	☐	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☑	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	☐	OTHER	☐

SUBJECT:

Request to rezone Lots 1 and 2, Perez Addition Replat One, being a replat of Lot 3, Perez Addition, from RE to RE-PS, with site plan approval, for the purpose of single-family residential development; small subdivision plat Lots 1 and 2, Perez Addition Replat One; and waiver of Section 6-4, Subdivision Regulations. Applicant: TD2 Engineering and Surveying. General location: 10715 Old 36th Street.

SYNOPSIS/BACKGROUND:

Jon Carrell, on behalf of TD2 Engineering and Surveying, is requesting approval of a rezoning and small subdivision plat for Lots 1 and 2, Perez Addition Replat One, for the purpose of single-family residential development. The property is presently zoned RE and the applicant is requesting a -PS overlay at staff's request. This area is comprised of acreages and low density residential, primarily due to its location in the Air Installation Compatible Use Zone (AICUZ) of Offutt Air Force Base. The AICUZ overlay regulates and restricts development within the zone as a safety measure. Staff recommended the -PS overlay due to the property's location within the the AICUZ zone. All traditional setbacks of the RE zoning will remain in place.

FISCAL IMPACT:: n/a BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: NO COUNTER-PARTY: INTERLOCAL AGREEMENT: NO

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME:

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED:

CIP PROJECT NAME: CIP PROJECT NAME:

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRUBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

The Planning Department and Planning Commission are recommending approval of this request.

ATTACHMENTS:

1.	PC Recommendation	2.	Staff Report	3.	Ord. No. 4145
4.		5.		6.	

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 11/2022

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: TD2 Engineering and Surveying

CASE #'s: Z-2311-19, S-2311-16

CITY COUNCIL HEARING DATE: February 6, 2024

REQUEST: to rezone Lots 1 and 2, Perez Addition Replat One, being a replat of Lot 3, Perez Addition, from RE to RE-PS with site plan approval, for the purpose of single-family residential development; small subdivision plat Lots 1 and 2, Perez Addition Replat One; and waiver of Section 6-4, Subdivision Regulations.

On December 21, 2023, the City of Bellevue Planning Commission voted seven yes, zero no, two absent and zero abstained:

APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, as well as a lack of perceived negative impact upon the surrounding area. APPROVAL also based on Offutt Air Force Base's review; contingent upon completion of the technical deficiencies prior to being placed on a city council agenda.

VOTE:

Yes:	Seven:	No:	Zero:	Abstain:	Zero:	Absent:	Two:
	Hankins						Jacobson
	Sims						Lasenburg
	Taylor-Jones						
	Aerni						
	Ackley						
	Bennett						
	Perrin						

Planning Commission Hearing (s) was held on: December 21, 2023

CITY OF BELLEVUE
PLANNING DEPARTMENT

RECOMMENDATION REPORT # 2

CASE NUMBERS: Z-2311-19
S-2311-16

FOR HEARING OF:
REPORT #1: December 21, 2023
REPORT #2: January 16, 2024

I. GENERAL INFORMATION

A. APPLICANT:

TD2 Engineering and Surveying
Attn: Jon Carrell
10836 Old Mill Road
Omaha, NE 68154

B. PROPERTY OWNER:

Michael Perez
10715 Old 36th Street
Bellevue, NE 68123

C. GENERAL LOCATION:

10715 Old 36th Street

D. LEGAL DESCRIPTION:

Lots 1 and 2, Perez Addition Replat One, being a replat of part of Lot 3, Perez Addition, located in the Northwest ¼ of Section 28, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 and 2, Perez Addition Replat One from RE to RE-PS.
2. Small Subdivision Plat Lots 1 and 2, Perez Addition Replat One.
3. Waiver of Section 6-4, Subdivision Regulations.

F. EXISTING ZONING AND LAND USE:

RE/Single-Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a change of zone and small subdivision plat approval to create an additional single-family residential lot.

H. SIZE OF SITE:

The site is approximately 10 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently being used as single-family residential and is developed with a single family residence constructed in 2015.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Agricultural/Multi-Family Residential, AG and RG-20
2. **East:** Agricultural/Single Family Residential, RE
3. **South:** Single Family Residential/RE
4. **West:** Agricultural, AG

C. REVELANT CASE HISTORY:

1. On September 22, 2005, the Planning Commission recommended denial of the request to rezone Lots 1 through 4, inclusive, Perez Addition, being a platting of Tax Lots 23 and 24, located in the West ½ of Section 28, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RE for the purpose of single-family residential development; and small subdivision plat Lots 1 through 4, Perez Addition. The City Council approved the aforementioned request on October 24, 2005.

2. On December 21, 2023, the Planning Commission recommended approval of the request to rezone Lots 1 and 2, Perez Addition Replat One, being a replat of Lot 3, Perez Addition, located in the Northwest 1/4 of Section 28, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from RE to RE-PS with site plan approval, for the purpose of single-family residential development; small subdivision plat Lots 1 and 2, Perez Addition Replat One; and waiver of Section 6-4, Subdivision Regulations.

D. APPLICABLE REGULATIONS:

1. Chapter 5, Subdivision Regulations, regarding Small Subdivision Plats.

2. Section 5.07, Zoning Ordinance, regarding RE uses and requirements.

3. Section 5.17, Zoning Ordinance, regarding -PS Planned Subdivision District.

4. Section 5.29, Zoning Ordinance, regarding Air Installation Compatible Use Zone; Clear Zone, Accident Potential Zones I and II, Noise Zones, and Height and Obstruction Criteria.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as residential estates.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.

2. Access is proposed from a private easement obtained from the property owners of Lot 4, Perez Addition.

D. UTILITES:

This area is not served by sanitary sewer.

E. ANALYSIS:

1. Jon Carrell, on behalf of TD2 Engineering and Surveying, is requesting approval of a rezoning and small subdivision plat for Lots 1 and 2, Perez Addition Replat One, for the purpose of single family residential development.

2. This area is comprised of acreages and low density residential, primarily due to its location in the Air Installation Compatible Use Zone (AICUZ) of Offutt Air Force Base. The AICUZ overlay regulates and restricts development within the zone as a safety measure. Additionally, there is floodplain and floodway in this vicinity.

3. The property is presently zoned RE. The applicant is requesting a -PS overlay at staff's request. The purpose being so development can be controlled through the public hearing process. Staff recommended the -PS overlay due to the property's location within the AICUZ zone.

All traditional setbacks of the RE zoning district will remain in place.

4. The proposed site plan shows the boundary of the Accident Potential Zone II (APZ II zone) within the AICUZ. The property owner's proposed residence will lie outside the APZ II zone. The home will be within the noise contour. Preliminary reviews were done with Offutt AFB. They had no issues with the proposed platting as long as the home remains outside of the APZ II zone. The applicant has shown the proposed building envelope outside of this area on the site plan.

5. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning, Sarpy County Public Works Department, Sarpy County Deputy Administrator, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Krista Hoffart, Offutt AFB, stated "Applicant has worked with Offutt AFB to ensure that their project remains out of the Accident Potential Zone. No additional comments."

Public Works Engineer Matt Knight requested technical revisions to the plat. These comments have since been satisfied by the applicant's engineer.

6. In addition to the replatting and rezoning, the applicant is requesting a waiver of Section 6-4, Subdivision Regulations, pertaining to minimum design standards for access. Since the access easement serves more than one property, it is required to be designed to the city's minimum standards for a private or public street. The applicant is proposing a gravel access/drive to his residence which will come off an existing gravel access. Staff has no objection to this waiver based on existing conditions, as well as the fact this is an area where development is extremely limited due to the AICUZ overlay.

7. The Future Land Use Map of the Comprehensive Plan shows this area as being residential estates. The request is in conformance with the Comprehensive Plan.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, and lack of perceived negative impact upon the surrounding area. APPROVAL also based on Offutt Air Force Base's review; contingent upon completion of the technical deficiencies prior to being placed on a city council agenda.

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and Subdivision Regulations, and lack of perceived negative impact upon the surrounding area. APPROVAL also based on Offutt Air Force Base's review; contingent upon completion of the technical deficiencies prior to being placed on a city council agenda.

VI. ATTACHMENTS TO REPORT

1. Vicinity map/Zoning Map.
2. 2022 GIS aerial photo of the property.
3. Zoning justification letter received November 8, 2023.
4. Written waiver request received November 16, 2023.
5. Small subdivision plat received December 11, 2023.
6. Site plan received December 13, 2023.

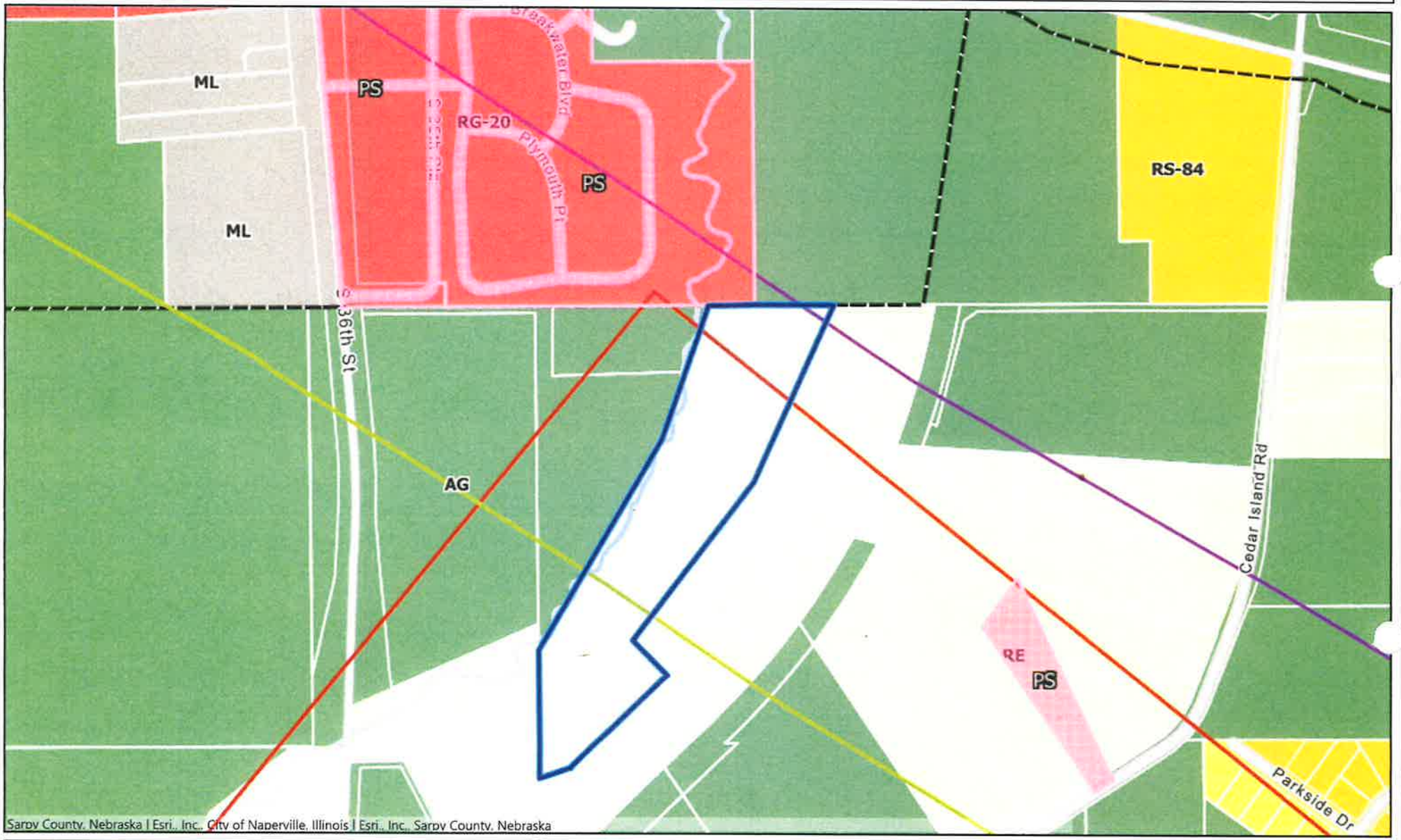
VII. COPIES OF REPORT TO:

1. Jon Carrell, TD2
2. Michael Perez, c/o Jonathan Revis
3. Public Upon Request

Angela M. Currey
Assistant Planning Manager

Jannis A Palm 01/09/24
Planning Director Date of Report

SARPY COUNTY
NEBRASKA



0 500 1000 ft

Map Scale 1: 6370

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes

SARPY COUNTY
NEBRASKA



0 500 1000 ft

Map Scale 1: 6370

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes

TD2 engineering & surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Road
Omaha, NE 68154
402 330-8860

Email Transmitted to: tammi.palm@bellevue.net

November 8, 2023

Ms. Tammi Palm
Planning Director
City of Bellevue
1510 Wall Street
Bellevue, NE 68005

RE: Letter of Justification
10707 Old 36th Street
Bellevue, NE 68123
Lot 3, Perez Addition
Sarpy County, NE

Ms. Palm,

We have been requested to replat Lot 3, Perez Addition into 2 (two) separate residential lots. The south lot already has a residence in place and the north lot is for the proposed construction of a new residence. We will be calling the new plat, Perez Addition Replat One.

Respectfully submitted by:
Thompson, Dreesen & Dorner, Inc.

Jon L. Carrell, L.S.

RECEIVED
NOV 08 2023
PLANNING DEPT.

TD2
engineering
& surveying

thompson, dreessen & dorner, inc.
10836 Old Mill Road
Omaha, NE 68154
402 330-8860

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NOV 16 2023
PLANNING DEPT.

Email Transmitted to: tammi.palm@bellevue.net

November 16, 2023

Ms. Tammi Palm
Planning Director
City of Bellevue
1510 Wall Street
Bellevue, NE 68005

RE: Wavier Request
10707 Old 36th Street
Bellevue, NE 68123
Lot3, Perez Addition
Sarpy County, NE

Ms. Palm,

We are requesting a requesting a wavier of Section 6-4 of the Subdivision Regulations, to allow for the unimproved easement serving more than one property. Such as, shown on the proposed plat of Perez Addition Replat One.

Respectfully submitted by:
Thompson, Dreesen & Dorner, Inc.

Jon L. Carrell, L.S.

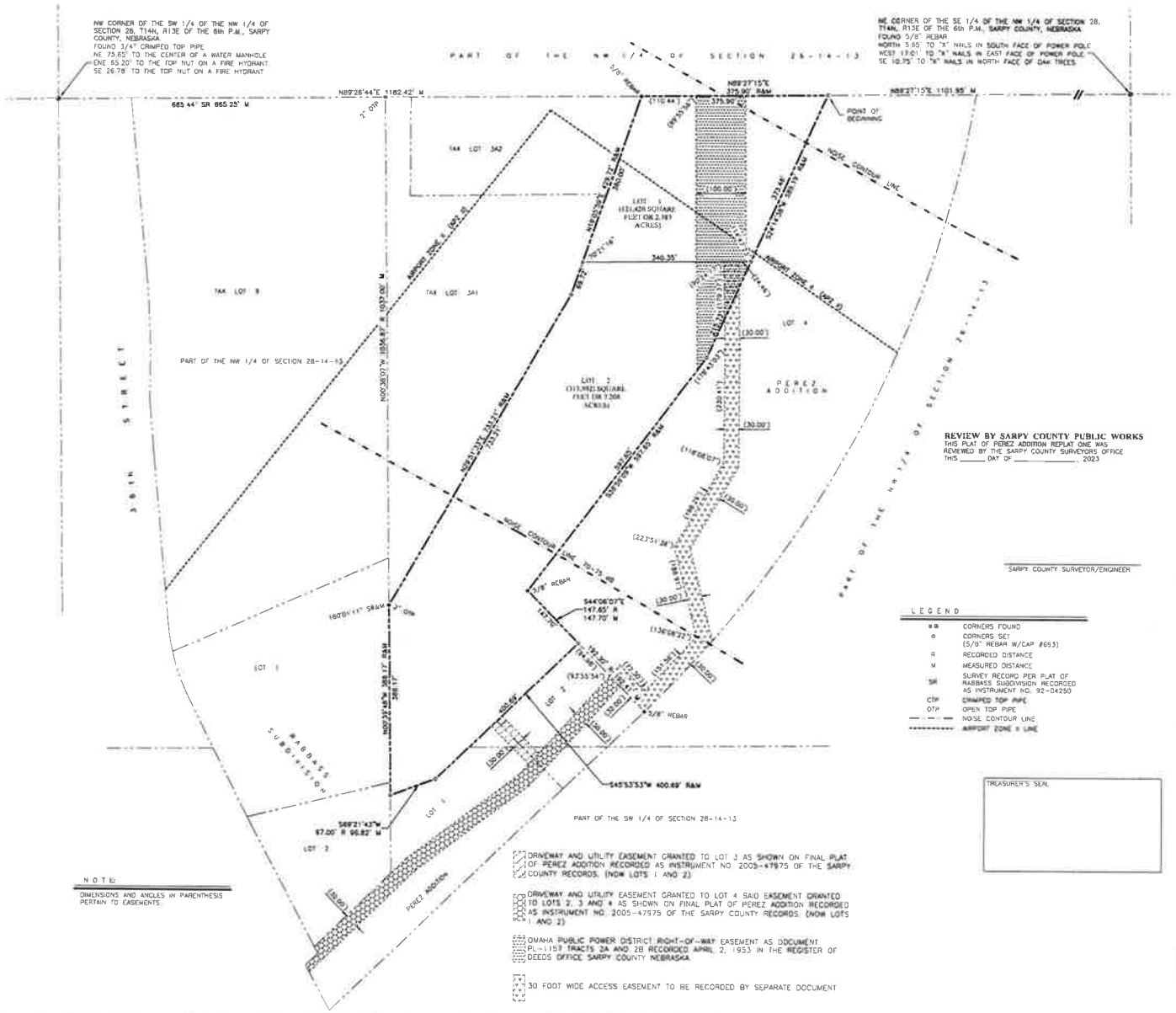
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DEC 1 1 2023

PEREZ ADDITION REPLAT ONE

LOTS 1 AND 2

BEING A REPLATTING OF LOT 3, PEREZ ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, LOCATED IN THE NW 1/4 AND THE SW 1/4 OF SECTION 28, T14N, R13E OF THE 6th P.M. SAID SARPY COUNTY.



N O T E:
DIMENSIONS AND ANGLES IN PARENTHESIS PERTAIN TO EASEMENTS.

ORIVEWAY AND UTILITY EASEMENT GRANTED TO LOT 3 AS SHOWN ON FINAL PLAT OF PEREZ ADDITION RECORDED AS INSTRUMENT NO 2005-47975 OF THE SARPY COUNTY RECORDS. (NOW LOTS 1 AND 2)

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OMAHA PUBLIC POWER DISTRICT RIGHT-OF-WAY EASEMENT AS DOCUMENT PL-1159 TRACTS 2A AND 2B RECORDED APRIL 2, 1953 IN THE REGISTER OF DEEDS OFFICE SARPY COUNTY NEBRASKA.

30 FOOT WIDE ACCESS EASEMENT TO BE RECORDED BY SEPARATE DOCUMENT

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF PEREZ ADDITION REPLAT ONE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____ 2023

SARPY COUNTY SURVEYOR/ENGINEER

LEGEND

●●	CORNERS FOUND
○	CORNERS SET (5/8" REBAR W/CAP #693)
R	RECORDED DISTANCE
M	MEASURED DISTANCE
SR	SURVEY RECORD PER PLAT OF RABBASS SUBDIVISION RECORDED AS INSTRUMENT NO. 92-04250
CTP	CRIMPED TOP PIPE
OTP	OPEN TOP PIPE
— — —	NOISE CONTOUR LINE
·-·-·-·	AIRPORT ZONE B LINE

TREASURER'S SEAL

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEBRASKA TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL ACCESSIBLE CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS PEREZ ADDITION REPLAT ONE, LOTS 1 AND 2, BEING A REPLATTING OF LOT 3, PEREZ ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS, BEGINNING AT THE NE CORNER OF SAID LOT 3;

THENCE ON THE EAST LINE OF SAID LOT 3 ON THE FOLLOWING FOUR (4) COURSES;

THENCE S24°14'38"W (ASSUMED BEARING) 589.19 FEET;

THENCE S38°59'09"W 597.65 FEET; THENCE S44°08'07"E 147.70 FEET;

THENCE S45°53'53"W 400.69 FEET;

THENCE CONTINUING ON SAID SOUTH LINE S89°21'43"W 86.82 TO THE SE CORNER THEREOF;

THENCE ON THE WEST LINE OF SAID LOT 3 ON THE FOLLOWING THREE (3) COURSES;

THENCE N00°38'48"W 388.17 FEET;

THENCE N29°51'33"E 733.21 FEET;

THENCE N18°05'59"E 429.72 FEET TO THE NW CORNER THEREOF;

THENCE N89°27'15"E 375.90 FEET ON THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING

CONTAINING 435,412 SQUARE FEET OR 9.996 ACRES

NEBRASKA REGISTERED LS-693 LAND SURVEYOR JON L. CARROLL

SEPTEMBER 11, 2023
DATE

JON L. CARROLL
NEBRASKA RLS #693

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, MICHAEL J. PEREZ AND MARANDA PEREZ, HUSBAND AND WIFE, BEING THE OWNERS AND FARMERS AND MERCHANTS BANK OF ASHLAND BEING THE MORTGAGE HOLDERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS PEREZ ADDITION REPLAT ONE, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CROSSARMS, GUYS GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE LOT LINES. AN EIGHT (8') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF THE LOT.

WE DO FURTHER GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT OF OMAHA OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIONS, TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW, PIPELINES, HYDRANTS, VALVES AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL STREETS, CIRCLES, AND CUL-DE-SAC STREETS WHETHER PUBLIC OR PRIVATE.

NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, SIDEWALKS, DRIVEWAYS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED

MICHAEL J. PEREZ

MARANDA PEREZ

FARMERS AND MERCHANTS BANK OF ASHLAND

BY
TITLE

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS_____ DAY OF _____, 2023 BY MICHAEL J. PEREZ AND MARANDA PEREZ, HUSBAND AND WIFE

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS_____ DAY OF _____ 2023 BY _____ OF FARMERS AND MERCHANTS BANK OF ASHLAND ON BEHALF OF SAID BANK.

NOTARY PUBLIC

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS_____ DAY OF _____, 2023

SARPY COUNTY TREASURER

APPROVAL OF BELLEVUE PLANNING COMMISSION

THIS PLAT OF PEREZ ADDITION REPLAT ONE WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION ON THIS_____ DAY OF _____, 2023

BELLEVUE PLANNING COMMISSIONER

APPROVAL OF BELLEVUE CITY COUNCIL

THIS PLAT OF PEREZ ADDITION REPLAT ONE WAS APPROVED AND ACCEPTED BY THE BELLEVUE CITY COUNCIL ON THIS_____ DAY OF _____ 2023 APPROVAL OF THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN 90 DAYS OF THE ABOVE DATE.

RUSTY HIKE, MAYOR

SUSAN KLUTHE, CITY CLERK

TD2 engineering & surveying

thompson, dreessen & dorner, inc
10836 Old Mill Rd
Omaha, NE 68154
p.402.330.8860 f.402.330.5866
td2co.com
dba: TD2 Engineering & Surveying
NE CA-0199

Survey Type

PEREZ ADDITION REPLAT ONE
LOTS 1 AND 2

N

811 Know what's below. Call before you dig.

Revision Dates

No.	Description	MM-DD-YY

Job No.: A1436-23-21A
Drawn By: RJR
Reviewed By: JLC
Date: SEPTEMBER 11, 202
Book: 22/24
Page: 55

Sheet Title

CITY OF BELLEVUE FINAL PLAT

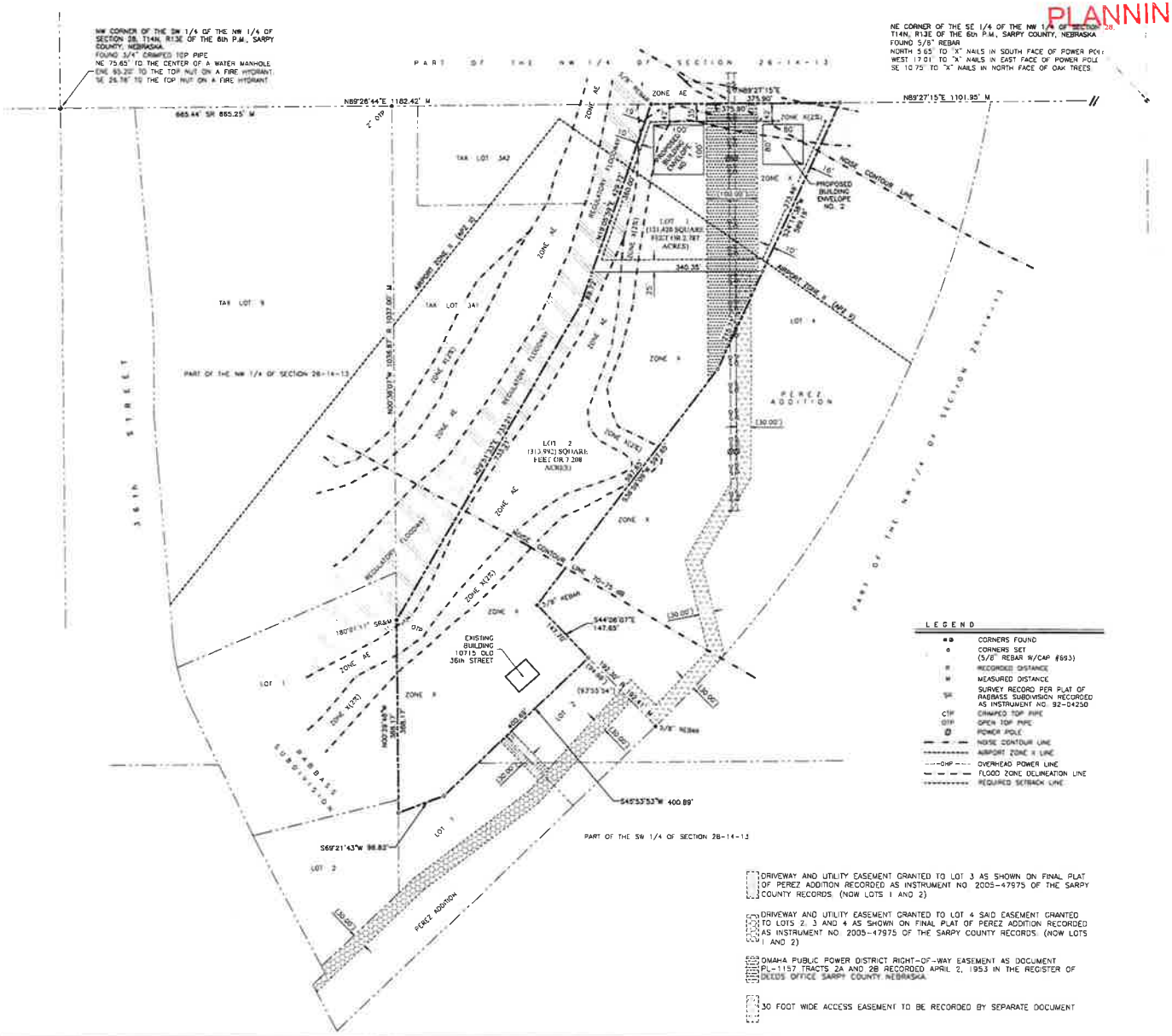
Sheet Number

SHEET 1 OF 1

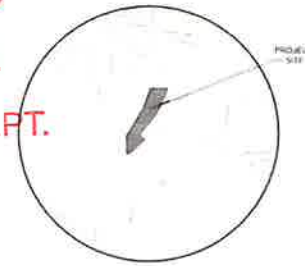
PEREZ ADDITION REPLAT ONE

LOTS 1 AND 2

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PLANNING DEPT.



VICINITY MAP



LEGEND

- CORNERS FOUND
- CORNERS SET (5/8" REBAR W/CAP #693)
- (R) RECORDED DISTANCE
- (M) MEASURED DISTANCE
- (SR) SURVEY RECORD PER PLAT OF RABBASS SUBDIVISION RECORDED AS INSTRUMENT NO. 92-04250
- CTP CRIMPED TOP PIPE
- OTP OPEN TOP PIPE
- POWER POLE
- NOISE CONTOUR LINE
- AIRPORT ZONE B LINE
- OHP OVERHEAD POWER LINE
- FLOOD ZONE DELINEATION LINE
- REQUIRED SETBACK LINE

DRIVEWAY AND UTILITY EASEMENT GRANTED TO LOT 3 AS SHOWN ON FINAL PLAT OF PEREZ ADDITION RECORDED AS INSTRUMENT NO. 2005-47975 OF THE SARPY COUNTY RECORDS. (NOW LOTS 1 AND 2)

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OMAHA PUBLIC POWER DISTRICT RIGHT-OF-WAY EASEMENT AS DOCUMENT PL-1157 TRACTS 2A AND 2B RECORDED APRIL 2, 1953 IN THE REGISTER OF DEEDS OFFICE SARPY COUNTY NEBRASKA.

30 FOOT WIDE ACCESS EASEMENT TO BE RECORDED BY SEPARATE DOCUMENT

SUBDIVIDER

JONATHAN REVIS
10707 OLD 36th STREET
BELLEVUE, NEBRASKA 68123

ENGINEER

THOMPSON, DREESSEN & DORNER, INC.
10836 OLD MILL ROAD
OMAHA NEBRASKA 68154

LEGAL DESCRIPTION

LOT 3, PEREZ ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA

NOTES

1. NO CONTOURS ARE SHOWN AS NO GRADING IS PROPOSED.
2. EXISTING ZONING IS RE/WP OVERLAY. PROPOSED ZONING RE/PS.
3. LOTS 1 AND 2 ARE SERVED BY PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS.

TD2 engineering & surveying

thompson, dreessen & dorner, in
10836 Old Mill Rd
Omaha, NE 68154
p 402.330.8860 f 402.330.5866
td2co.com
dba TD2 Engineering & Surveyin
NE CA-0199

Survey Type

PEREZ ADDITION REPLAT ONE
LOTS 1 AND 2

N

0' 50' 100'

811 Know what's below. Call before you dig.

Revision Dates

No.	Description	MM-DD-Y

Job No.: A1436-23-21P
Drawn By: RJR
Reviewed By: JLC
Date: SEPTEMBER 11, 20
Book: 22/24
Page: 55

Sheet Title

CITY OF BELLEVUE SITE PLAN

Sheet Number

SHEET 1 OF 1

ORDINANCE NO. 4145

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF BELLEVUE, NEBRASKA, AS PROVIDED FOR BY ARTICLE 3 OF ORDINANCE NO. 4104 BY CHANGING THE ZONE CLASSIFICATION OF LAND LOCATED AT OR ABOUT 10715 OLD 36TH STREET, MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THE ORDINANCE AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, having received a recommendation from the city of Bellevue Planning Commission and proper notice having been given and public hearing held as provided by law:

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

Section 1. That part of the official zoning map of the City of Bellevue, Nebraska, as provided in Article 3, of Ordinance No. 4104 is hereby amended to change the zone classification of the following described parcel of land:

Lots 1 and 2, Perez Addition Replat One, located in the Northwest ¼ of Section 28, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

From RE (Residencial Estates - One Acre Zone) to RE-PS (Residential Estate - One Acre Zone – Planned Subdivision).

(TD2 Engineering and Surveying)

Section 2. This ordinance shall not take effect until such time as the final plat of Perez Addition Replat One is filed with the Sarpy County Register of Deeds in accordance with Section 5-10 of the City of Bellevue Subdivision Regulations.

Section 3. Except as amended herein, the official zoning map and the classification shown therein shall remain as heretofore existing.

Section 4. This ordinance shall take affect and be in force from and after its adoption and publication according to law.

ADOPTED by the Mayor and City Council this _____ day of _____, 2024.

APPROVED AS TO FORM:

_____
City Attorney

ATTEST

_____ _____
City Clerk Mayor

First Reading: _____
Second Reading: _____
Third Reading: _____

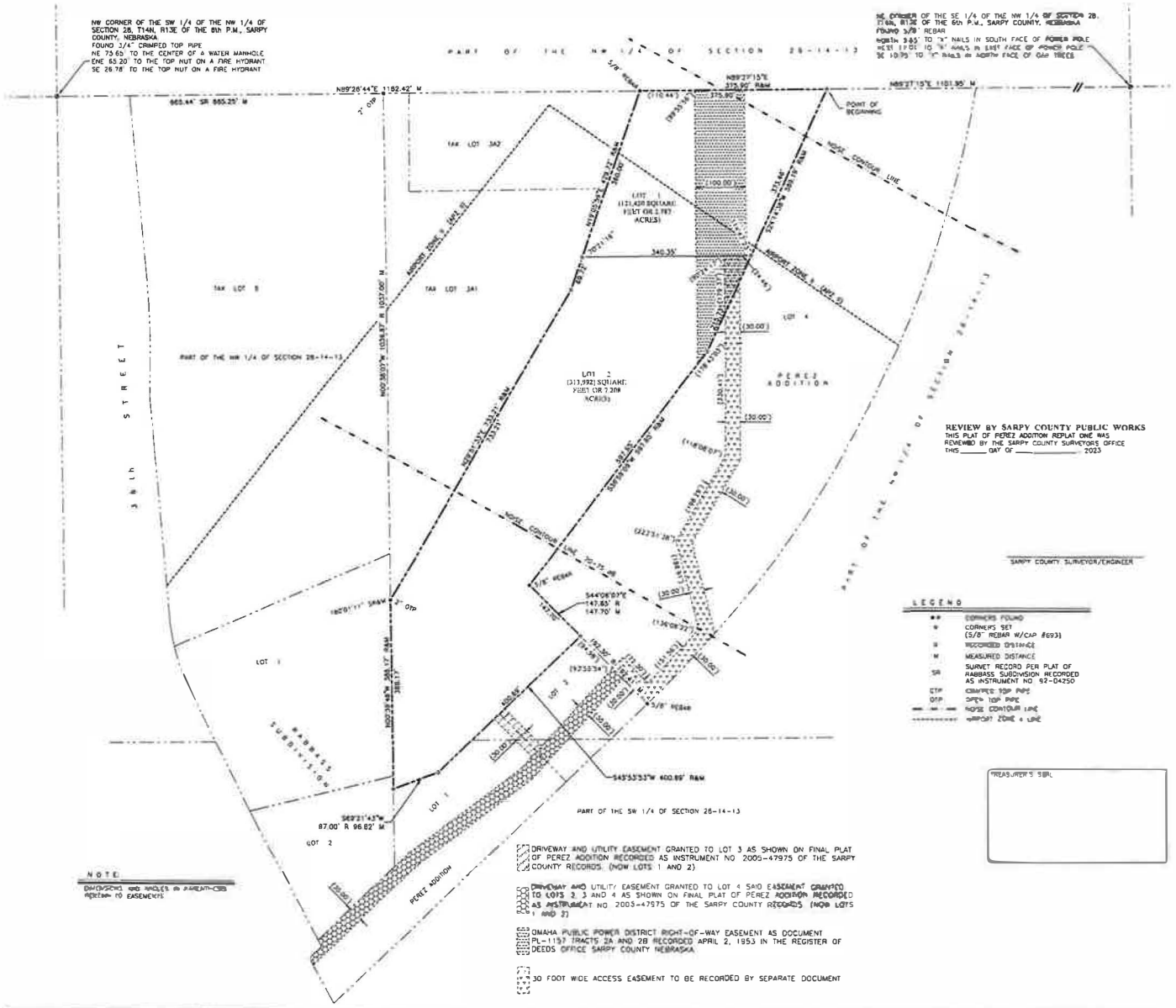
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DEC 1 1 2023

11a1.
2/20/2024

PEREZ ADDITION REPLAT ONE

LOTS 1 AND 2

BEING A REPLATTING OF LOT 3, PEREZ ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, LOCATED IN THE NW 1/4 AND THE SW 1/4 OF SECTION 28, T14N, R13E OF THE 6th P.M. SAID SARPY COUNTY



NOTE:
DIMENSIONS AND ANGLES IN PARENTHESIS ARE RECORD TO EASEMENTS

REVIEW BY SARPY COUNTY PUBLIC WORKS
THIS PLAT OF PEREZ ADDITION REPLAT ONE WAS REVIEWED BY THE SARPY COUNTY SURVEYORS OFFICE THIS _____ DAY OF _____, 2023

SARPY COUNTY SURVEYOR/ENGINEER

LEGEND

**	CORNERS FOUND
*	CORNERS SET (5/8" REBAR W/CAP #693)
R	RECORDED DISTANCE
M	MEASURED DISTANCE
SR	SURVEY RECORD PER PLAT OF RABBASS SUBDIVISION RECORDED AS INSTRUMENT NO. 92-04350
CTP	CRIMPED TOP PIPE
DTP	DRILL TOP PIPE
	NOISE CONTOUR LINE
	AIRPORT ZONE 4 LINE

TREASURER'S SEAL

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30 FOOT WIDE ACCESS EASEMENT TO BE RECORDED BY SEPARATE DOCUMENT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I PROPERLY SURVEYED, PLATTED AND MONUMENTED THE PROPERTY SHOWN ON THE ATTACHED PLAT, AS DIRECTED BY THE OWNERS, IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEBRASKA. ~~PRELIMINARY~~ PLAT. ALL PERMANENT MARKERS HAVE BEEN FOUND OR SET AT ALL ACCESSIBLE CORNERS OF SAID BOUNDARY AND AT ALL LOT CORNERS WITHIN SAID SUBDIVISION TO BE KNOWN AS PEREZ ADDITION REPLAT ONE, LOTS 1 AND 2, BEING A REPLATTING OF LOT 3, PEREZ ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 3;

THENCE ON THE EAST LINE OF SAID LOT 3 ON THE FOLLOWING FOUR (4) COURSES;

THENCE S24°14'38"W (ASSUMED BEARING) 389.19 FEET;

THENCE S38°39'09"W 597.65 FEET; THENCE S44°08'03"E 147.70 FEET;

THENCE S45°53'53"W 400.68 FEET;

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THENCE N29°51'33"E 733.21 FEET;

THENCE N19°05'59"E 429.72 FEET TO THE NW CORNER THEREOF;

THENCE N89°27'15"E 375.90 FEET ON THE NORTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING

CONTAINING 435,412 SQUARE FEET OR 9.996 ACRES

NEBRASKA REGISTERED LS-693 LAND SURVEYOR JON L. CARROLL

SEPTEMBER 11, 2023
DATE

JON L. CARROLL
NEBRASKA RLS #693

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, MICHAEL J. PEREZ AND MARANDA PEREZ, HUSBAND AND WIFE, BEING THE OWNERS AND FARMERS AND MERCHANTS BANK OF ASHLAND, BEING THE MORTGAGE HOLDERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS TO BE NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS PEREZ ADDITION REPLAT ONE, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR, AND RENEW POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, INCLUDING SIGNALS PROVIDED BY A CABLE TELEVISION SYSTEM AND THEIR RECEPTION, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE LOT LINES; AN EIGHT (8') FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF THE LOT.

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MICHAEL J. PEREZ

FARMERS AND MERCHANTS BANK OF ASHLAND

MARANDA PEREZ

BY
TITLE

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 BY MICHAEL J. PEREZ AND MARANDA PEREZ, HUSBAND AND WIFE

NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2023 BY _____ OF FARMERS AND MERCHANTS BANK OF ASHLAND ON BEHALF OF SAID BANK

NOTARY PUBLIC

SARPY COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE THIS _____ DAY OF _____, 2023

SARPY COUNTY TREASURER

APPROVAL OF BELLEVUE PLANNING COMMISSION

THIS PLAT OF PEREZ ADDITION REPLAT ONE WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION ON THIS _____ DAY OF _____, 2023

BELLEVUE PLANNING COMMISSIONER

APPROVAL OF BELLEVUE CITY COUNCIL

THIS PLAT OF PEREZ ADDITION REPLAT ONE WAS APPROVED AND ACCEPTED BY THE BELLEVUE CITY COUNCIL ON THIS _____ DAY OF _____, 2023. APPROVAL OF THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN 90 DAYS OF THE ABOVE DATE

RUSTY HIKE, MAYOR

SUSAN KLUTHE, CITY CLERK

TD2 engineering & surveying

thompson, dreessen & dorner, inc
10836 Old Mill Rd
Omaha, NE 68154
p 402 330 8860 f 402 330 5866
td2co.com
dba: TD2 Engineering & Surveyng
NE CA-0199

Survey Type

PEREZ ADDITION REPLAT ONE
LOTS 1 AND 2

N

0 50 100

811 Know what's below. Call before you dig.

Revision Dates

No	Description	MM-DD-YY
-	-	-
-	-	-
-	-	-
-	-	-

Job No.: A1436-23-21A
Drawn By: RJR
Reviewed By: JLC
Date: SEPTEMBER 11, 202
Book: 22/24
Page: 55

Sheet Title

CITY OF BELLEVUE
FINAL PLAT

Sheet Number

SHEET 1 OF 1

12a.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 02/06/2024	SUBMITTED BY: Tammi Palm	TITLE: Planning Director
AGENDA ITEM:	CONSENT AGENDA ☐	SPECIAL PRESENTATION ☐
LIQUOR LICENSE ☐	ORDINANCE ☑	PUBLIC HEARING ☐
RESOLUTION ☐	CURRENT BUSINESS ☐	OTHER ☐

SUBJECT:

Request to amend Ordinance No. 4104, the City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.

SYNPOSIS/BACKGROUND:

Due to a staff title change in the Planning Department, the City of Bellevue is proposing to amend the City of Bellevue Zoning Ordinance. The title of Planning Manger will be changed to Planning Director of the Planning Department.

FISCAL IMPACT: None | BUDGETED FUNDS?: NO | GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: NO	COUNTER-PARTY:	INTERLOCAL AGREEMENT: NO	
CONTRACT DESCRIPTION:			
CONTRACT EFFECTIVE DATE:	CONTRACT TERM:	CONTRACT END DATE:	
PROJECT NAME:			
START DATE:	END DATE:	PAYMENT DATE:	INSURANCE REQUIRED: YES
CIP PROJECT NAME:		CIP PROJECT NUMBER:	
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):	
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:	

RECOMMENDATION:

The Planning Department and the Planning Commission have recommended approval of these amendments.

ATTACHMENTS:

1. Planning Commission Recommendation Sheet	2. Staff Memo	3. Ordinance No. 4146
4. Zoning Ordinance - redline	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

We Influence The World!

City of Bellevue
Planning Department
1510 Wall Street • Bellevue, Nebraska 68005
(402) 293-3026

MEMORANDUM

TO: City Council
FROM: Tammi Palm, Planning Director
DATE: January 30, 2024
RE: Amend Ordinance No. 4104, City of Bellevue Zoning Ordinance regarding staff titles.

The City of Bellevue is proposing to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, to include updating staff titles.

In 2022, these documents were amended to reflect the staff title change from Planning Director to Planning Manager. In 2023, the Planning Director title was reinstated. This amendment reflects the change.

Attached is a red-line copy of the proposed amendments.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.

PLANNING COMMISSION RECOMMENDATION:

APPROVAL of the amendment as presented.

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: City of Bellevue

CITY COUNCIL HEARING DATE: February 5, 2024

REQUEST: to amend Ordinance No. 4104, City of Bellevue Zoning Ordinance, regarding minor text amendments for the purpose of updating staff titles.

On January 25, 2024, the City of Bellevue Planning Commission voted six yes, zero no, three absent and zero abstained:

APPROVAL of amendments as presented.

VOTE:

Yes:	Six:	No:	Zero:	Abstain:	Zero:	Absent:	Three:
	Hankins						Aerni
	Sims						Taylor-Jones
	Jacobson						Bennett
	Ackley						
	Lasenburg						
	Perrin						

Planning Commission Hearing (s) was held on: January 25, 2024

ZONING ORDINANCE
BELLEVUE, NEBRASKA

ORDINANCE NO. 4104

ADOPTED BY BELLEVUE, NEBRASKA ON AUGUST 16, 2022

Prepared By

JEO
Consulting Group, Inc.

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ARTICLE 1: TITLE AND PURPOSE

Section 1.01 Title
This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Bellevue, Nebraska, herein referred to as "this ordinance", and shall repeal and replace existing Ordinance No. 770 for the City of Bellevue and all amendments thereto.

Section 1.02 Purpose and Intent
This ordinance has been written in accordance with a comprehensive plan and to promote the health, safety, and general welfare of the community and to

- To implement the goals, policies, and proposals of the Comprehensive Plan for the zoning jurisdiction;
- To lessen congestion in streets;
- To secure safety from fire and other dangers;
- To provide adequate light and air;
- To encourage the most productive use of urban land resources through promotion of compatible land use patterns;
- To promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements;
- To regulate and restrict the location and use of buildings and uses of land within each district for residential, commercial, industrial and other purposes;
- To regulate and restrict height, number of stories and size of buildings;
- To regulate and restrict the percentage of the lot that may be occupied by buildings and other structures; to regulate the size of yards and open spaces;
- To guard against loss of life and damage to property due to flooding through protection of natural drainage features; to preserve features of historical significance;
- To promote the conservation of natural resources;
- To protect property values; to protect property against blight and depreciation; and
- To secure economy in governmental expenditures.

Section 1.03 Interpretation
In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

Section 1.04 Relationship to City Code
The use of buildings and land within the City of Bellevue shall be subject to all applicable provisions of the City Code and other ordinances, as well as this Ordinance, whether or not those other provisions of the City Code are specifically cross-referenced in this Ordinance. Cross-reference to other provisions of the City Code found in this Ordinance are provided for the convenience of the reader; lack of a cross-reference should not be construed as an indication that other provisions of the City Code do not apply.

Section 1.05 Relationship to Comprehensive Plan
It is the intention of this Ordinance to implement the goals, principles, and objectives reflected in the Comprehensive Plan as adopted by the City. While the City reaffirms its commitment that the provisions of this Ordinance and any amendment made to this Ordinance shall conform to adopted planning policies, the City acknowledges its intent that neither this Ordinance nor any amendment of this Ordinance may be challenged merely on the basis of an alleged nonconformity with the Comprehensive Plan.

Section 1.06 Applicability of Prior Regulations
1. All violations of prior zoning or other regulations of the City, existing on the effective date of this Ordinance, shall continue to be violations and shall not be considered to be legal non-conforming situations under this Ordinance. The City shall have the same authority to secure civil remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Ordinance.
2. All permits, applications, certificates and other authorizations submitted or approved prior to the effective date of this Code shall be governed by the regulations in effect at the time of the submission or approval.

ARTICLE 2: DEFINITIONS

Section 2.01 Rules
For the purpose of this ordinance the following rules shall apply:

2.01.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2.01.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
2.01.03 The word "shall" is mandatory and not discretionary; the word "may" is permissive and not compulsory.
2.01.04 The word "and" indicates all connected items, conditions, provisions, or events shall apply; the word "or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
2.01.05 Words importing the masculine gender shall include the feminine and neutral genders.
2.01.06 The words "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.
2.01.07 The word "commission" shall refer to the Planning Commission of Bellevue, Nebraska.
2.01.08 The particular controls the general.
2.01.09 All references to City personnel or staff shall include the person identified or their appropriate designee.
2.01.10 All words, terms, and phrases not otherwise defined herein shall be given their usual and customary meaning as defined in a standard English dictionary or other applicable City, State, or federal regulation, unless the context clearly indicates another meaning was intended.
2.01.11 Computation of Time: Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a City holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.

Section 2.02 Abbreviation and Acronyms
For purposes of this Ordinance the following shall be standard abbreviations and acronyms found through the regulation.

ADA =	Americans with Disabilities Act
AU =	Animal Unit
CAFO =	Confined Animal Feeding Operation
DU =	Dwelling Unit
FAA =	Federal Aviation Administration
FCC =	Federal Communication Commission
FEMA =	Federal Emergency Management Agency
FT =	Foot or Feet
GFA =	Gross Floor Area
GIS =	Geographic Information System
HUD =	US Department of Housing and Urban Development
kV =	Kilovolt
kW =	Kilowatt
LFO =	Livestock Feeding Operation
NDA =	Nebraska Department of Aeronautics or successor department
NDEQ =	Nebraska Department of Environmental Quality or successor department
NPDES =	National Pollutant Discharge Elimination System
NRD =	Papio-Missouri River Natural Resources District
NSFM =	Nebraska State Fire Marshall or successor department
NHHS =	Nebraska Department of Health and Human Services or successor department
NDOR =	Nebraska Department of Roads or successor department
R.O.W. =	Right-of-Way or Rights-of-Way
SF =	Square Feet
SY =	Square Yard
USACE =	United States Army Corps of Engineers
USDA =	United States Department of Agriculture
YD =	Yard

Section 2.03 Definitions.
For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

Section 2.04 A

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT, ABUTTING shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley, but not a public street/road.

ACCESS OR ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this ordinance.

ACCESSORY LIVING QUARTERS shall mean living quarters located within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY STRUCTURE shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure. Such structures shall be 750 square feet or 50% of the footprint of the principal structure up to maximum of 1200 square feet, unless otherwise provided herein.



Example of an Accessory Use

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ACREAGE shall mean any tract or parcel of land which does not qualify as a farm or development.

ADJACENT shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

ADULT DAY CARE CENTER shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours to four or more persons who require or request such services due to age or functional impairment.

ADULT ENTERTAINMENT ESTABLISHMENT (See "Sexually Oriented Businesses")

ADVERTISING STRUCTURE shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. (See also "Outdoor Advertising" and "Sign")

AESTHETIC ZONING shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall mean any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURE shall mean the use of land for agriculture as the primary purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural, aquacultural, floricultural, viticultural, or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agricultural use shall not be construed

to include any parcel of land of less than ten acres or any non-agricultural commercial or industrial development.

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, excluding helicopters/helipads at medical facilities, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

AIRPORT HAZARD ZONE the area of land surrounding an airport in which structures and land uses have the potential to obstruct the airspace required for the flight of an aircraft in landing or taking off at the airport or may be otherwise hazardous to such landing or taking off. This area consists of the required approach zone, turning zone, and transition zones. The outer boundary of this area is composed of a series of connected tangents and simple curves that also constitute the outer boundaries of the approach and turning zones.

ALLEY shall mean a minor public service street or public right-of-way measuring 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

ALTERATION shall mean any change, addition or modification in construction or occupancy of an existing structure.

AMATEUR RADIO shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the Code of Federal Regulations (CFR) and which is operated under license by the FCC.

AMENDMENT shall mean a change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

AMUSEMENT ARCADE shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

AMUSEMENT PARK shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL HOSPITAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short time boarding and shall be only incidental to such hospital use.

ANIMAL UNIT shall mean a unit of measurement to compare various domestic animal types based upon equivalent waste generation. One animal unit equals the following:
One A.U.= One Cow/Calf combination
One A.U.= One Slaughter, Feeder Cattle;
One A.U.= One Horse;
One A.U.= Seven Tenths Mature Dairy Cattle;
One A.U.= Two and One Half Swine (55 pounds or more);
One A.U.= Twenty Five Weaned Pigs (less than 55 pounds);
One A.U.= Two Sows with Litters;
One A.U.= 10 Sheep;
One A.U.= 100 Chickens;
One A.U.= 50 Turkeys;
One A.U.= Five Ducks.

ANIMALS, DOMESTIC (See "Household Pet")

ANIMAL SPECIALTY SERVICES shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (See also "Tower")

ANTIQUE STORE shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least 30 years old.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (See also "Dwelling Unit")

APARTMENT HOTEL shall mean an apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privilege of which are not primarily available to the public. (See also "Dwelling, Multi-family")

APPAREL SHOP shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.

APPLIANCE STORE shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.

APPURTENANCES shall mean the visible, functional objects accessory to and part of buildings.

ARCHITECTURAL CANOPY SIGN (See "Sign, Architectural Canopy")

ARCHITECTURAL CHARACTER shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall pertain to the volume, bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

ARCHITECTURAL STYLE shall mean the characteristic form and detail, as of buildings of a particular historic period.

AREA shall mean a piece of land capable of being described with such detail that its location may be established, and boundaries definitely ascertained.

ART GALLERY shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ASSISTED LIVING FACILITY shall mean any place or facility caring for six or more individuals and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

ATTACHED PERMANENTLY shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

AUCTION SALES shall mean a building or structure, or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.

AUTOMATED TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.



An Example of a stand-alone ATM

AUTOMOBILE SALES shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (See also "Auction Sales")

AUTOMOTIVE AND ENGINE REPAIR SERVICES shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, watercraft, small engine equipment (such as snow blowers and lawnmowers), or similar vehicles, including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; painting services; collision services; and tire service and sales. This definition does not include the storage of such vehicles or equipment.

1. **LIGHT AUTO AND ENGINE REPAIR SERVICES** shall mean repair and maintenance of automobiles, motorcycles, light trucks (less than 15,000 pounds gross license weight), trailers, watercraft, small engine equipment, or similar vehicles, including the replacement of minor assemblies or parts; oil change and lubrications; tune-ups; engine repair; tire repair, service and sales; upholstery work; but not including body and fender work, painting, or similar type of work.

2. **HEAVY AUTO AND ENGINE REPAIR SERVICES** shall mean repair and maintenance of automobiles, motorcycles, trucks, trailers, watercraft, small engine equipment, or similar vehicles, including but not limited to body work and painting services.

AUTOMOBILE SERVICES shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; paintless dent removal; and minor painting.

AUTO WRECKING shall mean the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

(Ord No. 3757, April 28, 2014)

Section 2.05 B

BAKERY SHOP shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shop shall be considered a general retail use.

BANK shall mean a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

BANQUET HALL shall mean an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, meetings, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the service or sale of alcoholic beverages; and 3) outdoor gardens or reception facilities.

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (See also "Nightclub")

BASEMENT shall mean that portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BEAUTY SHOP shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not interest of the immediate neighborhood.

BIG BOX RETAIL shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.

3. **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
4. **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
5. **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.

BLOCK shall mean a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, by waterways, rights-of-way, unplatted land, City-County boundaries, or adjoining property lines or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

BOARD OF ADJUSTMENT shall mean that board that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

BOARDING OR ROOMING HOUSE shall mean a dwelling containing one or more lodging rooms that accommodate one or more persons who are not members of the keeper's family; provided, however, that the letting of rooms for hire, to the extent permitted by this ordinance as a home-based

business, shall not in itself cause a dwelling to be a rooming house. In a rooming house, lodging or meals are provided for compensation on a weekly or monthly basis.

BOAT shall mean a vehicle for traveling in or on water, not exceeding forty (40) feet in body length, eight (8) feet in width, or twelve (12) feet in overall height. Height includes the trailer, if the boat is mounted on a trailer. A vehicle meeting the above definition except for size is not deemed incidental to a dwelling unit.

BOOK STORE shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as "Adult Entertainment Establishments".

BOWLING CENTER shall mean an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 10,000 barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the commercial space.

BREWERY shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that manufactures more than 10,000 barrels of beverage (all beverages combined) annually.

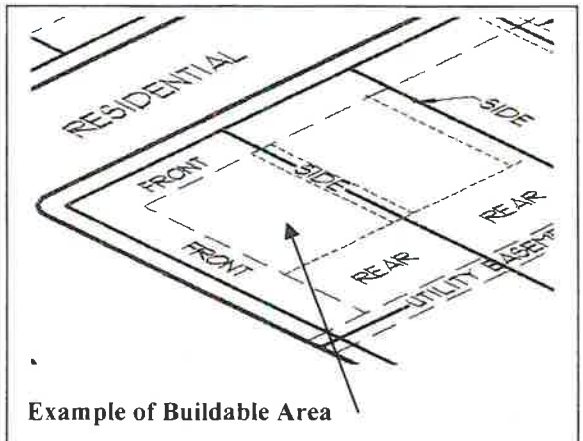
BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 10,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (See also "Screening")

BUFFER ZONE shall mean an area of land that separates two zoning districts and/or land uses that act to soften or mitigate the effects of one use on the other.

BUILDABLE AREA shall mean that part of a zoned lot not included within the required yards or subject to other restrictions herein required.



Example of Buildable Area

BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in Temporary Structure. Trailers, with or without wheels, shall not be considered as buildings.

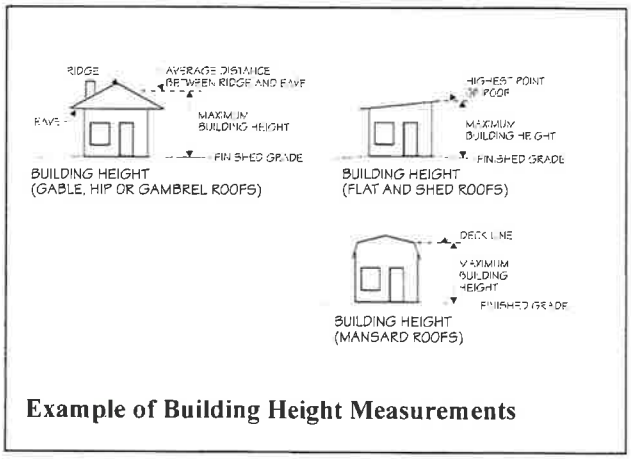
BUILDING, ACCESSORY shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds; but not

including fences and walls of less than six (6) feet in height, or bank protection structures regardless of height provided they do not project more than one foot above the surface of the ground on the high side. Accessory buildings in residential zoning districts shall be for the exclusive, noncommercial use of the resident of the lot, except as permitted under the provisions for home-based businesses.

BUILDING, AREA OF shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING CODE shall mean the various codes adopted and enforced by the City that regulate construction and requires Building Permits, electrical permits, mechanical permits, plumbing permits, and other permits to do work that pertain to building construction.

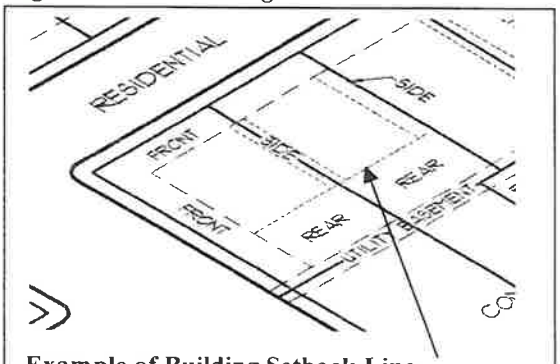
BUILDING HEIGHT shall mean the vertical distance measured from the average grade at the front face of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof, except for accessory structures where such building height is measured above the average grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof. The grade may mean the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.



Example of Building Height Measurements

BUILDING INSPECTOR shall mean the official charged with the responsibility of enforcing the local building codes.

BUILDING, PRINCIPAL shall mean a building in which is conducted the primary use of the site on which it is situated. In any residential district any dwelling shall be deemed to be the principal building of the site on which it is located.



Example of Building Setback Line

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this ordinance between any property line and the closest point of the building line or face of any building or structure related thereto.

BUSINESS SERVICES shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.

Section 2.06 C

CALL CENTER shall mean an office equipped to handle a large volume of calls especially for taking orders or servicing customers.

CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

CAR WASH, INDUSTRIAL shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

CELLAR shall mean a building space having more than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

CERTIFICATE OF OCCUPANCY shall mean a permit issued by the Building Inspector indicating that the use of the building or land in question is in conformity with this ordinance and local building codes or that there has been a legal variance therefrom as provided by this ordinance.

CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drainage way.

CHARITABLE ORGANIZATION or CLUB shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHILD CARE CENTER shall mean a facility licensed to provide childcare for 13 or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME (See "Family Child Care Home I and II")

CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.

CITY shall mean the City of Bellevue.

CLEAR VIEW ZONE shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (See also "Sight Triangle")

CLINIC, MEDICAL shall mean a building or portion of a building containing the offices and associated facilities of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy or similar services for out-patients only, with or without shared or common spaces and equipment. A common area pharmacy or drug dispensary available to persons other than patients being treated therein or making charges separate from bills for professional services of said practitioners shall not be considered as a medical clinic use.

CLUB shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as a business even though it may be chartered and named for purposes herein defining a club.

CLUSTER DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

CODE shall mean the Municipal Code of the City of Bellevue.

CODE ENFORCEMENT OFFICER shall mean the person authorized and empowered by the City to enforce the Code requirements.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and premade bakery goods or other food items from a drive-through window or walk-up window to customers for consumption off the premises and that provides no indoor or outdoor seating.

COLLEGE or UNIVERSITY shall mean facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

COMMISSION shall mean the Planning and Zoning Commission of the City of Bellevue, Nebraska. This body may also be known as the Planning Commission.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

COMMUNICATION SERVICES shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY SANITARY SEWER SYSTEM shall mean an approved central sewer collecting system of multiple users, meeting required standards, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

COMMUNITY WATER SUPPLY SYSTEM shall mean a public water supply system which serves multiple users with a single source.

COMPATIBLE USES shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

COMPREHENSIVE PLAN shall mean the Comprehensive Plan of the City of Bellevue, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth in Section 23-174.05, Nebr. R.R.S., 1943, as the same may, from time-to-time, be amended.

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare. Such uses are subject to special requirements which are reviewed and approved by the City Council. Approved uses and required conditions shall run with the land, provided there are not modifications to the use/operation or a violation of the permit.

CONDITIONAL USE PERMIT shall mean a permit recommended by the Planning Commission and issued by the City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon or required by said permit. Such permit shall run with the land, provided there are no violations to the approved permit.

CONDOMINIUM shall be as defined in the Section 76-824 through 76-894, Nebr. R.R.S., 1943 the Condominium Law, whereby four or more apartments are separately offered for sale. A condominium shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

CONGREGATE HOUSING shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.

CONSERVATION AREA shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, forests/woodlands, prairies, and areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSTRUCTION shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not limited to, clearing of land, earth moving, blasting and landscaping.



Convenience Store

CONTIGUOUS shall mean the same as "Abut".

CONVENIENCE STORE shall mean a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to "Food Sales Limited" and "Food Sales General.") It is dependent on and is designed to attract and accommodate large volumes of stop-and-go traffic. Except where otherwise prohibited, convenience stores may include the sale of diesel, gasoline, compressed natural gas, or propane. Compressed natural gas storage tanks shall not be located closer than 20 feet to a residential property line. (See also "Self-Service Station") ***(Ord. No. 3781, Oct. 13, 2014)***

COPY CENTER shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

COUNCIL shall mean the City Council of the City of Bellevue, Nebraska.

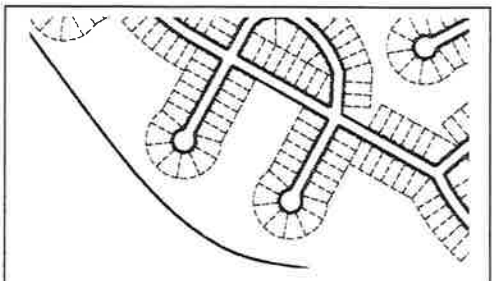
COUNTRY CLUB shall include golf courses, par-3 golf course, swimming pools, tennis clubs and neighborhood clubhouses any and each of which shall be located on a site of not less than one acre and open only to membership subscribing for the use of all facilities for a term of not less than one year and members non-paying guests. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated as restaurants, cocktail lounges, card rooms, beer taverns, bowling alleys, pool and billiard parlors and similar activities normally carried on as a business shall be excluded from the definition of a country club. Nothing herein shall be construed to limit the method of operation of such facilities enumerated in this definition when owned or operated by a governmental agency.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

CUL-DE-SAC shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.



Cul-de-sac

CURVED LOT (See "Lot, Curved")

Section 2.07 D

DENSITY shall mean the number of dwelling units per gross acre of land.

DETENTION BASIN shall mean a facility for the temporary storage of storm water runoff.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.

DEVELOPMENT CONCEPT PLAN shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.

DEVELOPMENT REVIEW shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.

DISABILITY or HANDICAP shall mean the following but shall not include current, illegal use of or addiction to a controlled substance:

6. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
7. A record of having such an impairment; or
8. Being regarded as having such impairment.

DOG KENNEL (See "Kennel, commercial" and "Kennel, private")

DOMESTIC ANIMALS shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

DRAINAGE shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainage way, it shall be presumed to be a watercourse.

DRIVE-IN may be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be consumed in automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

DUPLEX shall mean the same as "Dwelling, Two Family".

DWELLING shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including single family dwellings, two family dwellings, multi-family dwellings and group dwellings; provided however that the following are not dwellings:

1. Hotels, motels, tourist courts and cabins;
2. In a building that contains one or more dwelling units or lodging rooms in addition to one or more non-residential uses, except when accessory to the residential uses;
3. Used for the institutional care of people such as hospitals, rest homes, orphanages, and homes for the aged.

DWELLING, ATTACHED (ROW) shall mean a multi-family dwelling in which each dwelling unit has a separate outdoor entrance and is either

1. joined to one other dwelling unit at one side by one party wall or
2. joined to two other dwelling units by one party wall on each side

DWELLING, DETACHED shall mean a dwelling that is completely surrounded by open space on the same lot.

DWELLING, GROUP shall mean a structure other than a hotel or motel inhabited by more or less permanent occupants in excess of 4, living independently in quarters other than dwelling units.

DWELLING, MANUFACTURED HOME shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.

DWELLING, MOBILE HOME shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance with manufacturers recommendations.
2. Permanent Foundation: Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

DWELLING, MODULAR shall mean any prefabricated structure, used for dwelling purposes, moved on to a site in an 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. To be a modular dwelling it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567, Nebr. R.R.S., 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home.

DWELLING, MULTI-FAMILY shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.



Multi-Family Dwelling

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SINGLE FAMILY shall mean a building having one dwelling unit and accommodations for or occupied exclusively by one family which meet all the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction;
2. The home shall have no less than an 18-foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock;
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed; and
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

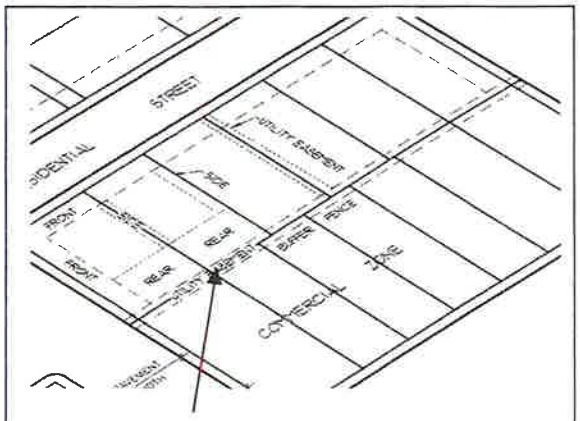
DWELLING, SINGLE-FAMILY (ATTACHED) shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

DWELLING, SINGLE-FAMILY (DETACHED) shall mean a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

DWELLING, TWO FAMILY shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING UNIT shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities for one family only.

Section 2.08 E



Example of an Easement

EASEMENT shall mean a space, lot, parcel, or area of land reserved for or used for public utilities or public or private uses.

EDUCATIONAL FACILITY shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

EFFECTIVE DATE shall mean the date that this Ordinance shall have been adopted, a mended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

ELEEMOSYNARY INSTITUTION shall mean any building or group of buildings devoted to and supported by charity.

ENCROACHMENT shall mean advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

EVENT CENTER shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.

EXERCISE, FITNESS and TANNING SPA shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weightlifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as "adult entertainment establishments".

EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

EXTERNAL DESIGN FEATURE shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roofs, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. First class cities may have up to a two-mile extraterritorial jurisdiction and Second-Class Cities may have up to one mile of extraterritorial jurisdiction.

Section 2.09 F

FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FAMILY shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly authorized custodial relationship; (2) two unrelated people; or (3) two unrelated people and any children related to either of them. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

FAMILY CHILD CARE HOME I shall mean a childcare operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet the requirements of the State of Nebraska.

FAMILY CHILD CARE HOME II shall mean a childcare operation either in the provider's place of residence or a site other than the residence, serving twelve or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet the requirements of the State of Nebraska.

FARM shall mean an area containing at least 20 acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FARM ANIMALS or LIVESTOCK shall mean animals associated with agricultural operations, commonly kept or raised as part of an agricultural operation including but not limited to horses, cattle, sheep, swine (to exclude pot-bellied pigs, which shall be considered household pets), goats, chickens, and turkeys. ***(Ord. No. 3675, Aug. 13, 2012)***

FARM BUILDING or STRUCTURE shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

FARMER'S MARKET shall mean the offering for sale of fresh agricultural products directly to the consumer at an open-air market designated as a community activity.

FARMSTEAD shall mean a tract of land of not less than one acre and not more than 20 acres, upon which a farm dwelling and other farm building existed at the time of the adoption of this ordinance and is used for single-family resident purposes.

FEEDLOT shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter.

FENCE shall mean an enclosure or barrier intended to be permanent and made from materials intended for fencing, such as wood, wire, vinyl, wrought iron, composite, block or stone materials.

FENCE, AGRICULTURAL shall mean an artificially erected barrier, other than a building, vehicles, or machinery, constructed of manmade material, or combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of barbed or meshed wire.

FENCE, OPEN shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces which affords direct views through the fence.

FENCE, SEASONAL shall mean a temporary fence constructed of plastic or wood lathe erected and generally maintained from October through April to prevent snow drifting.

FENCE, SOLID shall mean any fence which does not qualify as an open fence.

FENCE, TEMPORARY shall mean a fence that is erected for construction purposes or for event security and is removed upon completion of the project or end of the event.

FESTIVAL shall mean the sale of ethnic specialty, regional, and gourmet foods, arts and crafts, live musical entertainment, in an outdoor setting.

FIREWORKS STAND shall mean any portable building and/or structure used for the retail sale of fireworks, usually on a temporary basis.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

FLAMMABLE LIQUIDS shall mean any liquid which gives off flammable vapors, as determined by the flash point from an open cup tester as used for test of burning oils, at or below a temperature of 80 degrees Fahrenheit, is flammable.

FLOOD (See Section 5.30 of this Ordinance)

FLOOD PLAIN (See Section 5.30 of this Ordinance)

FLOODWAY (See Section 5.30 of this Ordinance)

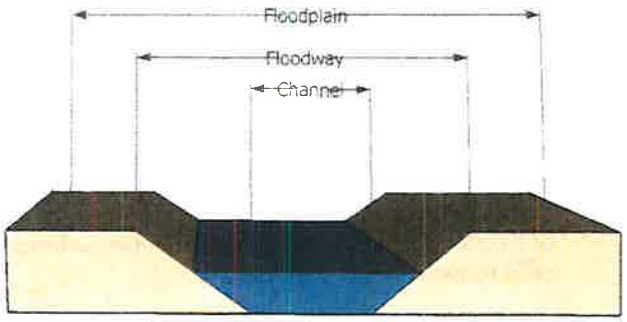


Diagram of Floodplain and Floodway

FLOOR AREA shall mean the floor area of a building as used in calculating the gross floor area ratio or as otherwise used in this ordinance, shall include all areas having headroom of 7 feet or more, including basement areas where they are used as a dwelling unit for sleeping accommodations, or other family eating or living purposes, but not including basement floor areas used for utility and storage purposes. Floor area for business and industrial buildings shall include all useable floor space above grade and that portion of basements used for the conduct of business or industry, but not including utility areas of said basements. Whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls. An area may be surfaced with natural earth and still be considered a floor.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
2. **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically, a supermarket.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway. See also Lot Frontage and Street Frontage.



Freestanding Canopy

Section 2.10 G

GARAGE, PRIVATE shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.

GARAGE, PUBLIC shall mean any garage other than a private garage.

GARAGE, REPAIR shall mean a building designed and used for business purposes for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (See also "Service Station")

GASOLINE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels (to include diesel, gasoline, compressed natural gas, or propane), lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair. Compressed natural gas storage tanks shall not be located closer than 20 feet to a residential property line. ***(Ord. No. 3781, Oct. 13, 2014)***

GATED COMMUNITIES shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.

GOLF COURSE shall mean a golf course as used herein shall mean standard sized layouts of at least nine holes and shall not include miniature golf courses, par 3 golf courses, pitch and putt courses or driving ranges.

GOVERNMENTAL SERVICES – ADMINISTRATIVE FACILITIES shall mean offices of Federal, State, County, or City Government which provide administrative, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles.

GOVERNMENTAL SERVICES – MAINTENANCE AND SERVICE FACILITIES shall mean a public facility of Federal, State, County, or City Government used for maintenance, repair, vehicular equipment servicing, material storage, and similar activities including street or sewer yards, which have the characteristics of commercial or industrial activities.

GRADE shall mean the mean elevation of the ground, measured along the wall of a building, or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

GREEN BUILDING shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered "green" if it meets the requirements of the most current LEED certification criteria or any other nationally recognized green building certification program.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridal path, or other similar access-way.

GROSS FLOOR AREA RATIO (G.F.A.R.) shall mean the floor area of a building divided by the area of the zoning lot as defined herein. (For example, a building one story high covering an entire lot would have a G.F.A.R. of 1.0, whereas a building two stories high covering an entire lot would have a G.F.A.R of 2.0, while a building one story high covering half a lot would have a G.F.A.R. of 0.5). Both principal and accessory buildings shall be considered in calculating gross floor area.

GROSS LEASABLE AREA shall mean the total floor area designed for the tenants' occupancy and use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

GROUND COVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. (See also "Landscaping")

GROUND COVERAGE shall mean the area of a zoning lot occupied by buildings expressed as a percentage of the gross area of the zoning lot.

GROUND WATER shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials (whether created or natural) such that they may be considered saturated.

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four-hour care for individuals in a residential setting. The term does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

GUEST ROOM shall mean a room which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

GUNSMITH shall mean a shop that designs, makes or repairs firearms.

Section 2.11 H

HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

HALFWAY HOUSE shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

HARD SURFACED shall mean any surface used for movement of vehicular and / or pedestrians which is properly designed and paved with either asphalt or concrete.

HAZARDOUS WASTE/MATERIALS shall mean waste products of industrial or chemical processes including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

HEDGE shall mean a plant or series of plants, shrubs or other landscape vegetation, so arranged as to form a physical barrier or enclosure.

HOME IMPROVEMENT CENTER shall mean a facility of more than 40,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HOME BASED BUSINESS shall mean an "in-home" or "home based" business, industry or service (not including uses defined as Adult Entertainment Establishment) operating from a residential dwelling in a residential zoning district. Home based businesses shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts. Home based businesses shall satisfy the standards set forth in Section 8.04 of these regulations and shall include the following such uses, except for welding, vehicle body repair, or dismantling and rebuilding of vehicles:

Art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/tattoo), shops, renting of rooms for residential purposes, business offices for services such as construction, repair and cosmetic services/sales rendered at other locations, internet business, and other similar uses.

Such uses include on-site sales and services and may include an employee not residing on the premises.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of (i) owning, operating, and maintaining various common properties and facilities and/or (ii) establishing and enforcing rules for the homeowners who reside in such area.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. For purposes of these regulations, household pets shall include domestic dogs, domestic cats, and pot-bellied pigs. Other typical household pets including but not limited to domestic tropical birds, fish, and rodents are not regulated by this definition. ***(Ord. No. 3675, Aug. 13, 2012)***

Section 2.12 I

IMPERVIOUS SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, or clay and conventionally surfaced streets, sidewalks, parking lots, and driveways.

INCIDENTAL USE shall mean a use, which is subordinate to the main use of a premise.

INDUSTRY shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominately built-up area.

INFILL SITE shall mean any vacant lot, parcel, or tract of land within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, and fire protection have already been constructed or are provided.

INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which: (1) Does not have a current state license plate; or (2) Which may or may not have a current state license plate but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

INTENT AND PURPOSE shall mean that the Commission and Council by the adoption of this ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.

Section 2.13 J

JUNK shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

JUNK YARD shall mean a place where waste, discarded, or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials, and equipment; but not including pawn shops and establishments for the sale, purchase, or storage of used cars or trucks in operable condition, boats or trailers in operable condition, salvaged machinery in operable condition, and used furniture and household equipment in useable condition, and not including the processing of used, discarded, or salvaged materials as part of manufacturing operations. For motor vehicles, see "Auto Wrecking".

Section 2.14 K

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four months of age, are boarded, bred, or trained.

KENNEL, COMMERCIAL shall mean any lot or premises on which four or more dogs, cats or non-farm/non-domestic or any combination thereof (more than two dogs and two cats), at least four months of age, are groomed, bred, boarded, trained, or sold for a fee.

KENNEL, PRIVATE shall mean the keeping and raising of three or fewer dogs, cats, or non-farm/domestic animals or any combination thereof over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

Section 2.15 L

LABORATORY shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. Testing laboratories shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research / testing facilities.

LAGOON shall mean a wastewater treatment facility which is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the design criteria and regulations established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services.

LANDFILL shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPING shall include the original planting of suitable vegetation in conformity with the requirements of this ordinance and the continued maintenance thereof.

LEED shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

LEED-ND shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.

LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common

meals and culminating in full health and continuing care nursing home facility. (See also "Congregate Housing")

LIGHT CUT-OFF ANGLE shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by excavation and/or filling.

LIVESTOCK shall mean animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

LOADING SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LOGISTICAL CENTER shall mean a business that contracts with third parties to perform shipping and storage. The majority of items shipped shall be routed from off-site location to off-site location without being stored on-site.

LONG-TERM CARE FACILITY shall mean a facility that provides the following services, as such are defined by state law: Nursing home facilities, boarding home, adult care home, assisted living facility, center for the developmentally disabled, group residence, swing bed.

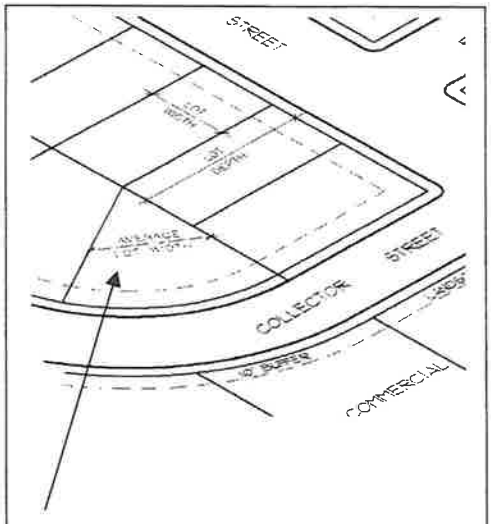
LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setback for a front yard shall be met on the abutting street in which the house faces. The other yard abutting a street shall be a street side yard.

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

LOT, CURVED shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 feet or less.



Example of Curved Lot

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

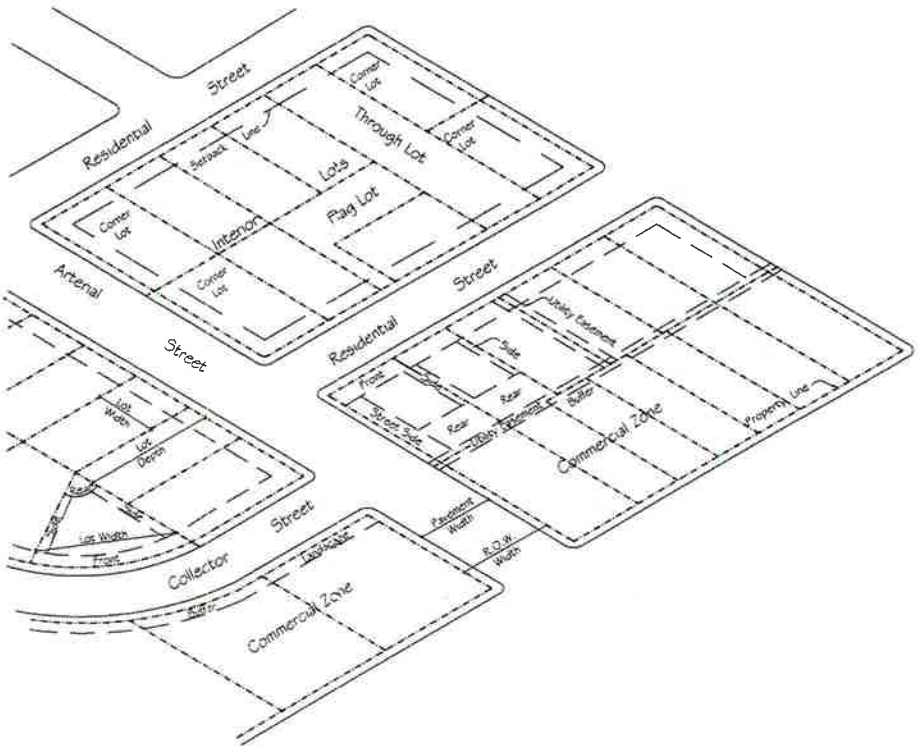
LOT, DOUBLE FRONTAGE shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street/road right-of-way other than an alley or an unimproved county road. For the purposes of this definition, on corner lots, the side of a lot facing the front of the primary structure adjacent to street or road shall be considered frontage.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean the property line bounding a lot.



Lot Types

LOT LINE, FRONT shall mean the property line abutting a street facing the front of the primary structure.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

LOT LINE, STREET SIDE shall mean the property line abutting a street not facing the front of the primary structure.

LOT, NON-CONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this ordinance.

LOT, THROUGH shall mean a lot having frontage on two dedicated streets, not including a corner lot.

LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.

LOT, REVERSE CORNER shall mean a corner zoning lot, the side street line of which is substantially a continuation of the front lot line of the zoning lot to its rear.

LOT WIDTH shall mean the horizontal distance between the side lot lines, measured at the front yard setback line.

LOT, ZONING shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record, or of portions of record;
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Section 2.16 M

MAIL ORDER SERVICES shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.

MANUFACTURED HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

MANUFACTURED HOME SUBDIVISION shall mean any area, piece, parcel, tract, or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

MANUFACTURING shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MANUFACTURING, LIGHT shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials.

MAP, OFFICIAL ZONING DISTRICT shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Bellevue City Council.

MASSAGE ESTABLISHMENT shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath with or without the use of therapeutic, electrical, mechanical, or bathing devices. Said establishment shall comply with all state regulations as per Section 71-1,278 through 71-1,283, Nebr. R.R.S., 1943.

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Bellevue and adopted, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Building Inspection activities.

MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MEDICAL/DENTAL OFFICES shall mean a building or portion of a building containing offices and facilities for providing medical, dental, and psychiatric services for outpatients only.

MEETING HALL shall mean a building designed for public assembly.

MINI-STORAGE OR MINI-WAREHOUSE (See "Self-Service Storage Facility")

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences, and walls, kennels, transformers, drive-up facilities.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MODIFYING ZONE shall mean a zone which is dependent upon a primary zone, and which is designed to add to the primary zone a specific restriction or liberalization to meet specific location needs which if accomplished by an additional series of primary zones would make the ordinance unnecessarily lengthy and complicated.

MORTUARY shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries and crematories.

MOTEL shall mean a group of attached or detached living units with individual toilet facilities operated for transient guests and so constructed that guests' automobiles may be parked at or near the living unit. (See "Hotel")

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled wheelchairs.

Section 2.17 N

NEBRASKA REVISED REISSUED STATUTES, 1943 shall mean the Statutes for the State of Nebraska. The Nebraska Revised Reissued Statutes, 1943 and the abbreviated term Nebr. R.R.S., 1943 are one and the same.

NEWSSTAND shall mean a temporary structure manned by a vendor, who sells newspapers, magazines and other periodicals.

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (See also "Bar")

NON-COMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NON-CONFORMING shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.

NON-CONFORMING BUILDING or STRUCTURE shall mean a building or structure or portion thereof, lawfully existing at the time this ordinance or an amendment thereto becomes effective, which does not meet the size, height, yard, parking, loading, or other requirements of this ordinance or any amendment thereto.

NON-CONFORMING USE shall mean a use that lawfully occupies a building or land at the time this ordinance or an amendment thereto becomes effective but does not meet the requirements of this ordinance or any amendment thereto.

NON-FARM BUILDINGS are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

NUISANCE shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter.

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

NURSERY SCHOOL (See "Preschool")

Section 2.18 O

OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

OFFICE PARK shall mean a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.

OFF-STREET PARKING AREA or VEHICULAR USE AREA shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structures, except signs.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

OUTDOOR STORAGE shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair, including motor vehicles.

OVERLAY DISTRICT shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

Section 2.19 P

PAINTBALL shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

PAINTBALL COURSE, COMMERCIAL shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis that allows individuals to participate in paintball activities.

PAR-3 GOLF COURSE shall mean a golf course other than a miniature golf course and other than a golf course defined herein and having greens similar to a golf course and fairways of not less than 50 yards in length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this ordinance.
PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than 9 feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean an arterial or collector roadway with full or partial control of access and located within a park or ribbon of park like development.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Bellevue, Nebraska.

PET HEALTH SERVICE (See "Animal Hospital")

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

PLANNING COMMISSION shall mean the Planning Commission of Bellevue, Nebraska.

PLANNING ~~MANAGER~~ DIRECTOR shall mean the person authorized and empowered by the City to interpret, administer, and enforce the requirements of this Ordinance.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLICY shall mean a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

PORTABLE OUTDOOR STORAGE shall mean storage which does not take place within a building and typically includes the use of land/sea containers which are normally stored in the open and used for shipping purposes on large cargo ships, freight trains, and/or semi-trailer trucks.

POSTAL STATION shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

POULTRY shall mean domestic fowl, chickens, ducks, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, where children do not nap and where children are not served a meal.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRIMARY ZONE shall mean a zoning classification which can stand alone as a classification of a parcel of property.

PRINCIPAL PERMITTED USE shall mean that use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

PROHIBITED USE shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device.

PROPORTION shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC SERVICES/USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption, if such system has at least 15 service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2) Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

Section 2.20 Q

QUARRY shall mean an open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed or used for commercial purposes.

Section 2.21 R

RAILROAD shall mean the land use including the R.O.W. abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECREATIONAL FACILITY shall mean public or private facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, racetracks (including all motor-powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than 40 feet in overall length, 8 feet in width, or 12 feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel. A vehicle meeting the above definition except for size is not deemed incidental to a dwelling unit.

RECREATIONAL VEHICLE (RV) PARK shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

RECYCLING FACILITY shall mean any location where the primary use is where scrap or recyclable materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles, and other materials.

REDEVELOPMENT shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

RESERVATION CENTER shall mean a travel agency or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESTAURANT shall mean an establishment providing for the preparation, service, and consumption of food and beverages for retail sale primarily to persons seated within the building.

RESTAURANT, DRIVE-IN shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.



Restaurant, Drive-In

RESTAURANT, ENTERTAINMENT shall mean an establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

RESTAURANT, FAST FOOD shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.



Restaurant, Fast Food

RESTAURANT (GENERAL) shall mean a restaurant which is housed in a space of over 3,000 square feet and characterized by table service to customers for consumption within the establishment.

RESTAURANT (LIMITED) shall mean a restaurant which is housed in a space of no more than 3,000 square feet and characterized by table service to customers and/or accommodation to walk-in clientele for consumption within the establishment.

RETAIL TRADE or USE shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of storm water runoff.

REVERSE SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

REZONING shall mean an amendment to or change in the zoning regulations either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

ROAD shall mean the same as "Street".

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than four lots served by such road. (See also "Right-of-Way" and "Street")

ROAD, PUBLIC shall mean a public right-of-way reserved or dedicated for street or road traffic. (See also "Right-of-Way" and "Street")

ROOM shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

Section 2.22 S

SALVAGE YARD shall mean businesses engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted. (See also "Junk Yard")

SCALE shall mean a proportional relationship of the size of parts to one another and to the human figure.

SCHOOL, PRE-, OR NURSERY shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code

and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

SCHOOL, PRIVATE shall mean facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.

SCREENING shall mean a structure or planting that conceals from view from public ways the area behind such structure or planting.

SEASONAL USE shall mean those land uses and structures that are operated during specific seasons of the year, i.e.. Christmas tree sales and haunted houses.

SELECTIVE CLEARING shall be the careful and planned removal or trees, shrubs, and plants using specific standards and protection measures.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

SELF-SERVICE STORAGE FACILITY shall mean a facility consisting of a building or a group of buildings containing varying sizes of enclosed, individualized storage areas, for the purpose of storing personal and/or household goods.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SERVICE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK LINE, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the R.O.W. line.

SETBACK LINE, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

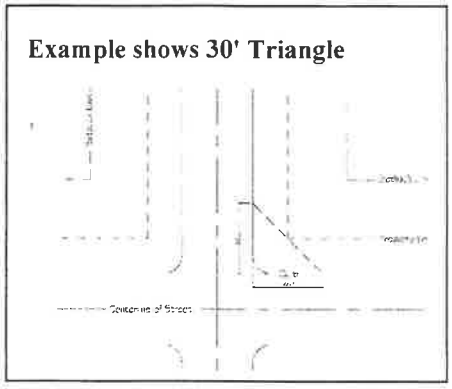
SEXUALLY ORIENTED BUSINESSES shall mean any business which offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, adult internet industries, adult massage parlor/health club, and adult body painting studios. Such businesses are regulated by Chapter 2.5 of the Bellevue Municipal Code.

SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots, with on-site parking and small linear shopping centers with on-site parking in front of the stores.

SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and city clustered style centers.

SIDEWALK CAFE shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.



SIGHT TRIANGLE is an area at a street intersection (or street and railroad) 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 30 inches and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the corner points of the curb, 30 feet in each direction along the curb for signs and 45 feet in each direction for fences. At the intersection of major or arterial streets, the 30 and 45-foot distance may be increased to at least 60 and 90 feet respectively for each arterial leg of the intersection. The required distance may be increased based upon subdivision design and speed limits along major or other arterials.

SIGN (See Article 7 of this Ordinance)

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE BREAK shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.

SITE PLAN (See "Development Concept Plan")

SITE, SEPTIC shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SKATE, IN-LINE shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

SKATE PARK shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.

SKATEBOARD shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lays upon the device while it is in motion.

SKATEBOARD PIPE shall mean an outdoor structure which is shaped into a half circle or oval, that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

SKATEBOARD RAMP shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SOLAR CONVERSION SYSTEM (SCS) shall mean any device such as a solar panel, Solar Array, or Solar Collector or any combination thereof, which collects and converts solar energy to a form of useable electrical energy and/or supplies electrical energy to an energy storage device. ***(Ord. No. 4055, Oct. 5, 2021)***

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SOLID WASTE COMPANY shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.

SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

STABLE shall mean a facility, either as a principal or accessory use, that is designed for the maintenance, rental, or storage of non-domesticated animals.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.

STOREFRONT shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City

STORMWATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.

STORMWATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.



An Example of a Stormwater Management project

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STORY, ONE-HALF shall mean the same as "Half-Story".

STREET shall mean the entire width between property lines of a way or place dedicated or acquired for the purpose of public use for vehicular traffic or access including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except as excluded in this ordinance and other than an alley. Where a way or place exists by virtue of consent agreement or an established public right, then for the purposes of this ordinance the way or place shall be considered to be 60 feet in width falling half on each side of the centerline of the traveled way. Where the dimensions set out in a consent agreement exceed 60 feet, then the larger dimension shall govern.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a City, or county with controlled access to abutting property.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET, EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

STREET FRONTAGE shall mean the distance for which a lot line of a zoned lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, FRONTAGE ACCESS shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREETS, MAJOR shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties.

STREET, SIDE shall mean that street bounding a corner or reversed corner lot, and which extends in the same general direction as the line determining the depth of the lot.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, ADVERTISING shall mean the same as "Advertising Structure".

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes, and bounds description, lease, map, plat, or other instrument.

SURFACE WATERS shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state. See also Waters of the State.

SWIMMING POOL shall mean a structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least 18 inches utilized for the purposes of swimming, diving, or wading.

(Ord. No. 3774, August 11, 2014)

Section 2.23 T

TANNING SPA or SALON shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult entertainment establishment.

TATOO PARLOR / BODY PIERCING STUDIO shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TELECOMMUNICATIONS FACILITY shall mean any facility that transmits and/or receives signals by electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and erected for a period not to exceed 120 days in any 12-month period; provided, however, construction trailers may be erected in excess of such 120-day period for the duration of the construction project. Temporary structures shall meet all required setbacks of the appurtenant zoning district or be a minimum of 15' from any right-of-way; whichever is greater. Temporary structures shall not be erected in the sight triangle, as defined in this ordinance. Temporary structures shall comply with all applicable building, electrical, and fire codes. ***(Ord. No. 3714, April 8, 2013)***

TEMPORARY USE shall mean a use intended for limited duration, not to exceed six months, to be located in a zoning district not permitting such use.

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (See also "Antenna")

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance, which part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

TRAILER shall mean a vehicle without motive power, designed so that it can be drawn by motor vehicle, to be used for the carrying of persons or property, or as human habitation. However, a structure which meets the requirements of the Building Code of the City of Bellevue in all ways, including foundation, is not a trailer, whether or not it was once a vehicle.

TRANSFER STATION (REFUSE) shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

Section 2.24 U

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, ACCESSORY shall mean a use customarily incidental to a principal permitted use or building and located on the same zoning lot with such principal use or building.

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

USE, PERMITTED shall mean any land use allowed without condition within a zoning district.

USE, PROHIBITED shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use.

USE, SPECIFICALLY EXCLUDED shall mean a use of land or a structure which is excluded from a zone by the operation of other regulations of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITY EASEMENT shall mean the same as "Easement".

UTILITY HARDWARE shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

Section 2.25 V

VARIANCE shall mean a relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATION shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.

VETERINARY SERVICES shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may or may not also provide long-term lodging for ill or unwanted animals or lodging for healthy animals on a fee basis. Such clinics may or may not also provide general grooming practices for such animals.

VIEW shall mean a range of sight including pleasing vistas or prospects or scenes. Views include but are not limited to the sight of geologic features, water, skylines, bridges, and distant cities.

VIEW CORRIDOR shall mean the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

VIEW PROTECTION REGULATIONS shall mean the regulations that protect the view of or from particular points, usually via height limitations.

VISITABILITY HOME shall mean a residence for anyone that provides basic access for everyone, and containing at a minimum the following:

5. One zero-step on an accessible route;
6. All main floor interior doors, including bathrooms, with 32 inches of clear passage space; and
7. At least a half bath on the main floor.

VISUAL IMPACT shall mean a modification or change that could be either compatible or incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.

VOCATIONAL OR SPECIAL TRAINING FACILITIES shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition.

Section 2.26 W

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WASTEWATER LAGOON (See "Lagoon")

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

WETLAND shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In additional to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WILDLIFE shall mean animals or plants existing in their natural habitat.

WIND ENERGY SYSTEM shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WINERY shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent is grown in this state.

WIRELESS COMMUNICATIONS TOWER shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction.

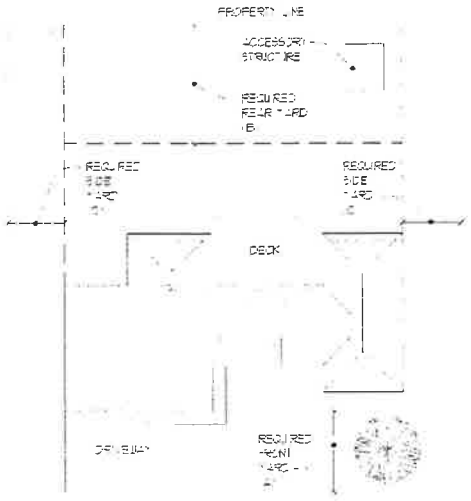
Section 2.27 X

Section 2.28 Y

YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this ordinance.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.



Example of Different Yard Requirements

YARD, SIDE shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this ordinance, to the rear yard, or rear lot line where no rear yard is required, between a side lot line and the side yard setback line.

YARD, STREET SIDE (OF CORNER) shall mean an open space extending from the front yard to the rear lot line, between the main building and the right-of-way line of the street, unoccupied and unobstructed by buildings or structures from the ground upward except as provided herein, the depth of which shall be measured as the least distance between the street right-of-way line and the side yard setback line.

Section 2.29 Z

ZONING, LOT shall mean a single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building or structure, for which the building permit or certificate of occupancy are issued and including such area of land as may be required by the provisions of this ordinance for such use, building, or structure. (See also "Lot, Zoning")

ZONING ADMINISTRATOR shall mean the same as "Planning ~~Manager~~ Director."

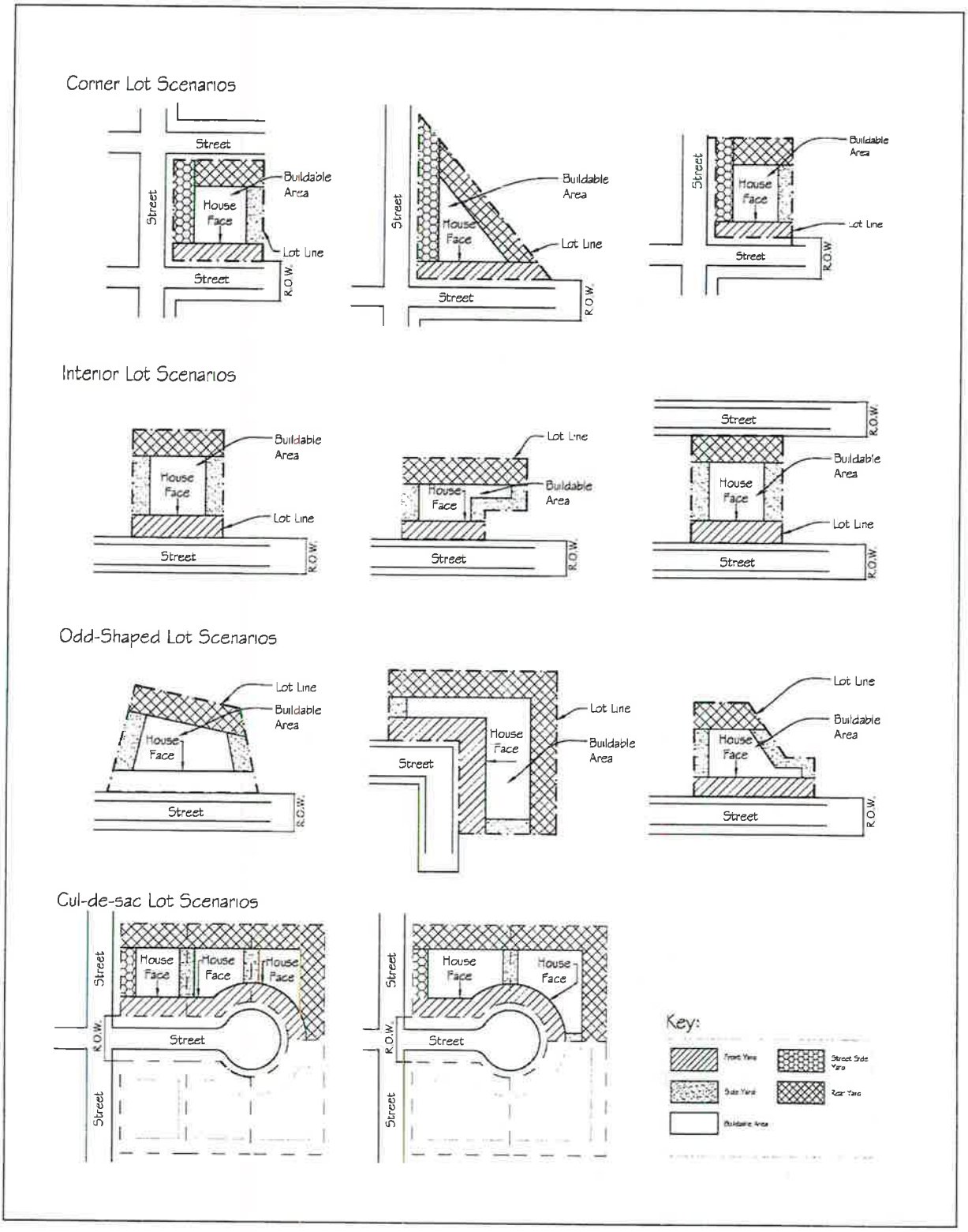
ZONING DISTRICT shall mean the same as "District."

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

ZOO shall mean an area, building, or structures which contain wild animals on exhibition for viewing by the public.

ZOO ANIMALS shall mean those animals that are kept in either a zoo or private zoo which are not native to Nebraska or the Great Plains region.

ZOO, PRIVATE shall mean any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the state, or any other political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire.



ARTICLE 3: DISTRICTS AND OFFICIAL MAP

Section 3.01 Districts

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the City and the area within the prescribed extraterritorial jurisdiction of the City as allowed under Nebraska Revised Statutes, the City is hereby divided into districts.

Section 3.02 Provision for Official Zoning Map

3.02.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. _____ of the City of Bellevue, Nebraska", together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

3.02.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ by Ordinance No. _____ of the City of Bellevue, Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE 4: GENERAL PROVISIONS

Section 4.01 Planning Commission Recommendations
Pursuant to Section §19-901 et. seq., Nebraska Reissue Revised Statutes, 1943, it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 4.02 District Regulations, Restrictions, Boundary Creation
No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one time 10 days prior to such hearing.

Section 4.03 Jurisdiction
The provisions of this Ordinance shall apply within the corporate limits of the City of Bellevue, Nebraska, and within the territory beyond said corporate limits as prescribed under Nebraska Revised Statutes, as established on the map entitled "The Official Zoning Map of the City of Bellevue, Nebraska", and as may be amended by subsequent annexation.

4.03.01 Annexation
Any land subsequently annexed to the City of Bellevue shall upon such annexation automatically be classified in the same zone existing under the extra territorial extension of this ordinance and remain so zoned until an amendment to this ordinance shall place such annexed land in a different zone or zones. The Planning and Zoning Commission shall review the zoning classification of any annexed land and shall report thereon to the City Council giving their recommendation as to the proper classification. Said report shall be submitted within six (6) months of the effective date of the annexation.

Section 4.04 Provisions of Ordinance Declared to be Minimum Requirements
In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Wherever the provisions of any other ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 4.05 Zoning Affects Every Building and Use
No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 4.06 Lot
4.06.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.
4.06.02 More than one principal building of a single permitted use, may be located upon a lot or tract in the following instances if approved by the City Council.
1. Institutional buildings
2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged
6. Agricultural buildings

4.06.03 In order to facilitate the enforcement of this ordinance the device of zoning lots as defined herein shall be used. A parcel of land shall be designated and suitably recorded by the Building Inspector as forming the site of each new building, structure or use of land or the site of any building structure or use of land designated for any alteration or modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and area to the provisions of this ordinance. A zoning lot may or may not coincide with platted lot lines. Each zoning lot shall front on a public street of not less than 25 feet in width for a distance of not less than 20 feet or shall have an exclusive, unobstructed easement of not less than 20 feet in width and not to exceed 150 feet in length.

Section 4.07 Through Lots

4.07.01 Through Lots shall follow the following criteria:

1. Where a Through Lot abuts a major thoroughfare, such as Highway 370, Highway 75, and Fort Crook Road, and access is made from the other frontage street and access along said thoroughfare is restricted, the Rear Yard setback for fences and screening devices shall be zero feet. The Rear Yard setback for accessory buildings shall follow the prescribed setback within the zoning district.
2. Where a Through Lot is part of a triple frontage lot and abuts a major thoroughfare, the Rear Yard shall meet the standards of 4.07.01 (1), while the other two frontages shall be treated as a Corner Lot with a Front Yard setback and a Street Side Yard setback.
3. Where a Through Lot occurs, other than along a major thoroughfare, the following shall apply:
   A. Where all principal structures in the development face the same frontage, then the Rear Yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot.
   B. Where principal structures face different directions along both frontages, the Rear Yard setback for fences and screening shall be the same as any prescribed Rear Yard setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical Corner Lot. All accessory buildings in this condition, shall comply with the minimum Rear Yard setbacks rather than the reduced setback allowed for accessory buildings.

Section 4.08 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 4.09 Obstructions to Vision at Street Intersections Prohibited

On a corner lot or street median/island, within the area formed by the property lines at a distance of 30 feet from their intersections, there shall be no obstruction to vision between a height of 30 inches and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets. At the intersection of major or other arterial streets, the 30-foot distance may be increased by the city. The requirements of this section shall not be deemed to prohibit any necessary retaining wall approved by the City or State. The City has the right to increase this distance based upon subdivision design and speed limits along major or other arterials.

All landscaping materials or structures installed in the street/road right-of-way, including islands, medians, round-abouts, and chicanes, shall be at least 50% non-opaque between the heights of 30 inches and 10 feet, unless approved by the City, to reduce vision and hearing obstruction and the interference with pedestrian or vehicular traffic in any way. All signs shall be kept clear of a triangular area formed by the intersection of street curbs measured 30 feet in each direction of the intersection.

Section 4.10 Yard Requirements

4.10.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, street side, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

4.10.02 All accessory buildings that are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.

4.10.03 No open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, lot area, and building location regulations herein designated for the zone in which such building or open space is located. No yard, off-street parking space, off-street loading space, or other open space surrounding any building for the purpose of complying with the provisions of this ordinance except as otherwise specified herein, shall be considered as providing a yard or open space for any other building, and no yard or other open space on one platted lot shall be considered as the required open space on another platted lot unless the other platted lot is in the same ownership and is declared as a single zoning lot in the application for a building permit for an existing building. The required yard or open space for any

use, building or structure shall be contained in the same zone as required for the principal use, its buildings or accessory buildings.

No lot, yard, off-street loading space, off-street parking space or other open space required for an existing building by the regulations contained herein shall be hereafter reduced in dimension or area below the minimum requirements set forth herein for said building or structure, except to provide for the extension, establishment or widening of a public street or highway.

Section 4.11 Exceptions and Encroachments in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

4.11.01 *All Yards:* Steps and accessibility ramps used for wheelchair and other assisting devices which are four feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than 18 inches into the required yard; and fences or walls subject to applicable height restrictions, cantilevers and/or fireplaces not more than 24 inches into the required yard, are permitted in all yards.

4.11.02 *Front Yards:*

1. Bay windows projecting three feet or less into the yard are permitted.
2. Where 40 percent or more of the lots on one side of a street between two intersection streets is developed with buildings that have observed a variation of 5 feet or less, a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings except that no building shall be required to provide a front yard greater than 40 feet.

3. Where 40 percent or more of the frontage on one side of the street between two intersecting streets are developed with buildings that have a front yard of less depth than herein required then:
   A. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side; or
   B. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on one side only, such building may be erected as close to the street as the existing adjacent building.

4.11.03 *Rear and Side Yards*: Open off-street parking spaces or outside elements of central air conditioning systems.

4.11.04 *Double Frontage Lots:* The required front yard shall be provided on each street, unless otherwise provided.

4.11.05 *Building Groupings*: For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

4.11.06 *Eaves, Cornices, Sills and Other Architectural Features*: Cornices, eaves, canopies, belt courses, sills, ornamental features, and other similar architectural features may project not more than one foot into any required yard or into any required open space, provided that such required yard or open space meets the current minimum yard standards, except that eaves may encroach 3 feet into a yard space when such yard space is 10 feet or more in width.

4.11.07 *Chimneys*: Chimneys when not more than 4 feet wide may extend one foot into any required yard space. Chimneys including those in excess of four feet wide may extend 2 feet into any yard space when such yard is 10 feet in more in width.

4.11.08 *Porches, Decks, and Terraces:* Open, uncovered porches, decks, or terraces no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than 30 inches above grade of the lot on the side of the building where such porch, deck, or terrace is located, may extend three (3) feet into any required side yard or 10 feet into any required front yard or any desired distance into any required rear yard. An open, uncovered porch, deck or terrace not exceeding the height limitations of the zoning district may extend up to 10 feet into any required rear yard. No railing or other barrier higher than 36 inches shall be placed around such porch, deck or terrace and no such barrier which interferes appreciably with the passage of light or air shall be within five (5) feet of any property line, except as otherwise provided in this ordinance. Any such porch, deck or terrace when located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to ensure proper sight distances as set forth in this ordinance for fences and hedges. Any side yard on a corner lot when such side yard is 20 feet or more in width may be considered as a front yard for the purposes of determining permitted encroachments. On any lot with a rear yard setback of 35 feet or greater, covered porches, decks, patios, or terraces attached to the rear of a single-family dwelling and no higher than thirty (30) inches above grade, may extend up to ten (10) feet into the rear yard setback. A covered porch, deck, patio, or terrace shall not be enclosed by walls, windows, screens, or other material in such a manner that this material extends more than 36 inches above the floor of the porch, deck, patio or terrace.

4.11.09 *Petition:* Upon petition of the majority of the property owners of the lots between two intersecting streets, the City Council, after receiving a recommendation from the Planning Commission, may establish a front yard line closer than the minimum front yard required provided the owners can present evidence the lots were originally platted under a previous zoning regulation allowing a front yard space less than what is required. The front yard line established shall not be less than the minimum front yard required under the previous zoning regulation.

4.11.10 *Existing Platting:* A single family dwelling may be built on any platted lot of record containing 75 percent of the required lot area for the district in which the lot is located if said lot was in separate ownership and

separate control at the effective date of this ordinance, provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification on purposes under a scheme in which multiple lots were intended to provide one building site.

4.11.11 *Steep Slopes:* Automobile storage garages may be allowed within a required front or side yard when such garage will be entirely below the grade of the lot, and after a finding by the Board of Adjustment that topographic conditions make such a location necessary that such orientation will not create a hazard to automobile or pedestrian traffic in the street, and that such orientation will be in harmony with the character of development of the neighborhood.
(Ord. No. 3858, October 10, 2016)

Section 4.12 Exceptions and Permitted Modifications of Height Regulations

Any structure hereafter erected or altered shall comply with the height limitations of the zone in which it is located except as specified below. However, no exception listed below shall exceed the height restrictions of an aircraft approach and turning zone.

4.12.01 The height limitations of this Ordinance shall not apply to the following, provided no such structure is over 75 feet in height:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Church Spires	Radio and Television
Conveyors	Towers less than 75 feet in height
Cooling Towers	Silos
Elevator Bulkheads	Smokestacks
Fire Towers	Stage Towers or Scenery Lots
Water Towers and Standpipes	Tanks
Flag Poles	Air-Pollution Prevention Devices

4.12.02 When permitted in a district, public or semi-public service buildings, hospitals, institutions, schools, or water reservoir towers may exceed the height limits of the zone in which they are located to a height not exceeding 75 feet, provided that such buildings and structures shall provide at least one additional foot of yard space on each side for each additional foot that such building or structure exceeds the specified height limit of the zone in which it is located and further provided that a finding is made by the Board of Adjustment that such additional height will not be materially detrimental to surrounding property.

Section 4.13 Accessory Building and Uses

4.13.01 No accessory building shall be constructed upon a lot prior to beginning construction of the principal building, except in the AG District.

4.13.02 No detached accessory building or structure shall exceed the maximum permitted height of the district.

4.13.03 No accessory building shall be erected in or encroach upon the required front yard or street side yard on a corner lot.

4.13.04 Detached accessory buildings or structures which require a permit as provided in the Uniform Administrative Code shall be located no closer than 6 feet to any other accessory or principal building or structure.

4.13.05 All accessory buildings, regardless of zoning district, shall be subordinate to the principal building with regard to size and building footprint except in the AG Agriculture District.

4.13.06 All accessory buildings shall be to the rear of the principal structure unless otherwise specified.

4.13.07 The side or rear yard setback for an accessory structure having vehicular access through said yard to an alley, public street, private road, or ingress/egress easement shall be a minimum of 15 feet.

4.13.08 Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than 15 feet from street lines.

4.13.09 *Accessory Buildings in Residential Districts*

Accessory buildings shall be permitted in all residential zoning districts in accordance with the following guidelines:

1. All accessory buildings shall be set back a minimum of five (5) feet from side and rear lot lines, and accessory buildings shall not be allowed within an existing easement.
2. The maximum height of an accessory building, as measured from grade level at the front of the building to the highest ridgeline of the accessory building, shall be fifteen (15) feet, provided one (1) additional foot of height shall be permitted for every two (2) feet of additional setback from the minimum setback from the nearest boundary line, but in no event shall an accessory building be taller than the highest

ridgeline of the principal building on the lot, as measured in feet from grade level at the front of the principal building to the highest ridgeline of the principal building.

3. Accessory buildings shall be permitted in the side yard provided they meet the minimum setback of the zoning district and are constructed with frost-free footings.
4. Unless otherwise provided, on lots one acre in size or smaller, the footprint of accessory buildings may be no larger than the greater of seven hundred fifty (750) square feet or fifty (50) percent of the building footprint of the principal structure on the lot, but in no event greater than one thousand two hundred (1,200) square feet. The area of eaves or overhangs greater than two (2) feet in depth shall be included in the building footprint area.
5. Unless otherwise provided, on lots greater than one acre in size, the footprint of accessory buildings may be no larger than one thousand two hundred (1,200) square feet. The area of eaves or overhangs greater than two (2) feet in depth shall be included in the building footprint area.
6. The total square footage of the principal building and any accessory buildings on a lot shall not exceed the maximum ground coverage permitted in the zoning district.

4.13.10 *Accessory Buildings in Commercial Districts*

Accessory buildings in commercial zoning districts shall be permitted in accordance with the following guidelines:

1. The accessory building may occupy any part of the zoning lot which the principal structure is permitted to occupy.
2. Accessory buildings may be no larger than the footprint of the principal structure and may not exceed the height of the principal building.
3. Ground coverage limitations of the zoning district shall not be exceeded.

(Ord. No. 3853, July 11, 2016)

Section 4.14 Drainage

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent with data indicating that such changes will not be a detriment to the neighboring lands.

Section 4.15 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 4.16 Non-Conforming, General Intent

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this ordinance.

Section 4.17 Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous ordinance would have prohibited creation of such lot. Variance of area and yard requirements shall be obtained only through action of the Board of Adjustment.

Section 4.18 Non-conforming Structures

4.18.01 ***Authority to continue:*** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

4.18.02 ***Enlargement, Repair, Alterations:*** Any such structure described in Section 4.18.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity

of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, and unless otherwise permitted by or as specified in the Residential District. All enlargements shall meet all existing required setbacks unless provided elsewhere in this Ordinance.

4.18.03 ***Damage or Destruction:*** In the event that any structure described in Section 4.18.01 is damaged or destroyed, by any means, to the extent of more than 60 percent of its structural value, exclusive of land and foundations, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.17, shall not have a side yard of less than five feet. When a structure is damaged to the extent of less than 60 percent of its structural value, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within six calendar months after the date of such partial destruction. If construction is not commenced within six calendar months, the use of said land or structure shall thereafter conform with the provisions of this ordinance.

4.18.04 ***Moving:*** No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 4.19 Non-conforming Uses

4.19.01 ***Non-conforming Uses of Land:*** Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment or this ordinance;
2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance;
3. If any such non-conforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4.19.02 ***Non-conforming Uses of Structures:*** If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structures and premises may be changed to another non-conforming use provided that the Planning Commission and City Council, after each has completed a Public Hearing as per State Statute, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Planning Commission and/or City Council may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
4. Any structure, or structure and land in combination, in any or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
6. Where non-conforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 4.20 Repairs and Maintenance

4.20.01 On any building devoted in whole or in part to any non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.

4.20.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 4.21 Amortization and Discontinuance of Certain Uses

There are found to be certain uses of land, buildings and structures which have an adverse effect on the carrying out of the comprehensive plan and which can reasonably be discontinued after a reasonable time irrespective of aforesaid rules as to non-conforming uses. The following uses shall be removed or made conforming with the specified amortization period. Said amortization period shall commence upon the effective date of this ordinance.

4.21.01 Fences, walls and foliage which constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within one calendar year.

4.21.02 All provisions in business and industrial zones of this ordinance setting forth specifications for the operation of a business or industry involving fencing or shielding shall be complied with within one calendar year.

4.21.03 Non-conforming open storage operations, such as truck parking, automobile wrecking, salvage material storage and similar uses not involving fencing or shielding shall be complied with within one calendar year.

Section 4.22 Uses under Conditional Use Permit not Non-conforming Uses

Any use for which a conditional use permit is issued as provided in this ordinance shall not be deemed a non-conforming use but shall without further action be deemed a conforming use in such district.

Section 4.23 Fees

All fees for any zoning or subdivision related action shall be required prior to the issuance or investigation of any said permit request. Fees shall be a part of the Master Fee Schedule adopted by the City Council by separate Resolution.

Section 4.24 Prohibited Uses

All uses not specifically listed within a particular zoning district are deemed to be prohibited until some point where this Ordinance is amended to include a given use.

ARTICLE 5: ZONING DISTRICTS

5.01	Districts; Uses
5.02	Districts; Boundaries
5.03	District Boundaries; Interpretation
5.04	Districts; Classification of Districts upon Annexation and Conformance with Land Use Plan
5.05	District (AG); Agricultural
5.06	District (RA); Residential Agriculture
5.07	District (RE); Residential Estates
5.08	District (RS-120); Single-Family Residential
5.09	District (RS-84); Single-Family Residential
5.10	District (RS-72); Single-Family Residential
5.11	District (RD-60); Duplex Residential
5.12	District (RG-50); General Residential
5.13	District (RG-28); General Residential
5.14	District (RG-20); General Residential
5.15	District (RG-8); General Residential
5.16	District (M); Modified Residential District
5.17	District (PS); Planned Subdivision
5.18	District (PO); Parking Overlay District
5.19	District (MU); Mixed Use District
5.20	District (BN); Neighborhood Business District
5.21	District (BNH); Heavy Neighborhood Business District
5.22	District (BG); General Business District
5.23	District (BGM); Metropolitan General Business District
5.24	District (BGH); Heavy General Business District
5.25	District (PCO); Planned Center Overlay District
5.26	District (FX); Flex Space District
5.27	District (ML); Light Manufacturing District
5.28	District (MH); Heavy Manufacturing District
5.29	District (AICUZ); Air Installation Use Zone
5.30	District (FF/FW); Flood Plain District
5.31	District (OTO); Olde Towne Overlay District
5.32	District (CO); Conservation Overlay District
5.33	District (FGZ); Federal Government Zone / Non-Regulated

Section 5.01 Districts; Use

For the purpose of this Ordinance, the Municipality is hereby divided into 27 districts, designated as follows:

(AG)	Agricultural (20 acres or more)
(RA)	Residential Agricultural (5 acres or more)
(RE)	Residential Estates (1 acre)
(RS-120)	Single-Family Residential (12,000 sq. ft.)
(RS-84)	Single-Family Residential (8,400 sq. ft.)
(RS-72)	Single-Family Residential (7,200 sq. ft.)
(RD-60)	Duplex Residential (6,000 sq. ft.)
(RG-50)	General Residential (5,000 sq. ft.)
(RG-28)	General Residential (5,000 sq. ft.)
(RG-20)	General Residential (5,000 sq. ft.)
(RG-8)	General Residential (5,000 sq. ft.)
(BN)	Neighborhood Business (7,500 sq. ft.)
(BNH)	Heavy Neighborhood Business (7,500 sq. ft.)
(BG)	General Business (zero sq. ft.)
(BGM)	Metropolitan General Business (zero sq. ft.)
(BGH)	Heavy General Business (zero sq. ft.)
(FX)	Flex Space (10,000 sq. ft.)
(ML)	Light Manufacturing (10,000 sq. ft.)
(MH)	Heavy Manufacturing (10,000 sq. ft.)
(FGZ)	Federal Government Zone / Non-Regulated

(M)	Modified Residential (Overlay)
(PS)	Planned Subdivision (Overlay)
(PO)	Parking (Overlay)
(MU)	Mixed Use (Overlay)
(PCO)	Planned Center (Overlay)
(AICUZ)	Air Installation Use Zone (Overlay)
(FF/FW)	Flood Plain (Overlay)
(OTO)	Olde Towne (Overlay)
(CO)	Conservation (Overlay)

Section 5.02 Districts; Boundaries

The boundaries of the districts are hereby established as shown on the maps entitled "Official Zoning Map of the City of Bellevue, Nebraska." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor and attested by the City Clerk. No changes shall be made on the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map. (Ref. §19-904 RS Neb.)

Section 5.03 Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

5.03.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;

5.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

5.03.03 Boundaries indicated as approximately following City limits shall be construed as following such City limits;

5.03.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

5.03.05 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

5.03.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 5.03.01 – 5.03.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

5.03.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 5.03.01 – 5.03.06 above, the Board of Adjustment shall interpret the district boundaries;

5.03.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Section 5.04 Classification of Districts Upon Annexation and Conformance with the Land Use Plan

Areas annexed into the corporate limits of Bellevue shall be zoned to conform to the Land Use Plan.

5.04.01 All uses not specifically listed are hereby prohibited

Section 5.05 AG Agricultural District

5.05.01 Intent: The Agricultural District is established for the purpose of preserving agricultural resources within the extraterritorial jurisdiction of Bellevue and is unlikely to be compatible with adjacent urban growth within the planning period. However, it is not intended for commercial feedlot operations for livestock or poultry because these uses are 1) not in the identified growth areas for the community, and 2) accommodating very low-density residential development, the district is designed to limit urban sprawl.

5.05.02 Permitted Uses:

The following principal uses are permitted in the AG District.

1. Farming, pasturing, animal husbandry, orchards, greenhouses, and nurseries, including the sale of products raised on the premises, subject to rules and regulations of the Board of Health and NDEQ, provided that no livestock feedlot or yard for more than 25 animals shall be established.
2. Ranch and farm dwellings for the owners and their families, tenants, and employees.
3. Single family dwellings.
4. Bed & Breakfasts.
5. Kennels, stables and riding academies.
6. Public overhead and underground local distribution utilities.
7. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities operated by the City of Bellevue or other political subdivision.
8. Public services and publicly owned and operated facilities, including utilities, but not including general offices, material yards or repair shops. Such facilities shall observe yard space rules but shall not be required to provide the full lot size and lot width requirement.
9. Railroads, not including sidings, switching, terminal facilities, freight yards, service repair, or administrative facilities.
10. Personal use of recreational vehicles, limited to one recreational vehicle per lot and provided that use of recreational vehicles located within the 100-year floodplain shall be subject to the regulations of Section 5.30 of this ordinance.

5.05.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the AG district as recommended by the Planning Commission and approved by the City Council.

1. Campgrounds.
2. Cemeteries provided all structures are located at least 100 feet from all property lines.
3. Commercial mines, quarries and sand and gravel pits.
4. Commercial/Utility grade wind energy systems, subject to Section 8.10.
5. Construction batch plants that are temporary in nature.
6. Family Child Care Home II which comply with Nebraska State Statutes.
7. Governmental services – administrative services.
8. Governmental services – maintenance and service facilities.
9. Hospital, nursing homes, assisted living, and convalescent facilities.
10. Indoor/Outdoor Recreation facilities.
11. Private recreation areas and facilities including country clubs and golf courses (but not miniature golf) on at least five acres, and swimming pools.
12. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges.
13. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
14. Recreational camps operated by public, charitable or religious organizations.
15. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.
16. Wastewater treatment facilities.
17. Winery, including subordinate use of microbrewery.

5.05.04 Permitted Accessory Uses:

1. Wireless Communication Towers and Antennas, as per Section 8.05.
2. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds, barns, stables, and garages, provided size of the accessory structure is in conformance with these regulations.
3. Family Child Care Home I
4. Guest houses not rented or otherwise conducted as a business.
5. Home based businesses, as per Section 8.04.

6. Incidental public safety uses such as emergency sirens.
7. Living quarters for not more than two persons regularly employed on the premises.
8. Offices incidental to and necessary for conducting a permitted use.
9. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
   A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
   B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
   C. Portable outdoor storage containers shall be placed on an approved hard surface.
   D. No more than one portable outdoor storage container may be located on a lot at any one time.
10. Private swimming pool, tennis court and other similar facilities in conjunction with a residence.
11. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.
12. Residential and small wind energy systems, subject to Section 8.10.
13. Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises.
14. Signs as provided for in Article 7.
15. Storage or parking of vehicles, boats, campers and trailer, as per Sections 8.01-8.03.
16. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
17. The keeping of dogs, cats, and other household pets.

5.05.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Residential Dwelling	20	150	35[1]	25	20	35	35
Other Permitted Uses	20	150	35[1]	25	20	35	35
Conditional Uses	20	150	35[1]	25	20	35	35
Accessory Buildings	-	-	35[1]	25	20	20	35

[1] If along a county road then measured from road right-of-way.

5.05.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.1.
2. The Maximum ground coverage including accessory buildings is 10 percent
3. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. ***(Ord. No. 3692, Dec. 10, 2012)***

Section 5.06 RA Residential Agriculture District

5.06.01 Intent: The Residential Agriculture District is an area that is in the process of transitioning agriculture to more urban uses. The district is established for the purpose of preserving agricultural land and resources, during the transitional period, that are compatible with adjacent urban growth and eventual development in other uses pending proper timing for practical and economical provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the city preserved. A change of zoning from AG to any other classification shall be in accordance with planning practices established by the City. This district is not intended for commercial feedlot operations for livestock or poultry.

5.06.02 Permitted Uses:

The following principal uses are permitted in the RA District.

1. Single family dwellings.
2. Farming, pasturing, orchards, greenhouses, and nurseries, including the sale of products or animals raised on the premises, provided that:
   A. There shall be a maximum of two animals for the first acre of land, with an additional one animal for every two additional acres of land, except for stables as provided for in these regulations.
3. Bed & Breakfasts.
4. Public overhead and underground local distribution utilities.
5. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities operated by the City of Bellevue or other political subdivision.
6. Public services and publicly owned and operated facilities, including utilities, but not including general offices, material yards or repair shops. Such facilities shall observe yard space rules but shall not be required to provide the full lot size and lot width requirement.
7. Railroads, not including sidings, switching, terminal facilities, freight yards, service repair, or administrative facilities.

5.06.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RA District as recommended by the Planning Commission and approved by the City Council.

1. Animal Hospitals.
2. Campgrounds.
3. Cemeteries provided all structures are located at least 100 feet from all property lines.
4. Construction batch plants that are temporary in nature.
5. Family Child Care Home II which comply with Nebraska State Statutes.
6. Governmental services – administrative services.
7. Governmental services – maintenance and service facilities.
8. Hospital, nursing homes, assisted living, and convalescent facilities.
9. Indoor/Outdoor Recreation facilities.
10. Private recreation areas and facilities including country clubs and golf courses (but not miniature golf) on at least five acres, and swimming pools.
11. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges.
12. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
13. Recreational camps operated by public, charitable or religious organizations.
14. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.
15. Wastewater treatment facilities.

5.06.04 Permitted Accessory Uses:

1. Accessory structures no larger than three thousand (3,000) square feet provided they meet the following requirements:
   A. The accessory structure shall comply with the applicable space limitations, including maximum building height, for the principal structure on the lot.
   B. The accessory structure shall be adequately screened, in accordance with the provisions of Article 9, from abutting residential properties.
   C. Use of the accessory structure shall be limited to the residents of the lot upon which the structure is located.
   D. The accessory structure shall not be used for a home-based business or any other commercial use.

The Planning ~~Manager~~ Director shall determine that the purpose, design, and construction of the accessory structure shall be compatible or otherwise in keeping with the surrounding neighborhood.

2. Wireless Communication Towers and Antennas, as per Section 8.05.
3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds, barns, stables, and garages, provided size of the accessory structure is in conformance with these regulations.
4. Family Child Care Home I.
5. Guest houses not rented or otherwise conducted as a business.
6. Home based businesses, as per Section 8.04.
7. Incidental public safety uses such as emergency sirens.
8. Living quarters for not more than two persons regularly employed on the premises.
9. Offices incidental to and necessary for conducting a permitted use.
10. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:

A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
C. Portable outdoor storage containers shall be placed on an approved hard surface.
D. No more than one portable outdoor storage container may be located on a lot at any one time.

11. Private stables, corrals and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 40 feet from any dwelling on the same or adjoining property. No horse or other equine shall be kept on a lot of less than one acre and two horses, or other equines, may be kept on an acre, but for each additional horse or other equine above two kept there shall be an additional 20,000 square feet in lot area.
12. Raising and care of animals for 4-H, Future Farmers of America (FFA), recreational uses, or other rural/school organizations.
13. Raising of hens, as per Section 8.13.
14. Residential and small wind energy systems, subject to Section 8.10.
15. Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises.
16. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
17. The keeping of dogs, cats, and other household pets.

5.06.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Residential Dwelling	5	150	35[2]	25	20	35	35
Other Permitted Uses	5	150	35[2]	25	20	35	35
Conditional Uses	5	150	35[2]	25	20	35	35
Accessory Buildings	-	-	35[2]	25	20	35	15[1]

1. For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.
2. If along a county road, then measured from road right-of-way

5.06.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.1.
2. The Maximum ground coverage including accessory buildings is 15 percent
3. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
4. All parking and storage of vehicles, boats, campers and trailers shall be in conformance with Sections 8.01-8.03.
5. All signage shall be in conformance with Article 7.

(Ord. No. 3761, April 14, 2014)

Section 5.07 RE Residential Estates

5.07.01 Intent: The Residential Estates District is established for the purpose of allowing low density residential uses on larger parcels of land that are compatible with adjacent urban growth. The RE classification is to be used only for suburban single-family homes and the community services and facilities appurtenant thereto.

5.07.02 Permitted Uses:

The following principal uses are permitted in the RE District.

1. Single family dwellings.
2. Crop and tree farming.
3. Public overhead and underground local distribution utilities.
4. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
5. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.07.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RE District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Governmental services – administrative services.
5. Governmental services – maintenance and service facilities.
6. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
7. Public, parochial, and private schools and colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
8. Quasi-public buildings, structures and uses.
9. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
10. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction when located in a substantial structure and on a site of at least two acres.

5.07.04 Permitted Accessory Uses:

1. Accessory structures no larger than three thousand (3,000) square feet provided they meet the following requirements:
   - A. The accessory structure shall comply with the applicable space limitations, including maximum building height, for the principal structure on the lot.
   - B. The accessory structure shall be adequately screened, in accordance with the provisions of Article 9, from abutting residential properties.
   - C. Use of the accessory structure shall be limited to the residents of the lot upon which the structure is located.
   - D. The accessory structure shall not be used for a home-based business or any other commercial use. The Planning ~~Manager~~ Director shall determine that the purpose, design, and construction of the accessory structure shall be compatible or otherwise in keeping with the surrounding neighborhood.
2. **Wireless Communication Towers and Antennas**, as per Section 8.05.
3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds, barns, stables, and garages, provided size of the accessory structure is in conformance with these regulations.
4. Family Child Care Home I.
5. Guest houses, not rented or otherwise conducted as a business.
6. Home based businesses, as per Section 8.04.
7. Incidental public safety uses such as emergency sirens.
8. Living quarters for not more than two persons regularly employed on the premises, but not including labor camps or dwellings for transient labor.
9. Offices incidental to and necessary for conducting a permitted use.
10. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
    - A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.

B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
C. Portable outdoor storage containers shall be placed on an approved hard surface.
D. No more than one portable outdoor storage container may be located on a lot at any one time.

11. Private stables, corrals and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 40 feet from any dwelling on the same or adjoining property. No horse or other equine shall be kept on a lot of less than one acre and two horses, or other equines, may be kept on an acre, but for each additional horse or other equine above two kept there shall be an additional 20,000 square feet in lot area.
12. Raising of hens, as per Section 8.13.
13. Residential and small wind energy systems, subject to Section 8.10.
14. Roadside stands not exceeding 400 square feet in floor area, for the sale of agricultural products grown on the premises.
15. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
16. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.07.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (Acres)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Residential Dwelling	1[2]	120	35	25	20	35	35
Other Permitted Uses	1[2]	120	35	25	20	35	35
Conditional Uses	1[2]	120	35	25	20	35	35
Accessory Buildings	-	-	35	25	5	5	15[1]

1. For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.
2. If along a county road, then measured from road right-of-way.

5.07.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.1.
2. The Maximum ground coverage including accessory buildings is 20 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. All parking and storage of vehicles, boats, campers and trailers shall be in conformance with Sections 8.01-8.03.
6. All signage shall be in conformance with Article 7.

(Ord. No. 3761, April 14, 2014)

Section 5.08 RS-120 Single-Family Residential

5.08.01 Intent: This district is intended to permit single family residential developments and other compatible uses on relatively ample sized lots.

5.08.02 Permitted Uses:

The following principal uses are permitted in the RS-120 District.

1. Single family detached dwellings.
2. Community gardens.
3. Public overhead and underground local distribution utilities.
4. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
5. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.08.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RS-120 District as recommended by the Planning Commission and approved by the City Council.

1. Banquet hall.
2. Bed & Breakfasts.
3. Cemeteries, provided all structures are located at least 100 feet from all property lines.
4. Family Child Care Home II.
5. Governmental services – administrative services.
6. Governmental services – maintenance and service facilities.
7. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
8. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
9. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
10. Quasi-public buildings, structures and uses.
11. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
12. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction when located in a substantial structure and on a site of at least two acres.

5.08.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RS-120 District:

1. **Wireless Communication Towers and Antennas**, as per Section 8.05.
2. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
3. Family Child Care Home I
4. Guest houses, not rented or otherwise conducted as a business.
5. Home based businesses, as per Section 8.04.
6. Incidental public safety uses such as emergency sirens.
7. Living quarters for not more than two persons regularly employed on the premises.
8. Offices incidental to and necessary for conducting a permitted use.
9. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
   A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
   B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
   C. Portable outdoor storage containers shall be placed on an approved hard surface.
   D. No more than one portable outdoor storage container may be located on a lot at any one time.
10. Private stables, corrals and paddocks when located no closer than 20 feet from any property line, no closer than 50 feet from a street line and no closer than 40 feet from any dwelling on the same or adjoining property. No horse or other equine shall be kept on a lot of less than one acre and two horses, or other equines, may be kept on an acre, but for each additional horse or other equine above two kept there shall be an additional 20,000 square feet in lot area.
11. Raising of hens, as per Section 8.13

12. Residential and small wind energy systems, subject to Section **8.10**.
13. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
14. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.08.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Residential Dwelling	12,000[2]	80	35	20	10	35	35
Other Permitted Uses	12,000[2]	80	35	20	10	35	35
Conditional Uses	12,000[2]	80	35	20	10	35	35
Accessory Buildings	-	-	35	20	5	5	15[1]

1 For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.

2 If along a county road, then measured from road right-of-way.

(Ord. No. 3715, May 13, 2013)

5.08.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.3.
2. The Maximum ground coverage including accessory buildings is 25 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.09 RS-84 Single-Family Residential

5.09.01 Intent: This district is intended to permit single family residential developments and other compatible uses on medium sized lots.

5.09.02 Permitted Uses:

The following principal uses are permitted in the RS-84 District.

1. Single family detached dwellings.
2. Community gardens.
3. Public and quasi-public buildings, structures and uses for cultural use.
4. Public overhead and underground local distribution utilities.
5. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
6. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.09.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RS-84 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Governmental services – administrative services.
5. Governmental services – maintenance and service facilities.
6. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
7. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
8. Public and private schools.
9. Public, parochial and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
10. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
11. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction when located in a substantial structure and on a site of at least two acres.

5.09.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RS-84 District:

1. **Wireless Communication Towers and Antennas**, as per Section 8.05.
2. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
3. Family Child Care Home I.
4. Guest houses, not rented or otherwise conducted as a business.
5. Home based businesses, as per Section 8.04.
6. Incidental public safety uses such as emergency sirens.
7. Living quarters for not more than two persons regularly employed on the premises.
8. Offices incidental to and necessary for conducting a permitted use.
9. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
   A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
   B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
   C. Portable outdoor storage containers shall be placed on an approved hard surface.
   D. No more than one portable outdoor storage container may be located on a lot at any one time.
10. Raising of hens per Section 8.13
11. Residential and small wind energy systems, subject to Section 8.10.
12. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

13. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.09.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Residential Dwelling	8,400	70	25[2]	20	10[1]	35[3]	35
Other Permitted Uses	8,400	70	25[2]	20	10[1]	35[3]	35
Conditional Uses	8,400	70	25[2]	20	10[1]	35[3]	35
Accessory Buildings	-	-	25[2]	20	5	5	15[4]

1 Side yard may be reduced to five feet for lots platted prior to May 3, 1965.
2 35 feet on platted lots prior to the adoption date of this ordinance regardless of subsequent replats.
3 Rear yard shall be 25 feet on platted lots prior to adoption of this ordinance regardless of subsequent replats.
4 For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.

(Ord. No. 3824, Nov 9, 2015)

5.09.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.3.
2. The Maximum ground coverage including accessory buildings is 30 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.10 RS-72 Single-Family Residential

5.10.01 Intent: This district is intended to permit single family residential developments and other compatible uses on medium sized lots.

5.10.02 Permitted Uses:

The following principal uses are permitted in the RS-72 District.

1. Single family detached dwellings.
2. Community gardens
3. Public and quasi-public buildings, structures and uses for cultural use.
4. Public overhead and underground local distribution utilities.
5. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
6. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.10.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RS-72 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Governmental services – administrative services.
5. Governmental services – maintenance and service facilities.
6. Group care homes which comply with Nebraska State Statutes.
7. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
8. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
9. Public and private schools.
10. Public, parochial and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
11. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
12. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction when located in a substantial structure and on a site of at least two acres.

5.10.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RS-72 District:

1. **Wireless Communication Towers and Antennas**, as per Section 8.05.
2. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
3. Family Child Care Home I
4. Guest houses, not rented or otherwise conducted as a business.
5. Home based businesses, as per Section 8.04.
6. Incidental public safety uses such as emergency sirens.
7. Living quarters for not more than two persons regularly employed on the premises.
8. Offices incidental to and necessary for conducting a permitted use.
9. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
   A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
   B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
   C. Portable outdoor storage containers shall be placed on an approved hard surface.
   D. No more than one portable outdoor storage container may be located on a lot at any one time.
10. Raising of hens per section 8.13
11. Residential and small wind energy systems, subject to Section 8.10.
12. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

13. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.10.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Residential Dwelling	7,200	65	25[2]	20	7[1]	35[3]	35
Other Permitted Uses	7,200	65	25[2]	20	7[1]	35[3]	35
Conditional Uses	7,200	65	25[2]	20	7[1]	35[3]	35
Accessory Buildings	-	-	25[2]	20	5	5	15[4]

1 Side yard may be reduced to five feet for lots platted prior to May 3, 1965.
2 35 feet on platted lots prior to the adoption date of this ordinance regardless of subsequent replats.
3 Rear yard shall be 25 feet on platted lots prior to adoption of this ordinance regardless of subsequent replats.
4 For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.

(Ord No. 3824, Nov 9, 2015)

5.10.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.3.
2. The Maximum ground coverage including accessory buildings is 30 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.11 RD-60 Duplex Residential

5.11.01 Intent: This district is intended to permit single-family and two-family residential developments and other compatible uses on smaller sized lots.

5.11.02 Permitted Uses:

The following principal uses are permitted in the RD-60 District.

1. Single family attached dwellings.
2. Single family detached dwellings.
3. Two-family dwellings.
4. Community gardens.
5. Public and quasi-public buildings, structures and uses for cultural use.
6. Public overhead and underground local distribution utilities.
7. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.11.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RD-60 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Fraternity and sorority houses when directly associated with a college or university.
5. Governmental services – administrative services.
6. Governmental services – maintenance and service facilities.
7. Group care homes which comply with Nebraska State Statutes.
8. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
9. Non-profit community buildings and social welfare establishments
10. Private recreation areas and facilities including country clubs, Par 3 golf courses (but not miniature golf), and swimming pools.
11. Public and private schools.
12. Public, parochial and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
13. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
14. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.

5.11.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RD-60 District:

1. Adult Care Center.
2. **Wireless Communication Towers and Antennas**, as per Section 8.05.
3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
4. Congregate housing.
5. Emergency Shelters.
6. Family Child Care Home I.
7. Guest houses, not rented or otherwise conducted as a business.
8. Home based businesses, as per Section 8.04.
9. Incidental public safety uses such as emergency sirens.
10. Living quarters for not more than two persons regularly employed on the premises.
11. Offices incidental to and necessary for conducting a permitted use.
12. Portable Outdoor Storage shall be a permitted accessory uses subject to the following conditions:
    A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.
    B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.

C. Portable outdoor storage containers shall be placed on an approved hard surface.
D. No more than one portable outdoor storage container may be located on a lot at any one time.

13. Residential and small wind energy systems, subject to Section 8.10.
14. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
15. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.11.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Single-family Dwelling	6,000	60	25[2]	15	5	35[3]	35
Single-family attached	6,000	45	25[2]	15	10[1]	35[3]	35
Two-family Dwelling	12,000	80	25[2]	15	5	35[3]	35
Other Permitted Uses	6,000	60	25[2]	15	5	35[3]	35
Conditional Uses	6,000	60	25[2]	15	5	35[3]	35
Accessory Buildings	-	-	25[2]	15	5	5	15[4]

1 The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
2 35 feet on platted lots prior to the adoption date of this ordinance regardless of subsequent replats.
3 Rear yard shall be 25 feet on platted lots prior to adoption of this ordinance regardless of subsequent replats.
4 For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.

(Ord. No. 3824, Nov 9, 2015)

5.11.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.3.
2. The Maximum ground coverage including accessory buildings is 40 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.12 RG-50 General Residential

5.12.01 Intent: This district is intended to permit single-family and two-family residential developments and other compatible uses on smaller sized lots.

5.12.02 Permitted Uses:

The following principal uses are permitted in the RG-50 District.

1. Single family attached dwellings.
2. Single family detached dwellings.
3. Two-family dwellings.
4. Residential buildings containing not more than 4 dwelling units.
5. Community gardens.
6. Public and quasi-public buildings, structures and uses for cultural use.
7. Public overhead and underground local distribution utilities.
8. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
9. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.12.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RG-50 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Fraternity and sorority houses when directly associated with a college or university.
5. Governmental services – administrative services.
6. Governmental services – maintenance and service facilities.
7. Group care homes which comply with Nebraska State Statutes.
8. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
9. Non-profit community buildings and social welfare establishments
10. Private recreation areas and facilities including country clubs, Par 3 golf courses (but not miniature golf), and swimming pools.
11. Public and private schools.
12. Public, parochial and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
13. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
14. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.

5.12.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RG-50 District:

1. Adult Care Center.
2. **Wireless Communication Towers and Antennas**, as per Section 8.05.
3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
4. Congregate housing.
5. Emergency Shelters.
6. Family Child Care Home I.
7. Guest houses, not rented or otherwise conducted as a business.
8. Home based businesses, as per Section 8.04.
9. Incidental public safety uses such as emergency sirens.
10. Living quarters for not more than two persons regularly employed on the premises.
11. Offices incidental to and necessary for conducting a permitted use.
12. Portable Outdoor Storage shall be permitted accessory uses subject to the following conditions:
    A. Portable outdoor storage shall be permitted for no more than seven days in any thirty-day period.

B. Portable outdoor storage containers shall be no more than eight feet wide, eight feet high, and sixteen feet long.
C. Portable outdoor storage containers shall be placed on an approved hard surface.
D. No more than one portable outdoor storage container may be located on a lot at any one time.

13. Residential and small wind energy systems, subject to Section 8.10.
14. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
15. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.12.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Single-family Dwelling	5,000	50	35	15	5	25	35
Single-family attached	5,000 per unit	45 per unit	35	15	10[1]	25	35
Two-family Dwelling	10,000	75	35	15	5	25	35
Res. Buildings not more than four dwelling units	5,000 per unit	75	35	15	10	25	35
Other Permitted Uses	5,000	50	35	15	5	25	35
Conditional Uses	5,000	50	35	15	5	25	35
Accessory Buildings	-	-	35	15	5	5	15[2]

[1] The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
[2] For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.

5.12.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 0.5.
2. The Maximum ground coverage including accessory buildings is 50 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

(Ord. No. 3776, August 11, 2014)

Section 5.13 RG-28 General Residential

5.13.01 Intent: This district is intended to permit low rise, medium density development that will be compatible when located near and among lower density types of housing, including single-family and two-family on small lots.

5.13.02 Permitted Uses:

The following principal uses are permitted in the RG-28 District.

1. Single family attached dwellings.
2. Single family detached dwellings.
3. Two-family dwellings.
4. Apartments and multi-family dwellings.
5. Community gardens.
6. Public and quasi-public buildings, structures and uses for cultural use.
7. Public overhead and underground local distribution utilities.
8. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
9. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.13.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RG-28 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Fraternity and sorority houses when directly associated with a college or university.
5. Governmental services – administrative services.
6. Governmental services – maintenance and service facilities.
7. Group care homes which comply with Nebraska State Statutes.
8. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
9. Non-profit community buildings and social welfare establishments
10. Private recreation areas and facilities including country clubs, Par 3 golf courses (but not miniature golf), and swimming pools.
11. Public and private schools.
12. Public, parochial, and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
13. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
14. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.

5.13.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RG-28 District:

1. Adult Care Center.
2. **Wireless Communication Towers and Antennas**, as per Section 8.05.
3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
4. Congregate housing.
5. Emergency Shelters.
6. Family Child Care Home I.
7. Guest houses, not rented or otherwise conducted as a business.
8. Home based businesses, as per Section 8.04.
9. Incidental public safety uses such as emergency sirens.
10. Living quarters for not more than two persons regularly employed on the premises.
11. Offices incidental to and necessary for conducting a permitted use.
12. Residential and small wind energy systems, subject to Section 8.10.

13. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
14. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 5.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.13.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Single-family Dwelling	5,000	50	35	15	5	20	35
Single-family attached	5,000 per unit	50 per unit	35	15	5[1]	20	35
Two-family Dwelling	10,000	50	35	15	5	20	35
Multi-family Dwelling[2]	2,800 per unit	50	35	15	5	20	35
Other Permitted Uses	5,000	50	35	15	5	20	35
Conditional Uses	5,000	50	35	15	5	20	35
Accessory Buildings	-	-	35	15	5	5	15[3]

1 The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.
2 The first four units of a multiple family dwelling, townhouse, or condominium shall have a minimum lot area of 5,000 s.f. per unit; after which the minimum lot area may be 2,800 sg ft. per unit.
3 For each additional two feet of setback, height may be increased one foot but in no event shall the accessory structure be taller than the principal structure.

5.13.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 1.0.
2. The Maximum ground coverage including accessory buildings is 60 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.14 RG-20 General Residential

5.14.01 Intent: This district is intended to permit moderately high-density development and uses that are typical and compatible in the operation of apartment houses.

5.14.02 Permitted Uses:

The following principal uses are permitted in the RG-20 District.

1. Single family attached dwellings.
2. Single family detached dwellings.
3. Two-family dwellings.
4. Apartments and multi-family dwellings.
5. Community gardens.
6. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
7. Public and quasi-public buildings, structures and uses for cultural use.
8. Public overhead and underground local distribution utilities.
9. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
10. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.14.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RG-20 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Fraternity and sorority houses when directly associated with a college or university.
5. Governmental services – administrative services.
6. Governmental services – maintenance and service facilities.
7. Group care homes which comply with Nebraska State Statutes.
8. Mortuaries, funeral homes, and funeral chapels.
9. Non-profit community buildings and social welfare establishments
10. Private recreation areas and facilities including country clubs, Par 3 golf courses (but not miniature golf), and swimming pools.
11. Public and private schools.
12. Public, parochial, and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
13. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
14. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.

5.14.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RG-20 District:

1. Adult Care Center.
2. **Wireless Communication Towers and Antennas**, as per Section 8.05.3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
4. Congregate housing.
5. Emergency Shelters.
6. Family Child Care Home I.
7. Guest houses, not rented or otherwise conducted as a business.
8. Home based businesses, as per Section 8.04.
9. Incidental public safety uses such as emergency sirens.
10. Living quarters for not more than two persons regularly employed on the premises.
11. Offices incidental to and necessary for conducting a permitted use.
12. Residential and small wind energy systems, subject to Section 8.10.

13. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
14. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.14.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Single-family Dwelling	5,000	40	35	10	5	10	75
Single-family attached	5,000 per unit	40 per unit	35	10	5[1]	10	75
Two-family Dwelling	10,000	40	35	10	5	10	75
Multi-family Dwelling[2]	2,000 per unit	40	35	10	5	10	75
Other Permitted Uses	5,000	40	35	10	5	10	75
Conditional Uses	5,000	40	35	10	5	10	75
Accessory Buildings	-	-	35	10	5	5	75

[1] The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

[2] The first four units of a multiple family dwelling, townhouse, or condominium shall have a minimum lot area of 5,000 s.f. per unit; after which the minimum lot area may be 2,000 s.f. per unit.

5.14.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 3.0.
2. The Maximum ground coverage including accessory buildings is 80 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.15 RG-8 General Residential

5.15.01 Intent: This district is intended to permit very high-density development, multi-story apartment development, and other uses that are typical and compatible in the operation of apartment houses.

5.15.02 Permitted Uses:

The following principal uses are permitted in the RG-8 District.

1. Single family attached dwellings.
2. Single family detached dwellings.
3. Two-family dwellings.
4. Apartments and multi-family dwellings.
5. Community gardens.
6. Hospitals, sanitariums, rest homes, nursing homes, elderly or retirement housing, convalescent homes, other similar institutions, or philanthropic institutions.
7. Public and quasi-public buildings, structures and uses for cultural use.
8. Public overhead and underground local distribution utilities.
9. Public parks and recreation areas, playgrounds and conservation areas including woodlands and flood control facilities operated by the City of Bellevue or other political subdivision.
10. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

5.15.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RG-8 District as recommended by the Planning Commission and approved by the City Council.

1. Bed & Breakfasts.
2. Cemeteries, provided all structures are located at least 100 feet from all property lines.
3. Family Child Care Home II.
4. Fraternity and sorority houses when directly associated with a college or university.
5. Governmental services – administrative services.
6. Governmental services – maintenance and service facilities.
7. Group care homes which comply with Nebraska State Statutes.
8. Mortuaries, funeral homes, and funeral chapels.
9. Non-profit community buildings and social welfare establishments
10. Private recreation areas and facilities including country clubs, Par 3 golf courses (but not miniature golf), and swimming pools.
11. Public and private schools.
12. Public, parochial, and private colleges offering courses of general instruction when located on sites of at least 5 acres and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
13. Radio, television and wireless communication towers and transmitters, as per Section 8.05.
14. Religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction.

5.15.04 Permitted Accessory Uses:

The following accessory uses are permitted in the RG-8 District:

1. Adult Care Center.
2. **Wireless Communication Towers and Antennas**, as per Section 8.05.
3. Buildings and uses customarily incidental to the permitted and conditional uses, provided they are located to the rear or side of the primary structure, including private sheds and garages, provided size of the accessory structure is in conformance with these regulations.
4. Congregate housing.
5. Emergency Shelters.
6. Family Child Care Home I.
7. Guest houses, not rented or otherwise conducted as a business.
8. Home based businesses, as per Section 8.04.
9. Incidental public safety uses such as emergency sirens.
10. Living quarters for not more than two persons regularly employed on the premises, but not including labor camps or dwellings for transient labor.
11. Offices incidental to and necessary for conducting a permitted use.
12. Residential and small wind energy systems, subject to Section 8.10.

13. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
14. The keeping of dogs, cats, and other household pets, but limited to 3 animals over six months of age, except as permitted for in Sections 6.0, 6.23, and 6.47 of the Bellevue City Code. ***(Ord. No. 3902, April 9, 2018)***

5.15.05 Height and Lot Requirements:

1. The height and minimum lot requirements shall be as follows:

Uses	Lot Area (sq. ft.)	Lot Width (ft)	Front Yard (ft)	Street Side Yard (ft)	Side Yard (ft)	Rear Yard (ft)	Max. Height (ft)
Single-family Dwelling	5,000	40	25	5	3	10	None
Single-family attached	5,000 per unit	40 per unit	25	5	3[1]	10	None
Two-family Dwelling	10,000	40	25	5	3	10	None
Multi-family Dwelling[2]	800 per unit	40	25	5	3	10	None
Other Permitted Uses	5,000	40	25	5	3	10	None
Conditional Uses	5,000	40	25	5	3	10	None
Accessory Buildings	-	-	25	5	3	5	None

[1] The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

[2] The first four units of a multiple family dwelling, townhouse, or condominium shall have a minimum lot area of 2,500 s.f. per unit; after which the minimum lot area may be 800 s.f. per unit.

5.15.06 Miscellaneous Provisions:

1. The maximum gross floor area ratio is 8.0.
2. The Maximum ground coverage including accessory buildings is 90 percent.
3. Off-street parking space shall be provided for all uses established in this zone.
4. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.
5. Any development within this zoning district utilizing off-street parking shall be landscaped and screened in accordance with this ordinance.
6. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
7. All signage shall be in conformance with Article 7.

Section 5.16 M Modified Residential District

5.16.01 *Intent.* An appending or combining district designed for mobile home parks. This zoning district is created to be appended to another primary residential district to provide for the inclusion of mobile home parks as an additional use at locations which are suitable for mobile dwellings, and to provide for the placement of more than one transportable structure on a zoned lot.

5.16.02 *Permitted Uses*

1. Any principal uses permitted in the Primary Zoning District to which M Modified Residential District classification is appended when established according to the regulations and provisions of the primary zoning district.
2. Mobile Home Parks authorized and licensed by the city for the parking and occupancy of mobile dwellings.

5.16.03 *Conditional Uses*

1. Any conditional use permitted in the Primary Zoning District to which M Modified Residential District classification is appended when established according to the regulations and provisions of the Primary Zoning District.
2. Satellite dish antennas that conform to the supplementary regulations of this Ordinance.

5.16.04 *Accessory Uses*

1. Any accessory use permitted in the Primary Zoning District to which M Modified Residential District classification is appended when established according to the regulations and provisions of the Primary Zoning District.
2. Accessory uses which are necessary or required by other ordinances of the city, such as storm shelters or service facilities for bathing, laundry, etc., as required by the State or County Health regulations.

5.16.05 *Building Height and Area Requirements for Permanent Structures*

1. The requirements of the Primary Zoning District shall be applicable. In the event the tract of land lies in more than one primary zoning district, the requirements of the more restrictive primary zoning district shall be applicable.

5.16.06 *Additional requirements*

1. Area and Setback Requirements.

Minimum Mobile Home Park Land Area	Five (5) acres
Minimum Mobile Home Park Width	300 feet
Minimum Front Buffer Area	50 feet (street line to individual interior lot line)
Minimum Side Buffer Area	25 feet (street property line to individual interior lot line)
Minimum Rear Buffer Area	25 feet (rear property line to individual interior lot line)

2. Individual Interior Lot (sublot) Requirements

Minimum Lot Area	Shall be consistent with underlying district
Minimum Front Yard	20 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

3. Mobile Homes Shall Maintain the Following Minimum Separations

End to End	10 feet
End to Side	10 feet
Side to Side	10 feet
Mobile Home to Community Building	30 feet
Mobile Home to Accessory Storage Building	6 feet
Mobile Home to Accessory Garage	10 feet

4. Mobile Home Minimum Size

Minimum Livable Floor Area	500 square feet

5.16.07 *Streets*

1. Public streets are subject to the requirements of the City of Bellevue subdivision regulations.
2. If private streets are utilized, the following shall apply:
   A. On streets where parallel parking is allowed on both sides of the street, the width of the street shall be a minimum of thirty-six (36) feet exclusive of curbs.
   B. On streets where parallel parking is allowed on one side of the street, the width of the street shall be a minimum of thirty (30) feet exclusive of curbs.
   C. On streets where parking is prohibited, the width of the street shall be a minimum of twenty-four (24) feet exclusive of curbs.
   D. On streets restricted to one-way traffic with parking on one side, the width of the street shall be a minimum of twenty-four (24) feet exclusive of curbs.
   E. Each individual interior lot shall have access to a paved drive of either concrete or asphaltic concrete with concrete curbs.
   F. Verification of rescue vehicle access to all individual interior lots will be required.
   G. All private streets shall have unobstructed access to a public street.
3. All streets and sidewalks within the mobile home park shall be adequately lighted.
4. All streets must be completely constructed prior to the placement of any mobile home on said street.

5.16.08 *Parking*

1. Off-street parking shall be provided for all uses established in this zoning district.
2. A minimum of two hard surfaced off-street parking stalls shall be provided for each individual interior lot

5.16.09 *Sidewalks*

1. Sidewalks shall be provided in locations where pedestrian traffic is concentrated and shall be installed along streets, to the entrance of the office, community building and other important facilities.
2. Minimum sidewalk width shall be four (4) feet.
3. Sidewalks shall be constructed of concrete.

5.16.10 *Storm Shelter/Community Building*

1. A community building shall be provided which shall include at a minimum a storm shelter for park residents. The community building may also provide recreational facilities, laundry facilities and other similar uses. The Storm Shelter shall:
   A. Provide equivalent space for a minimum of two and one half persons per mobile home unit.
   B. Be designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA.
   C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

5.16.11 *Mobile Home Installation*

1. Mobile Home Installation shall conform to the following:
   A. Stabilizing devices for mobile homes bearing HUD labels shall be installed in accordance with the manufacturer's installation instructions provided with the unit pursuant to §3280.306 of the federal regulations.
   B. When the information for stabilizing device materials is not provided in the manufacturer's installation instructions, the materials shall be as approved by the local enforcement agency.
   C. When a mobile home is located in an area subjected to frost heave, the footings and load-carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local enforcement agency.
   D. Enforcement of installation procedures shall be in accordance with the Federal Regulations, codified at 24 C.F.R. Part 3282, Subpart G.

5.16.12 *Skirting*

1. Skirting shall be required for all mobile homes.
2. Skirting shall be in good repair, meet manufacturer standards, and be in conformance with the color scheme of the mobile home to which it is applied.
3. Skirting shall be able to withstand wind load requirements and shall not provide harborage for junk or rodents, nor create a fire hazard.
4. Skirting shall provide easy access to all utility connection points of the mobile home and its subsequent connection to the utility risers if they are located within the skirted area.

5.16.13 *Park/Open Space*

1. A minimum of 8% of the total Mobile Home Park area must be maintained as open space to be used for recreation, playground, or park space.

5.16.14 *Buffer Space*

1. A solid or semi-solid fence or wall, minimum six (6) feet high, maximum eight (8) feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other than for mobile homes.
2. In lieu of a fence or wall, a landscape buffer may be provided not less than fifteen (15) feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide screening for the park.
3. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home unit.
4. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.

5.16.15 *Accessory Buildings/Garages*

1. Accessory buildings used primarily for storage shall be permitted on individual interior lots, with the following requirements:
   A. Shall be located no closer than five (5) feet from any Mobile Home.
   B. Shall be setback a minimum of three (3) feet from any individual interior lot line.
   C. Shall be setback a minimum of twenty-five (25) feet from the mobile home park interior street.
   D. Shall be setback a minimum of fifty (50) feet from any public street located outside the mobile home park.
2. Accessory garages used for the storage of motor vehicles shall be permitted on individual interior lots, with the following requirements:
   A. Shall be located no closer than ten (10) feet from any Mobile Home.
   B. Shall be setback a minimum of three (3) feet from any individual interior lot line.
   C. Shall be setback a minimum of twenty (20) feet from the mobile home park interior street.
   D. Shall be setback a minimum of fifty (50) feet from any public street located outside the mobile home park.
3. Carports may be attached to a mobile home provided that:
   A. Car port structure is considered part of a mobile home structure and must maintain the same setback requirements as the mobile home unit.
   B. Car port shall be in good repair, meet manufacturer standards, and be in conformance with the color scheme of the mobile home to which it is applied.
   C. Car port structure shall only be enclosed on the side attached to the mobile home unit.

5.16.16 *Outdoor Storage*

1. Owner/manager of mobile home park shall discourage outdoor storage of any materials, equipment, or refuse containers by providing appropriate storage facilities such as an enclosed storage building or solid fence enclosure.

5.16.17 *Utilities*

1. Each individual interior lot shall be served with water and sanitary sewer utilities and shall have separate shutoffs as required by city utility regulations, and service facilities for bathing, laundry, etc., as required by the State and County regulations. Dedicated easements shall be granted for city access to said shutoffs.

5.16.18 *Procedure*

1. A Site Development Plan shall be filed with the Application for Rezoning as an Amendment to the Zoning Map showing the buffer areas for landscape plantings, the layout of individual interior lots, the access roads or drives, utilities distribution system, service facilities, earth grading plan, and such other information necessary to determine whether the proposed development conforms with

the provisions of the Primary Zoning District to which it is appended; and such development plans, diagrams, and calculations shall become a part of the amendment and shall be the basis for the issuance of a building permit in conformity therewith.

2. Development Plan alterations which increase the number of dwelling units the arrangement of individual interior lots, and roadway or driveway alignment shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments in the individual interior lot lines or decrease in the number of dwelling units may be approved by the City Council without resubmission.

5.16.19 *Other Applicable Provisions*

1. The entire mobile home park shall be considered as one (1) zoned lot.
2. An office shall be provided for conducting business pertaining to the mobile home park. Said office may be located in a mobile home residence.
3. Mobile homes shall comply with all other applicable City Ordinances.

Section 5.17 PLANNED SUBDIVISION DISTRICT

5.17.01 Intent. The intent of the PS District is to encourage the creative design of new living areas, as distinguished from standard subdivisions. This district is designed to be appended to another basic residential district so as to provide for modifications in the platting of lots and the siting of buildings.

5.17.02 Use Regulations.
PRINCIPAL PERMITTED USES: Any principal use permitted in the primary zone to which the PS, Planned Subdivision District, classification is appended.

PERMITTED ACCESSORY USES: Any permitted accessory use allowed in the primary zone to which the PS, Planned Subdivision District classification is appended.

CONDITIONAL USES: Any conditional use permitted in the primary zone to which the PS, Planned Subdivision District classification is appended.

SPACE LIMITS: The average lot area per dwelling unit shall be the total area of the subdivision less the street right-of-way area divided by the number of lots. Such lot area shall be at least equal to the minimum lot area per dwelling unit required in the primary zone to which the PS, Planned Subdivision District classification is appended, and shall also provide that no lot shall be platted with less than three-fourths (3/4) of the lot area in the primary zoning requirement.

Any other space limits may be varied from those listed under the primary zone in order to satisfy the purpose of the Planned Subdivision District classification. Additional space limits may be established as required:

Absolute minimum space limits shall be as follows:

Minimum front yard: 20 feet
Minimum side yard: 0 feet
Minimum rear yard: 15 feet
Maximum height of building: as per underlying zoning district

The modified space limits shall be recorded as part of the Planned Subdivision District and shall apply to all lots platted under the zoning classification.

5.17.03 Procedure.
When a property owner wishes to develop a parcel of property in a manner other than the normal lot arrangement, he may apply for a zoning change to the PS, Planned Subdivision District. Said zoning change shall be an amendment to the zoning map and shall follow all procedural requirements for such changes set forth herein.

As an exhibit accompanying the application for amendment to the zoning map, the owner shall provide a detailed site plan with such other sketches, diagrams, and calculations necessary to determine whether the proposed subdivision conforms with the provisions of this zone and the primary zone to which it is appended. The exhibits shall be prepared in accordance with Chapter 3, Preliminary Plats, of the Subdivision Regulations, together with any requirements as determined by the Planning ~~Manager~~ Director. Such exhibits shall become a part of the amendment and shall form the basis for issuance of building permits in conformity therewith.

Before approving a PS, Planned Subdivision District classification, the Planning Commission and the City Council shall find the following:

1. The proposed modification of the primary district regulations as to platting of lots and space limits will be in the public interest and in harmony with the purpose of this ordinance, and will not adversely affect nearby properties; or

2. The configuration, topography, vegetation, drainage, or other natural feature of the parcel is such that the normal lot arrangement would not be appropriate, and the natural state of the parcel can best be preserved by application of the Planned Subdivision District classification; or

3. The owner will utilize new and innovation planning methods to develop a subdivision of sound character and in the public interest, and the planned subdivision will be superior to a conventional subdivision; or

4. The request for PS, Planned Subdivision District classification is not solely for purposes of convenience, profit, or caprice.

(Ord. No. 3846, April 11, 2016)

Section 5.18 PO Parking Overlay District

5.18.01 Intent. This zone is designed to provide for the parking of automobiles in zones which do not allow the activity which generates the need for automobile parking.

5.18.02 Permitted Uses

1. Any principal uses permitted in the Primary Zoning District to which PO Parking Overlay District classification is appended when established according to the regulations and provisions of the primary zoning district
2. Parking lots for automobiles when meeting the following construction and operation standards:
   - A. All parking lots established in a PO Parking Overlay District shall be surfaced with a dust free material.
   - B. Any lighting shall be so oriented that it will not shine on adjacent property in residential use.
   - C. A foliage or decorative masonry barrier shall be planted or constructed and maintained so as to shield the parking lot from any residential use adjacent to or across a street and facing said parking lot.
   - D. No parking lot shall encroach on any required front or side yard required by the Space Limits provisions of the primary zone.
   - E. No parking lot shall encroach on a required yard or open space or upon the minimum site area required for an existing use.
   - F. No access drive to a parking area in a PO Parking Overlay District shall traverse any land other than a PO Parking Overlay District or other district in which such parking lot may be legally established.

5.18.03 Conditional Uses

1. Any conditional use permitted in the primary zone to which the PO Parking Overlay District is appended when established according to the rules and conditions of the primary district.

5.18.04 Permitted Accessory Uses

1. Any permitted use allowed in the primary district to which the PO Parking Overlay District is appended when established according to the rules and conditions of the primary district.

5.18.05 Space Limits

1. All space limit provision of the primary district to which the PO Parking Overlay District is appended shall be adhered to, except under the following conditions:
   - A. Automobile parking may be placed in any required rear yard provided the required side yard is maintained when adjacent to a property in residential use in a zoning district requiring a side yard.
   - B. Automobile parking may be placed within a required side yard when such side yard is adjacent to a zone which does not require a side yard.

5.18.06 Procedure

1. The PO Parking Overlay District shall be appended to a primary district in the same manner in which zoning map changes are made and, shall have the effect of modifying the uses allowed on the specific site or zoning lot.

5.18.07 Miscellaneous Provisions

1. All miscellaneous provisions of the primary district to which the PO Parking Overlay District is appended shall apply.

Section 5.19 MU Mixed Use District

5.19.01 ***Intent.*** The Mixed Use (MU) District is intended to accommodate projects that combine several compatible land uses into an integrated development and to allow for flexibility in the siting of buildings and the layout of lots. The district permits mixing residential areas with workplaces and services. Development in the MU District must accommodate diverse transportation systems, including pedestrian and bicycle movement, and integrate them with surrounding environments. All projects developed in an MU District are subject to approval of a development agreement.

5.19.02 Permitted Uses.

1. A Change of Zone ordinance establishing an MU District shall define the use types permitted within its boundaries. Reference to a Mixed-Use Development Agreement is acceptable to meet this requirement so long as the Change of Zone ordinance and the Mixed-Use Development Agreement are approved contingent upon each other.
2. Each MU District should contain use types within at least two use categories. Use categories shall be limited to residential, civic, office, and commercial uses. No single use category should account for more than 80% of the building area or net developable land area of an MU District. Net developable land area includes the land area of a development excluding dedicated public streets, private streets, or other dedicated public land.

5.19.03 Site Development Regulations.

1. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council through the adoption of a Mixed-Use Development Agreement.
2. Applications for a Mixed-Use Development Agreement must contain at a minimum the following information:
   - A. A detailed site map, including:
     - i. A boundary survey.
     - ii. Site dimensions.
     - iii. Contour lines at no greater than five-foot intervals.
     - iv. Adjacent public rights-of-way, transportation routes, and pedestrian and bicycle systems.
     - v. Description of adjacent land uses.
     - vi. Utility service to the site and easements through the site.
     - vii. Description of other site features, including drainage, soils, environmental factors or other considerations that may affect development.
   - B. A development plan, including:
     - i. A site layout, including the location of proposed buildings, parking, open space and other facilities.
     - ii. Location, capacity, and conceptual design of parking facilities.
     - iii. Description of the use of individual buildings.
     - iv. Description of all use types to be included in the project or area, and maximum floor area devoted to each general use.
     - v. Maximum height of buildings.
     - vi. Schematic location and design of open space on the site, including a landscaping plan.
     - vii. Vehicular and pedestrian circulation plan, including relationship to external transportation systems.
     - viii. Schematic building elevations and sections if required to describe the project.
     - ix. Grading plans.
     - x. Proposed sewer and utility improvements.
     - xi. Location, size and type of all proposed signage.

C. Specific proposed development regulations for the project, including:
   i. The specific use types permitted within the proposed district.
   ii. Maximum floor area ratios.
   iii. Front, side, and rear yard setbacks.
   iv. Maximum height.
   v. Maximum building and impervious coverage.
   vi. Design standards applicable to the project.

D. A traffic impact analysis, if required by the city.

E. An application for a Mixed-Use Development Agreement shall include an editable draft agreement (in Microsoft Word format, unless otherwise approved by the Planning ~~Manager~~ Director. Attachments, such as maps and illustrations, may be provided as separate files in any digitally reproducible format approved by the Planning ~~Manager~~ Director.

5.19.04 Adoption of MU District.

1. The Planning Commission and City Council shall review and evaluate each proposal or application for an MU District. The city may impose reasonable conditions as deemed necessary to ensure that projects within an MU District are compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety, and welfare of the community.

2. The Planning Commission, after proper notice, shall hold a public hearing and act upon each application.

3. The Planning Commission may recommend amendments to MU District applications.

4. The recommendation of the Planning Commission shall be transmitted to the City Council for final action.

5. The City Council, after proper notice, shall hold a public hearing and act upon any ordinance establishing an MU District. Proper notice shall mean the same notice established for any other zoning amendment.

6. An ordinance adopting an MU District shall require a favorable simple majority of the City Council for approval; however, the favorable vote of three-fourths of the City Council shall be required if the Planning Commission has recommended denial to the change of zone to the MU District.

7. Any approval of an MU District shall be contingent upon the approval by City Council of a Mixed-Use Development Agreement.

8. The city shall not issue a building permit, certificate of occupancy or other permit for a building, structure or use within an MU District unless it is in compliance with the approved Mixed Use Development Agreement, including any approved amendments.

5.19.05 Amendment Procedure.

1. The Planning ~~Manager~~ Director is authorized at his/her discretion to approve minor amendments to an approved development plan within a Mixed-Use Development Agreement, provided that:

   A. A written request, amendment application, and fee are filed with the Planning ~~Manager~~ Director, along with information specifying the exact nature of the proposed amendment.

   B. The amendment is consistent with the provisions of this article.

   C. The amendment does not materially alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types and physical design.

   D. Any amendment not conforming to these provisions shall be submitted to the Planning Commission and City Council for action.

Section 5.20 BN Neighborhood Business District

5.20.01 Intent. This zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.

5.20.02 Permitted Uses:

1. Retail and service stores and offices of the following small store types (not to exceed 7,500 sq. ft. floor area), provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
   - A. Accounting, billing, and tax preparations services.
   - B. Animal hospital
   - C. Apparel store, tailor shops, dressmaker.
   - D. Art gallery.
   - E. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
   - F. Bank, Savings and Loan Association.
   - G. Barber, beauty shops.
   - H. Book store.
   - I. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
   - J. Child Care Center.
   - K. Convenient Store without fuel sales.
   - L. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
   - M. Dental Clinics
   - N. Drug or drug-variety store.
   - O. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
   - P. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
   - Q. Dry good store.
   - R. Florist shop
   - S. Frame shop.
   - T. Furniture (specialty) shops.
   - U. Garden supply, commercial greenhouses, nursery stock sales yards.
   - V. General office uses. ***(Ord. No. 3924, Nov. 26, 2018)***
   - W. Gift and card shop.
   - X. Grocery, supermarket.
   - Y. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
   - Z. Hobby and craft store.
   - AA. Interior design firms.
   - BB. Jewelry store.
   - CC. Laundry (self-service automatic) of not more than 30 washing units.
   - DD. Meat market, retail, but no killing, eviscerating, skinning, plucking, or smoking of food products on the premises.
   - EE. Medical Clinics established to provide service to the inhabitants of the local neighborhood and limited to four full-time practitioners in any one building. ***(Ord. 3952, July 16, 2019)***
   - FF. Music store, music studio.
   - GG. News and tobacco store.
   - HH. Paint, wallpaper, drapery, and floor covering store.
   - II. Photographer, artist, photo finishing, and camera store.
   - JJ. Real estate sales office.
   - KK. Restaurant (Limited).
   - LL. Shoe repair shop.
   - MM. Shoe store.
   - NN. Television, radio, and small appliance repair.
   - OO. Toy and sporting goods store.
   - PP. Variety store.

2. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
3. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

(Ord. No. 3662, Jan. 9, 2012)

2. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
3. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

5.20.03 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.
3. Governmental services – Administrative Facilities.

5.20.04 Permitted Accessory Uses:

1. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.10.

5.20.05 Space Limits:

1. Minimum lot area: 7,500 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum height of building: 25 feet.
4. Minimum front yard: 25 feet.
5. Minimum rear yard: 20 feet.
6. Minimum side yard: 10 feet, when abutting a lot in use as a residence. None, when abutting business districts.
7. Minimum side yard on street side of corner: 25 feet. The 20 feet of a required corner side yard adjacent to the building may be used for the parking of automobiles.
8. Maximum gross floor area ratio: 0.7.
9. Maximum ground coverage: 70 percent.

5.20.06 Miscellaneous Provisions:

1. Off-street parking and loading shall be provided for all uses established in this zone.
2. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
3. All signage shall be in conformance with Article 7.
4. All buildings shall conform to building design regulations in Section 8.12.
5. All landscaping shall conform with Article 9.

Section 5.21 BNH Heavy Neighborhood Business District

5.21.01 Intent. This zone is a modification of the neighborhood business zone to include local service establishments having greater adverse effects upon surrounding residences.

5.21.02 Permitted Uses:

1. Retail and service stores and offices of the following small store types (not to exceed 15,000 sq. ft. floor area), provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
   - A. Animal hospital.
   - B. Apparel store, tailor shops, dressmaker.
   - C. Art gallery.
   - D. Automotive (light) repair services.
   - E. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
   - F. Bank, Savings and Loan Association.
   - G. Barber, beauty shops.
   - H. Book store.
   - I. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
   - J. Childcare center.
   - K. Convenient Store with limited fuel sales.
   - L. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
   - M. Dental clinic.
   - N. Drug or drug-variety store.
   - O. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
   - P. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
   - Q. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
   - R. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
   - S. Dry goods store.
   - T. Florist shop.
   - U. Frame shop.
   - V. Furniture (specialty) shops.
   - W. Garden supply, commercial greenhouses, nursery stock sales yards.
   - X. Gasoline stations.
   - Y. General office uses. ***(Ord. No. 3924, Nov. 26, 2018)***
   - Z. Gift and card shop.
   - AA. Grocery, supermarket.
   - BB. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
   - CC. Hobby and craft store.
   - DD. Interior design firm.
   - EE. Jewelry store.
   - FF. Laundry (self-service automatic) of not more than 30 washing units.
   - GG. Meat market, retail, but no killing, eviscerating, skinning, plucking, or smoking of food products on the premises.
   - HH. Medical Clinics established to provide service to the inhabitants of the local neighborhood and limited to two practitioners in any one building.
   - II. Music store, music studio.
   - JJ. News and tobacco store.

KK. Paint, wall per, drapery and floor covering store.
LL. Photographer, artist, photo finishing, and camera store.
MM. Real estate sales office.
NN. Restaurant (Drive-in or fast food).
OO. Restaurant (Entertainment).
PP. Restaurant (Limited).
QQ. Shoe repair shop.
RR. Shoe store.
SS. Television, radio, and small appliance repair.
TT. Toy and sporting goods store.
UU. Variety store.

(Ord. No. 3716, April 22, 2013)

2. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
3. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.

5.21.03 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.
3. Governmental services – Administrative Facilities.

5.21.04 Permitted Accessory Uses:

1. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.10.

5.21.05 Space Limits:

1. Minimum lot area: 7,500 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum height of building: 25 feet.
4. Minimum front yard: 25 feet.
5. Minimum rear yard: 20 feet.
6. Minimum side yard: 10 feet, when abutting a lot in use as a residence. None, when abutting business districts.
7. Minimum side yard on street side of corner: 25 feet. The 20 feet of a required corner side yard adjacent to the building may be used for the parking of automobiles.
8. Maximum gross floor area ratio: 0.7.
9. Maximum ground coverage: 70 percent.

5.21.06 Miscellaneous Provisions:

1. Off-street parking and loading shall be provided for all uses established in this zone.
2. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
3. All signage shall be in conformance with Article 7.
4. All buildings shall conform to building design regulations in Section 8.12.
5. All landscaping shall conform with Article 9.

Section 5.22 BG General Business District

5.22.01 Intent. To provide for a wide range of retail and service establishments.

5.22.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
   - A. Animal hospital.
   - B. Animal specialty services.
   - C. Antique Store.
   - D. Apparel store, tailor shops, dressmaker.
   - E. Art gallery.
   - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
   - G. Automobile parts and supply store.
   - H. Automobile rental store.
   - I. Automotive (light) repair services.
   - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
   - K. Bank, Savings and Loan Association.
   - L. Barber, beauty shops.
   - M. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
   - N. Book store.
   - O. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
   - P. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
   - Q. Car wash.
   - R. Childcare center.
   - S. Commercial parking lots.
   - T. Community Center ***(Ord No. 3802, March 9, 2015)***
   - U. Convenient Store with limited fuel sales.
   - V. Dairy products sales.
   - W. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
   - X. Dental clinic.
   - Y. Drug or drug-variety store.
   - Z. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
   - AA. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
   - BB. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
   - CC. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
   - DD. Dry goods store.
   - EE. Exercise, Fitness, and Tanning Spa. ***(Ord. No. 3911, September 10, 2018)***
   - FF. Feed and seed store.
   - GG. Florist shop.
   - HH. Frame shop.
   - II. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking, or smoking on the premises.
   - JJ. Furniture and antique homes and stores including used furniture store.

KK. Furniture (specialty) shops.
LL. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
MM. Garden supply, commercial greenhouses, nursery stock sales yards.
NN. Gasoline stations.
OO. General office uses. ***(Ord. No. 3984, December 3, 2019)***
PP. Gift and card shop.
QQ. Grocery, supermarket.
RR. Gunsmith.
SS. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
TT. Hobby and craft store.
UU. Interior design firm.
VV. Jewelry store.
WW. Laundry (self-service automatic) of not more than 30 washing units.
XX. Laundry (self-service automatic) of not more than 50 washing units, provided two loading and unloading spaces are provided. ***(Ord. No. 3899, February 12, 2018)***
YY. Liquor stores.
ZZ. Loan office.
AAA. Locksmith.
BBB. Machine sales and service (stationery and office).
CCC. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
DDD. Marine sales and services but excluding the storage or salvage of boats.
EEE. Meat market, retail, but no killing, eviscerating, skinning, plucking, or smoking of food products on the premises.
FFF. Medical clinics.
GGG. Microbreweries and brew pubs.
HHH. Music store, music studio.
III. News and tobacco store.
JJJ. Outlet retail store.
KKK. Paint, wallpaper, drapery, and floor covering store.
LLL. Pawn shops.
MMM. Pet shop, provided that all facilities are fully enclosed.
NNN. Photographer, artist, photo finishing, and camera store.
OOO. Printing job, when mechanical operation is not visible from a street and employing not over 15 persons engaged in operating digital printing equipment and may be incidental to other uses permitted hereunder. ***(Ord. No. 3984, December 3, 2019)***
PPP. Real estate sales office.
QQQ. Restaurant (Drive-in or fast food).
RRR. Restaurant (Entertainment).
SSS. Restaurant (General).
TTT. Restaurant (Limited).
UUU. Second-hand stores.
VVV. Shoe repair shop.
WWW. Shoe store.
XXX. Social club and fraternal organizations, not including uses defined under sexually oriented business.
YYY. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
ZZZ. Telephone answering service.
AAAA. Telephone exchange.
BBBB. Television, radio and small appliance repair.
CCCC. Toy and sporting goods store.
DDDD. Upholstery shops.
EEEE. Variety store.

2. Call center.
3. Educational Institutions, Business, and Commercial Schools (post-secondary) provided they meet the following conditions:
   A. Lot Standards: All space limits as specified in the BG zone shall be met.
   B. Site Plan: Each application shall provide a detailed site plan as required by the Planning ~~Manager~~ Director.
4. Governmental Services – administrative Facilities.

5. Logistical center.
6. Mortuaries, funeral homes, and funeral chapels.
7. Motel, Hotel.
8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
9. Radio and television stations, except transmission towers over 35 feet high.
10. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
11. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
12. Sexually Oriented Businesses, as established by the regulations set forth in Chapter 2.5, Sections 2.5-1 through 2.5-20 of the Bellevue Municipal Code.
13. Theater other than drive-in.

(Ord. No. 3716, April 22, 2013)

5.22.03 Conditional Uses:

1. Automobile sales (new and used automobiles).
2. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Governmental Services – Maintenance and Service Facilities.
5. Indoor Firing Range ***(Ord. No. 3698, Feb. 11, 2013)***

5.22.04 Permitted Accessory Uses:

1. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.09.

5.22.05 Space Limits:

1. Minimum lot area for business: None.
2. Minimum width of lot: None for business.
3. Maximum height of building: 75 feet, when abutting a commercial zone. 35 feet, when abutting a residential zone.
4. Minimum front yard: None for business.
5. Minimum rear yard: 10 feet
6. Minimum side yard: 5 feet when abutting any zone requiring a side yard.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 2.0.
9. Maximum ground coverage including accessory buildings, loading docks, incinerators and vending devices: 95 percent.

5.22.06 Miscellaneous Provisions:

1. Off-street parking and loading shall be provided for all uses established in this zone.
2. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
3. All signage shall be in conformance with Article 7.
4. All buildings shall conform to building design regulations in Section 8.12.
5. All landscaping shall conform with Article 9.

Section 5.23 BGM Metropolitan General Business District

5.23.01 Intent. This zone is designed to provide a general business zone which will take into account the special characteristics of the Central Commercial Area.

5.23.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
   - A. Animal hospital.
   - B. Animal specialty services.
   - C. Antique Store.
   - D. Apparel store, tailor shops, dressmaker.
   - E. Art gallery.
   - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
   - G. Automobile parts and supply store.
   - H. Automobile rental store.
   - I. Automotive (light) repair services.
   - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
   - J. Bank, Savings and Loan Association.
   - K. Barber, beauty shops.
   - L. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
   - M. Book store.
   - N. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
   - O. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
   - P. Car wash.
   - Q. Childcare center.
   - R. Commercial parking lots.
   - S. Community Center ***(Ord. 3802, March 9, 2015)***
   - T. Convenient store with limited fuel sales.
   - U. Dairy products sales.
   - V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
   - W. Dental clinic.
   - X. Drug or drug-variety store.
   - Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
   - Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
   - AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
   - BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
   - CC. Dry goods store.
   - DD. Exercise, Fitness, and Tanning Spa. ***(Ord. No. 3911, September 10, 2018)***
   - EE. Feed and seed store.
   - FF. Florist shop.
   - GG. Frame shop.
   - HH. Frozen food lockers for individual or family trade, but no slaughtering, killing,

eviscerating, skinning, plucking, or smoking on the premises.

II. Furniture and antique homes and stores including used furniture store.
JJ. Furniture (specialty) shops.
KK. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
LL. Garden supply, commercial greenhouses, nursery stock sales yards.
MM. Gasoline stations.
NN. General office uses. ***(Ord. No. 3984, December 3, 2019)***
OO. Gift and card shop.
PP. Grocery, supermarket.
QQ. Gunsmith.
RR. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
SS. Hobby and craft store.
TT. Interior design firm.
UU. Jewelry store.
VV. Laundry (self-service automatic) of not more than 30 washing units.
WW. Laundry (self-service automatic) of not more than 50 washing units, provided two loading and unloading spaces are provided. ***(Ord. No. 3899, February 12, 2018)***
XX. Liquor stores.
YY. Loan office.
ZZ. Locksmith.
AAA. Machine sales and service (stationery and office)
BBB. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
CCC. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
DDD. Medical clinics.
EEE. Microbreweries and brew pubs.
FFF. Music store, music studio.
GGG. News and tobacco store.
HHH. Outlet retail store.
III. Paint, wallpaper, drapery, and floor covering store.
JJJ. Pawn shops.
KKK. Pet shop, provided that all facilities are fully enclosed.
LLL. Photographer, artist, photo finishing, and camera store.
MMM. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
NNN. Real estate sales office.
OOO. Restaurant (Drive-in or fast food).
PPP. Restaurant (Entertainment).
QQQ. Restaurant (General).
RRR. Restaurant (Limited).
SSS. Secondhand stores.
TTT. Shoe repair shop.
UUU. Shoe store.
VVV. Social club and fraternal organizations, not including uses defined under sexually oriented business.
WWW. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
XXX. Telephone answering service.
YYY. Telephone exchange.
ZZZ. Television, radio and small appliance repair.
AAAA. Toy and sporting goods store.
BBBB. Upholstery shops.
CCCC. Variety store.

2. Call center.
3. Educational Institutions, Business, and Commercial Schools (post-secondary) provided they meet the following conditions:
   A. Lot Standards: All space limits as specified in the BG zone shall be met.
   B. Site Plan: Each application shall provide a detailed site plan as required by the Planning ~~Manager~~ Director.
4. Governmental Services – administrative Facilities.

5. Logistical center.
6. Mortuaries, funeral homes, and funeral chapels.
7. Motel, Hotel.
8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
9. Radio and television stations, except transmission towers over 35 feet high.
10. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
11. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
12. Residential - Apartment houses, apartment hotels and mixed business and apartment buildings constructed to standards of the RG 8 Zone.
13. Residential - Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.
14. Theater other than drive-in.

(Ord. No. 3716, April 22, 2013)

5.23.03 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.

5.23.04 Permitted Accessory Uses:

1. Accessory uses for residential development shall include those listed under the RG 8 or RG 50 Zone depending upon principle use and shall be established and conducted in accordance with the regulations of that zone.
2. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
3. Residential and small wind energy systems, subject to Section 8.10.

5.23.05 Space Limits:

1. Minimum lot area for business: None.
2. Minimum width of lot: None.
3. Maximum height of building: No restriction except by gross floor area ratio.
4. Minimum front yard: None.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 12.0
9. Maximum ground coverage: 100 percent.

5.23.06 Miscellaneous Provisions:

1. Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that such an arrangement would tend to spread the BGM district over too large an area to make pedestrian communication and interchange convenient.
2. All signage shall be in conformance with Article 7.
3. All buildings shall conform to building design regulations in Section 8.12.
4. All landscaping shall conform with Article 9.
5. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 5.24 BGH Heavy General Business District

5.24.01 Intent. This zone is designed to provide for the widest range of retail and service establishments short of actual industrial operations.

5.24.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to large box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
   - A. Animal hospital.
   - B. Animal specialty services.
   - C. Antique Store.
   - D. Apparel store, tailor shops, dressmaker.
   - E. Art gallery.
   - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
   - G. Automobile parts and supply store.
   - H. Automobile rental store.
   - I. Automotive (light) repair services.
   - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
   - K. Bank, Savings and Loan Association.
   - L. Barber, beauty shops.
   - M. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
   - N. Book store.
   - O. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
   - P. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
   - Q. Car wash.
   - R. Childcare center.
   - S. Commercial parking lots.
   - T. Convenient store with limited fuel sales.
   - U. Dairy products sales.
   - V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
   - W. Dental clinic.
   - X. Drug or drug-variety store.
   - Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
   - Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
   - AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
   - BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
   - CC. Dry goods store.
   - DD. Exercise, Fitness, and Tanning Spa. ***(Ord. No. 3911, September 10, 2018)***
   - EE. Feed and seed store.
   - FF. Florist shop.
   - GG. Frame shop.
   - HH. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking, or smoking on the premises.
   - II. Furniture and antique homes and stores including used furniture store.
   - JJ. Furniture (specialty) shops.
   - KK. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.

LL. Garden supply, commercial greenhouses, nursery stock sales yards.
MM. Gasoline stations.
NN. General office uses. ***(Ord. No. 3984, December 3, 2019)***
OO. Gift and card shop.
PP. Grocery, supermarket.
QQ. Gunsmith.
RR. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
SS. Hobby and craft store.
TT. Interior design firm.
UU. Jewelry store.
VV. Laundry (self-service automatic) of not more than 30 washing units.
WW. Laundry (self-service automatic) of not more than 50 washing units, provided two loading and unloading spaces are provided. ***(Ord. No. 3899, February 12, 2018)***
XX. Liquor stores.
YY. Loan office.
ZZ. Locksmith.
AAA. Machine sales and service (stationery and office)
BBB. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
CCC. Meat market, retail, but no killing, eviscerating, skinning, plucking, or smoking of food products on the premises.
DDD. Medical clinics.
EEE. Microbreweries and brew pubs.
FFF. Music store, music studio.
GGG. News and tobacco store.
HHH. Outlet retail store.
III. Paint, wallpaper, drapery and floor covering store.
JJJ. Pawn shops.
KKK. Pet shop, provided that all facilities are fully enclosed.
LLL. Photographer, artist, photo finishing, and camera store.
MMM. Printing job, when mechanical operation is not visible from a street and employing not over 15 persons engaged in operating digital printing equipment and may be incidental to other uses permitted hereunder. ***(Ord. No. 3984, December 3, 2019)***
NNN. Real estate sales office.
OOO. Restaurant (Drive-in or fast food).
PPP. Restaurant (Entertainment).
QQQ. Restaurant (General).
RRR. Restaurant (Limited).
SSS. Secondhand stores.
TTT. Shoe repair shop.
UUU. Shoe store.
VVV. Social club and fraternal organizations, not including uses defined under sexually oriented business.
WWW. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
XXX. Telephone answering service.
YYY. Telephone exchange.
ZZZ. Television, radio and small appliance repair.
AAAA. Toy and sporting goods store.
BBBB. Upholstery shops.
CCCC. Variety store. ***(Ord. No. 3716, April 22, 2013)***

2. Automobile sales – New and used automobile, truck , tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.
3. Call center.
4. Educational Institutions, Business, and Commercial Schools (post-secondary) provided they meet the following conditions:

A. Lot Standards: All space limits as specified in the BG zone shall be met.
B. Site Plan: Each application shall provide a detailed site plan as required by the Planning ~~Manager~~ Director.

5. Governmental Services – Administrative Facilities.
6. Governmental Services – Maintenance and Service Facilities.
7. Logistical center.

8. Mixed commercial – Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
9. Mortuaries, funeral homes, and funeral chapels.
10. Motel, Hotel.
11. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
12. Radio and television stations, except transmission towers over 35 feet high.
13. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.
14. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
15. Theater other than drive-in.
16. Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be distinguished from a warehouse if there is one square foot of office, sales, and display space for each square foot of warehousing space, and the building is so arranged as to encourage walk-in trade.

5.24.03 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.
3. Self-storage facilities, provided they meet the following restrictions:
   - A. Lot Standards: All space limits as specified in the BGH Zone shall be followed, however, the maximum height for any structure within the facility shall be twenty (20) feet.
   - B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
   - C. Access to Buildings: No storage building may be open into required side or rear yards if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide fire access from one storage bay to another.
   - D. Storage Restrictions: all storage on the site must be within enclosed buildings, with the exception of automobiles, boats, and recreational vehicles in operable condition. The storage of hazardous materials on the site is prohibited.
   - E. Parking/Loading: Parking: Two parking spaces shall be provided at the rental office or 1.5 parking spaces per employee whichever is greater.
     Loading: Loading docks shall be prohibited, all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
   - F. Drive Lanes: Minimum drive lane width shall be twenty-four (24) feet.
   - G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director. All fencing shall be located on the interior side of the required buffer yards.
   - H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning ~~Manager~~ Director. ***(Ord. No. 3888, Dec. 11, 2017)***
4. Indoor Firing Range ***(Ord. No. 3698, Feb. 11, 2013)***
5. Outdoor storage of automobiles, boats, and recreational vehicles in operable condition, provided the following conditions are met:
   - A. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director or Designee. All fencing shall be located on the interior side of the required buffer yards.
6. The parking of semi-trailers, tractors, truck-tractors, or any truck in operable condition exceeding eight (8) feet in width or twenty-one (21) feet in length may be allowed when not utilizing required parking as defined in Section 8 of the zoning ordinances. If necessary, trucks will be measured bumper to bumper, including overhangs and attachments such as trailer hitches and side mirrors.
   - A. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director or Designee. All fencing shall be located on the interior side of the required buffer yards. ***(Ord. No. 3991, April 21, 2020)***

5.24.04 Permitted Accessory Uses:

1. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.10.

5.24.05 Space Limits:

1. Minimum lot area for business: None.
2. Minimum width of lot: None for business.
3. Maximum height of building: 55 feet.
4. Minimum front yard: None for business.
5. Minimum rear yard: None for business.
6. Minimum side yard: None for business.
7. Minimum side yard on street side of corner: None for business.
8. Maximum gross floor area ration: 6.0.
9. Maximum ground coverage: 100 percent for business or mixed business.

5.24.06 Miscellaneous Provisions:

1. Off-street parking and loading shall be provided for all uses established in this zone.
2. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
3. All signage shall be in conformance with Article 7.
4. All buildings shall conform to building design regulations in Section 8.12.
5. All landscaping shall conform with Article 9.

Section 5.25 PCO Planned Center Overlay District

5.25.01 Intent. This zone is designed to be appended to any of the business zones. The use characteristics of the zone to which it is appended will control, but the procedure set forth herein will allow for new and modern design that is not possible under regulations designed for control of individual and independent development of adjacent business properties.

5.25.02 Principal Permitted Uses:

1. The principal permitted uses shall be the same as the zone upon which the PCO, Planned Center Overlay District is appended.

5.25.03 Permitted Conditional Uses:

1. The permitted conditional uses shall be the same as the zone upon which the PCO, Planned Center Overlay District is appended.

5.25.04 Permitted Accessory Uses:

1. The permitted accessory uses shall be the same as the zone upon which the PCO, Planned Center Overlay District is appended.

5.25.05 Space Limits:

1. The space limits shall at least meet the requirements of the zone upon which the PCO, Planned Center Overlay District is appended, but may be more restrictive than said limits in order to make the proposal appropriate to the proposed location and to meet the requirements of the enabling statute as to reasonableness in light of any unique characteristics of the area in which the planned center is located as may be determined by the Commission.

5.25.06 Special Provisions:

1. The entire parcel of land in the PCO, Planned Center Overlay District shall be considered as one zoning lot in arranging buildings and other facilities.
2. The Commission and the Council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of the nearby neighborhood residential properties and in the event of conflict between the maintenance of such values and the proposed development, shall weigh the equities between the two using the criterion of community service and maintaining the concept of the zoning plan in assessing the position of the proposed development. To this end the proponents of the proposed development shall be required to submit competent market surveys.

5.25.07 Procedure:

1. Proponents of a rezoning to PCO, Planned Center Overlay District shall submit a site plan of the proposed development as an exhibit accompanying the request for a change of zone. The minimum requirements to be shown on the site plan exhibit as submitted shall be determined by the Planning ~~Manager~~ Director of the Planning Department of the City of Bellevue.
2. The Commission may also request a market analysis to substantiate the necessity, size, and location of the proposed development.
3. The Commission shall initiate change of zone amendment as set forth in this ordinance.
4. The site plan shall become an exhibit accompanying the change of zone amendment if such amendment is passed. Such site plan shall be filed of record in the county offices specified for recording zoning ordinances and shall form the basis for any building permits.
5. The proponents of the planned center shall begin to construct the center as proposed within three years of the recording of the ordinance designating the land in the PCO, Planned Center Overlay District. If such construction is not commenced and pursued in an orderly manner toward completion, the Commission may initiate action to abolish the zoning or reduce the size of the tract to fit the scope of the actual development. It is intended that a Planned Center Overlay District be designed to carry out the objectives of the planning practices established by the Commission for development of the city and to be so developed within a reasonable time. It is hereby declared that the holding for speculative purposes of undeveloped land zoned as a planned center is contrary to the purposes of said planning practices established by the Commission.

6. It is recognized that exigencies of development and construction may require minor changes in the detail of an originally proposed plan. The Commission is therefore authorized to grant changes from the original plan as appears of record with the zoning amendment, provided said changes do not materially affect the basic design or negate any special features which were designed to facilitate traffic or preserve neighborhood amenities.

7. Business developments substantially completed at the time of enactment of this ordinance may be designated as PCO, Planned Center Overlay District, but the special provisions set forth herein for establishing such a zone shall not apply. The Commission and Council may zone areas for PCO, Planned Center Overlay District in the advance of plans for development if they determine that said shopping center is contemplated in the planning practices established by the Commission. In this event, plans shall be submitted according to the procedures set forth herein before building permits are issued. Irrespective of the PCO, Planned Center Overlay District being a combining zone, property zoned PCO, Planned Center Overlay District may not be developed solely according to the rules and regulations of the primary zone so long as the PCO, Planned Center designation remains appended, but shall in each case follow the procedure set forth for Planned Unit Development.

Section 5.26 FX Flex Space District

5.26.01 Intent: This zone provides for a variety of commercial, retail, and industrial uses. The flex space district is designed to accommodate both traditional and modern businesses and industries by having regulations that are adaptive and more responsive to market trends and conditions. Such uses may include retail, service, public, and light industrial.

5.26.02 Permitted Uses:

The following principal uses are permitted in the FX District.

1. Building materials yards with enclosed and screened storage areas.
2. Business parks and services.
3. Call center.
4. Car wash.
5. Commercial parking lots.
6. Commercial recreation facilities, indoor and outdoor.
7. Construction and contractor storage yards.
8. Convenience store with limited fuel sales.
9. Facilities for building construction contractors.
10. Garden supply and retail garden center.
11. Gasoline stations.
12. Governmental services – administrative facilities.
13. Highway maintenance yards or buildings.
14. Laboratories.
15. Landscape and horticultural services.
16. Light manufacturing; assembly, fabrication, and processing of products inside an enclosed building, except hazardous or combustible materials.
17. Logistical center.
18. Lumber and other building materials dealer
19. Manufacture and assembly of electrical and electronic appliances.
20. Manufacture of light sheet metal products including heating and ventilation equipment.
21. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
22. Parks and recreation.
23. Printing and publishing business.
24. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
25. Railroad through and spur tracks.
26. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses. ***(Ord. 3990, April 21, 2020)***
27. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
    A. Antique store
    B. Automobile parts and supply store
    C. Bicycle shop
    D. Communication services
    E. Dairy products sales
    F. Dance studios, not including those classified under Sexually Oriented Business
    G. Dry cleaning and laundry pickup
    H. Exercise, Fitness, and Tanning Spa. ***(Ord. No. 3911, September 10, 2018)***
    I. Furniture store or showroom
    J. Gunsmith
    K. Hardware store
    L. Health Clubs, exercise, fitness and tanning salons, not including uses defined under Sexually Oriented Business
    M. Hobby and craft store
    N. Locksmith
    O. Outlet retail store
    P. Paint store
    Q. Pet shop, provided that all facilities are fully enclosed.
    R. Secondhand stores
    S. Social club and fraternal organizations, not including uses defined under Sexually Oriented Business

T. Telephone answering service
U. Telephone exchange

28. Self-service storage facilities, provided they meet the following restrictions:
   A. Lot Standards: All space limits as specified in the FX Zone shall be followed.
   B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
   C. Access to Buildings: No storage building may open into required side or rear yards, if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.
   D. Storage Restrictions: All storage on the site must be within Storage Restrictions: All storage on the site must be within enclosed buildings. The storage of hazardous materials on the site is prohibited.
   E. Parking/Loading:
   Parking: Two parking spaces shall be provided at the rental office of 1.5 parking spaces per employee, whichever is greater.
   Loading: Loading docks shall be prohibited, all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
   F. Drive Lanes: Minimum drive lane width shall be twenty-four (24) feet.
   G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director. All fencing shall be located on the interior side of the required buffer yards.
   H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning ~~Manager~~ Director.
   I. Special and vocational educational and training facilities.
29. Stone and monument work.
30. Totally enclosed, automated and conveyor-style car washes.
31. Toy and sporting goods store.
32. Veterinarian services or animal hospitals.
33. Warehouses and wholesale businesses.

5.26.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the FX District as recommended by the Planning Commission and approved by the City Council.

1. Amusement parks.
2. Auction Sales.
3. Automotive rental / leasing and other heavy equipment rental.
4. Automotive sales and repair service, including recreational vehicles such as boats and campers
5. Bowling center.
6. Cabinetry millwork
7. Commercial greenhouse.
8. Construction and heavy equipment sales and service.
9. Farm implement sales and service.
10. Fertilizer transmission lines.
11. Home Improvement Center; provided that the following minimum standards are present:
   A. All lumber shall be enclosed with the primary structure.
   B. All year-round landscaping materials shall be enclosed within the primary structure.
12. Hotels and Motels
13. Kennels and stables
14. Live-in quarters used by live-in watchman or custodians during periods of construction or when necessary, as an accessory to permitted use
15. Mail order services.
16. Microbreweries and brew pubs.
17. Outdoor storage, subject to the following requirements:
   A. A landscape buffer shall be provided subject to the approval of the zoning administrator.
   B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
   C. All outdoor storage areas shall be screened by a fence or wall or a combination of both and shall be located to the rear of the landscape buffer.

18. Radio, television and communication towers and transmitters, as per Section 8.05.
19. Recreational establishments.
20. Recycling collection and processing facilities, both public and private.
21. Research facilities.
22. Truck Stops.
23. Utility substations, terminal facilities, and reservoirs.

5.26.04 Permitted Accessory Uses:

1. Accessory uses for commercial or light industrial (flex) development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.10.
3. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.

5.26.05 Space Limits:

1. Minimum lot area for business or industry: 10,000 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum building height: No restriction except as limited by gross floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.
4. Minimum front yard: 20 feet front yard setback required only when no parking is present in the front yard. If parking is located in the front yard, then front yard setback is a minimum of 50 feet.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: 10 feet.
8. Maximum gross floor area ratio: 1.0
9. Maximum ground coverage: 75percent.

5.26.06 Miscellaneous Provisions:

1. Off-street parking and loading shall be provided for all uses established in this zone.
2. All parking and storage of vehicles, boats, campers, and trailers shall be in conformance with Sections 8.01-8.03.
3. All signage shall be in conformance with Article 7.
4. All buildings shall conform to building design regulations in Section 8.12.
5. All landscaping shall be in conformance with Article 9.
5. When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within 15 feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Article 9.
7. No outdoor storage is permitted, except
   A. The display of new merchandise for sale to the public
   B. Unless specifically permitted within this Section
8. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
9. No use shall produce a nuisance or hazard from fire, explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent, or electrical interference which may affect or impair the normal use and peaceful enjoyment of any surrounding property, structure, or dwelling.
10. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.
11. Performance standards shall conform to Section 8.08 of the Supplemental Regulations.

Section 5.27 ML Light Manufacturing District

5.27.01 **Intent.** This zone provides for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.

5.27.02 **Permitted Uses:**

1. Automobile rental store.
2. Brewery.
3. Building materials yards with enclosed and screened storage areas.
4. Call centers.
5. Car wash.
6. Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
7. Commercial parking lots.
8. Dry cleaning, laundry, and dying plants.
9. Feed and seed store.
10. Garages for the storage of automobiles.
11. Garden supply including nursery stock.
12. Gasoline stations.
13. Governmental services - administrative facilities.
14. Governmental services- maintenance and service facilities.
15. Greenhouses, commercial; nursery stock sales yards.
16. Hardware, appliance, and small tool rental when incidental to a hardware or other business.
17. Heavy auto repair services.
18. Highway maintenance yards or buildings.
19. Indoor and Outdoor Recreational Facilities, with the exception of golf courses.
20. Kennels.
21. Laboratories.
22. Light auto repair services.
23. Light manufacturing; assembly, fabrication, and processing of products inside an enclosed building, except hazardous or combustible materials.
24. Logistical centers.
25. Manufacture and assembly of electrical and electronic appliances.
26. Manufacture of light sheet metal products including heating and ventilation equipment.
27. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
28. Manufacturing of food and kindred products, such as bakery items, dairy products, sugar and confectionary products, and beverages.
29. Marine sales and services but excluding the storage or salvage of boats.
30. New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.
31. Outdoor storage of automobiles, boats, and recreational vehicles in operable condition.
32. Portable Outdoor Storage and the storage of such containers shall be a Permitted Use, subject to the following conditions:
    - A. All minimum setback requirements of the zoning district shall be met. Additionally, no storage container (whether used for storage or as business inventory) may be located between a front or street side property line and any building on the lot.
    - B. No stacking of containers shall be permitted.
    - C. Containers shall not be permitted to be located within any required parking area, as determined by the Zoning Ordinance. In no event may the use obstruct the circulation of traffic within the zoning lot.
    - D. Containers may not encroach into a drainage way or required landscaped area.
    - E. No container may open into a required side or rear yard if the site directly abuts a residential zoning district. Containers shall not be located in such a manner, which will preclude access to the container, surrounded by other containers, except when empty containers are being used as business inventory, rather than for actual storage.

F. An approved hard surface will be required for access to and the placement of all containers. Additionally, areas intended for this use shall be marked to distinguish them from required off-street parking areas.

G. All containers shall remain locked at all times, when not being attended to, whether empty or full.

H. Landscaping shall be provided in accordance with the landscape regulations in Article 9. In addition, the perimeter of each storage area shall be enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director. All fencing/screening walls shall be located on the interior side of any required landscaping.

I. The storage of hazardous materials within such containers is permitted to the extent that it is listed as a principal permitted use and/or it meets the performance standards of the zoning district. Containers shall be labeled if combustible materials are being stored.

33. Printing services when mechanical operation is not visible from a street.

34. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

35. Radio and television stations, except transmission towers over 35 feet high.

36. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.

37. Recycling collection and processing facilities, both public and private. ***(Ord. No. 4053, Oct. 5, 2021)***

38. Self-service storage facilities, provided they meet the following restrictions :

A. Lot Standards: All space limits as specified in the ML Zone shall be followed,

B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.

C. Access to Buildings: No storage building may open into required side or rear yards if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means, which would provide access from one storage bay to another.

D. Storage Restrictions: All storage on the site must be within enclosed buildings, with the exception of automobiles, boats, and recreational vehicles in operable condition. The storage of hazardous materials on the site is prohibited.

E. Parking/Loading:

F. Parking: Two parking spaces shall be provided at the rental office or 1.5 parking spaces per employee, whichever is greater.

G. Loading: Loading docks shall be prohibited; all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.

H. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.

I. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director. All fencing shall be located on the interior side of the required buffer yards.

J. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning ~~Manager~~ Director. ***(Ord. No. 3888, Dec. 11, 2017)***

39. Special and vocational educational and training facilities.

40. Stone and monument work.

41. Trucking terminals containing four or less loading or transfer bays.

42. Upholstery shops.

43. Veterinary Services.

44. Warehouses and storage of non-hazardous goods provided storage be inside building.

5.27.03 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section **8.11**.
2. Commercial/Utility grade SCS, subject to Section 8.07. ***(Ord No. 4055, Oct 5, 2021)***
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Indoor Firing Range ***(Ord. No. 3698, Feb. 11, 2013)***

5.27.04 Specifically Excluded Uses:

1. The following uses are hereby declared incompatible with the purpose of the ML zone and are hereby expressly excluded:

A. Churches, synagogues, chapels, and similar places of religious worship and instruction.

B. Dwellings and other types of living accommodations shall be prohibited except that quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area.
C. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings.
D. Motels, hotels, and mobile home parks.
E. Public, parochial, and private schools and colleges, except trade schools.
F. Any use not enumerated as permitted in this zone, but which is specifically provided for in another zone or zones.

5.27.05 Permitted Accessory Uses:

1. Accessory uses for light industrial development shall include those normally appurtenant to such development, except as further specified herein.
2. Residential and small wind energy systems, subject to Section 8.10.
3. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.

5.27.06 Space Limits:

1. Minimum lot area for business or industry: 10,000 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum building height: No restriction except as limited by gross floor area ratio and by any restrictions, which may be, imposed by virtue of aircraft approach and turning zone height restrictions.
4. Minimum front yard: 20 feet.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: 10 feet.
8. Maximum gross floor area ratio: 1.0
9. Maximum ground coverage: 75percent.

5.27.07 Miscellaneous Provisions:

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as required by Sections 8.01-8.03.
3. Signs as permitted in Article 7.
4. Landscaping as required by Article 9.
5. No outdoor storage is permitted, except
   A. The display of new merchandise for sale to the public
   B. Unless specifically permitted within this Section
6. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
7. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.
8. Physical Appearance: All operation shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
9. Performance standards shall conform to Section 8.08 of the Supplemental Regulations.

Section 5.28 MH Heavy Manufacturing District

5.28.01 **Intent.** This zone provides for the widest range of industrial operations permitted in the city. It is the zone for location of those industries, which have not reached a technical stage in processing, which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance free manner.

5.28.02 Permitted Uses:

1. Automobile rental store.
2. Brewery.
3. Building materials yards with enclosed and screened storage areas.
4. Car wash.
5. Combination display store, office, warehouse, and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts.
6. Commercial Kennels
7. Dry cleaning, laundry, and dying plants.
8. Feed and seed store.
9. Garages for the storage of automobiles.
10. Garden supply including nursery stock.
11. Gasoline stations.
12. Governmental services – administrative facilities.
13. Governmental services – maintenance and service facilities.
14. Greenhouses, commercial; nursery stock sales yards.
15. Heavy auto repair services.
16. Highway maintenance yards or buildings.
17. Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property in another zone by a sturdy, sight obscuring fence in good repair, and under the condition that any burning operations be carried on in any enclosed structure provided with such super-heating devices designed to assure complete combustion as may be approved by the Building Inspector.
18. Laboratories.
19. Light auto repair services.
20. Light manufacturing; assembly, fabrication, and processing of products inside an enclosed building, except hazardous or combustible materials.
21. Manufacture and assembly of electrical and electronic appliances.
22. Manufacture of light sheet metal products including heating and ventilation equipment.
23. Manufacturing, compounding, processing, extruding, painting, coating and assembly of steel, metal, vinyl, plastic, paper and similar products and related outdoor and indoor storage activities.
24. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
25. Manufacturing of apparel, textile mill products, furniture and fixtures, transportation equipment, and assembly of electrical and electronic equipment and components.
26. Manufacturing of food and kindred products, such as bakery items, dairy products, sugar and confectionary products, and beverages.
27. Marine sales and services but excluding the storage or salvage of boats.
28. New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers, or machinery not in operable condition or in the process of salvage, or the major parts thereof.
29. Outdoor storage of automobiles, boats, and recreational vehicles in operable condition.
30. Portable Outdoor Storage and the storage of such containers shall be a Permitted Use, subject to the following conditions:
    - A. All minimum setback requirements of the zoning district shall be met. Additionally, no storage container (whether used for storage or as business inventory) may be located between a front or street side property line and any building on the lot.
    - B. No stacking of containers shall be permitted.
    - C. Containers shall not be permitted to be located within any required parking area, as determined by the Zoning Ordinance. In no event may the use obstruct the circulation of traffic within the zoning lot.
    - D. Containers may not encroach into a drainage way or required landscaped area.
    - E. No container may open into a required side or rear yard if the site directly abuts a residential zoning district. Containers shall not be located in such a manner which will preclude access

to the container, surrounded by other containers, except when empty containers are being used as business inventory, rather than for actual storage.

F. An approved hard surface will be required for access to and the placement of all containers. Additionally, areas intended for this use shall be marked to distinguish them from required off-street parking areas.

G. All containers shall remain locked at all times, when not being attended to, whether empty or full.

H. Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each storage area shall be enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director. All fencing/screening walls shall be located on the interior side of any required landscaping.

I. The storage of hazardous materials within such containers is permitted to the extent that it is listed as a principal permitted use and/or it meets the performance standards of the zoning district. Containers shall be labeled if combustible materials are being stored.

31. Printing services when mechanical operation is not visible from a street.
32. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
33. Radio and television stations, except transmission towers over 35 feet high.
34. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.
35. Recycling Collection and processing facilities, both public and private. ***(Ord. No. 4053, Oct 5, 2021)***
36. Self-service storage facilities provided they meet the following restrictions:
    A. Lot Standards: All space limits as specified in the MH Zone shall be followed,
    B. Limitation of Activities: No activity other than the rental of storage space and the administration of the facility shall be permitted.
    C. Access to Buildings: No storage building may open into required side or rear yards if the site directly abuts a residential zoning district. Individual storage bays shall not be interconnected by interior doors or other interior means which would provide access from one storage bay to another.
    D. Storage Restrictions: All storage on the site must be within enclosed buildings. The storage of hazardous materials on the site is prohibited.
    E. Parking/Loading:
    Parking: Two parking spaces shall be provided at the rental office of 1.5 parking spaces per employee, whichever is greater.
    Loading: Loading docks shall be prohibited; all loading areas shall be at the same elevation as the floor elevation of the individual storage bay.
    F. Drive Lanes: Minimum drive land width shall be twenty-four (24) feet.
    G. Landscaping/Fencing: Landscaping shall be provided in accordance with the City of Bellevue's Landscape Ordinance. In addition, the perimeter of each facility shall be fully enclosed by fencing or screening walls, as approved by the Planning ~~Manager~~ Director. All fencing shall be located on the interior side of the required buffer yards.
    H. Site Plan: Each application for a self-storage facility shall provide a detailed site plan as required by the Planning ~~Manager~~ Director. ***(Ord. No. 3888, Dec. 11, 2017)***
37. Stone and monument work.
38. Temporary recycling plant for concrete. asphalt, or paving materials not to exceed 36 months of operation. ***(Ord. No. 4027, March 2, 2021)***
39. Temporary batch plants, not to exceed 36 months of operation. ***(Ord. No. 4027, March 2, 2021)***
40. Truck wash.
41. Trucking terminals containing in excess of four loading or transfer bays.
42. Veterinary Services, including livestock.
43. Warehouses and storage of non-hazardous goods, provided storage is inside building.
44. Yards for the sale, transfer, and temporary holding of livestock. ***(Ord. No. 3840, Feb.8, 2016)***

5.28.03 Conditional Uses:

1. Commercial/Utility grade wind energy systems, subject to Section 8.11.
2. Commercial/Utility grade SCS, subject to Section 8.07 ***(Ord. No. 4055, Oct 5, 2021)***
3. Communication Towers meeting the requirements as set forth in Section 8.05.
4. Meat packing, slaughtering, eviscerating, and skinning.
5. Permanent batch plants for concrete, asphalt, or paving material.
6. Permanent recycling plant for concrete, asphalt, or paving material. ***(Ord. No. 4027, March 2, 2021).***

7. Poultry killing, plucking, and dressing when such operations are such size as to employ in excess of 3 persons.
8. Recreational facilities and uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with that efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the City Council.
9. Rendering of by-products of slaughtering and killing of animals or poultry.
10. Special and vocational educational and training facilities.
11. The bulk storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature.
12. The bulk storage of flammable or noxious gasses above or below ground.

5.28.04 Specifically Excluded Uses:

1. The following uses are hereby declared incompatible with the purpose of the MH Zone and are hereby expressly excluded:
   - A. Any use which cannot meet the performance standards set forth herein.
   - B. Dwellings except caretaker and watchmen quarters as set forth in the provisions of the MH Zone.
   - C. Schools and colleges, except trade schools.
   - D. Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted.
   - E. Motels, hotels and mobile home parks.
   - F. Churches, synagogues, chapels, and similar places of religious worship and instruction.

5.28.05 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Residential and small wind energy systems, subject to Section 8.10.
3. Temporary buildings and uses incidental to construction work that will be removed upon completion or abandonment of the construction work.

5.28.06 Space Limits:

1. Minimum lot area for business or industry: 10,000 square feet.
2. Minimum width of lot: 50 feet.
3. Maximum building height: No restriction except as limited by gross floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.
4. Minimum front yard: 20 feet.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: 10 feet.
8. Maximum gross floor area ratio: 1.0
9. Maximum ground coverage: 50 percent.

5.28.07 Miscellaneous Provisions:

1. Buildings and uses customarily incidental to the permitted uses
2. Parking as required by Sections 8.01-8.03.
3. Signs as permitted in Article 7.
4. Landscaping as required by Article 9
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
6. Height and minimum lot requirements of accessory buildings are considered same as their associated permitted or conditional use.
7. Physical Appearance: All operation shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.
8. Performance standards shall conform to Section 8.08 of the Supplemental Regulations.

Section 5.29 AICUZ Air Installation Compatible Use Zone; Clear Zone, Accident Potential Zones I and II, Noise Zones, and Height and Obstruction Criteria (Overlay District)

5.29.01 Intent.

1. To reduce the risk to public health, safety, and quality of life due to aircraft noise exposure and accident potential.
2. To promote compatible land development in areas surrounding a military airfield by regulating land uses and establishing criteria for the regulation of building height and density.
3. To preserve the operational capabilities and mission of Offutt Air Force Base and to prohibit uses which create potential hazards to the safe approach and departure of aircraft.
4. To address potentially life-threatening situations in areas exposed to aircraft accident potential through restrictions on the congregation of large numbers of people or high concentrations of people and by restrictions on concentrations of people who are unable to respond to emergency situations such as children, elderly, handicapped, and persons undergoing medical treatment.
5. To increase the protection of persons exposed to high levels of aircraft noise by requiring acoustical treatment in buildings located within these areas and regulating those uses which are sensitive to such noise.

5.29.02 Definition of Terms

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Air Installation Compatible Use Zone (AICUZ) – Land areas upon which certain land uses may obstruct the airspace or otherwise be hazardous to aircraft operations, and land areas which are exposed to the health or safety hazards of aircraft operations, including:

1. Accidental Potential Zones (APZ) based on past Air Force aircraft accidents and installation operational data;
2. Noise Zones (NZ) produced by the computerized Day-Night Average Noise Level (Ldn) methodology;
3. The Height and Obstruction (HO) criteria designated by the Federal Aviation Administration (FAA) and the Air Force.

AICUZ Report – The Air Installation Compatible Use Zone Report for Offutt Air Force Base dated October 1992, or as may be updated or amended.

Clear Zone (CZ) – An area immediately beyond the ends of the runway, encompassing an area 3,000 feet in width by 3,000 feet in length, which the Department of Defense (DoD) generally acquires through purchase or easement to prevent development due to its high potential for accidents.

Accident Potential Zone I (APZ I) – An area beyond the Clear Zone, encompassing an area 3,000 feet in width by 5,000 feet in length, which possesses a significant potential for accidents and warrants land use planning controls for the protection of the public.

Accident Potential Zone II (APZ II) – An area beyond the Accident Potential Zone I, encompassing an area 3,000 feet in width by 7,000 feet in length, which has a measurable potential for accidents and warrants land use planning controls for the protection of the public.

Noise Zones (NZ) – Areas containing levels of noise exposure based on current aircraft operations plotted at increments of 5 decibels (dB), ranging from Ldn 65 to Ldn 80.

5.29.03 General Provisions

1. APPLICABILITY

This ordinance shall apply to all lands within the jurisdiction of the City of Bellevue, Nebraska, and its extraterritorial jurisdiction identified in the Air Installation Compatible Use Zone Report for Offutt Air Force Base dated October 1992, or as may be updated or amended. These lands include areas designated as Clear Zones, Accident Potential Zones I and II, Noise Zones, and the Height and Obstruction criteria designated by the FAA and DoD. In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the City Council or its duly designated representative under such safeguards and restrictions as they may reasonably impose for the promotion and maintenance of the general welfare, health, and safety of the inhabitants of the community and where specifically noted in Sections 5.29.04,2-3 below. The following types of development shall be regulated by this ordinance.

A. New development.
B. A change in, expansion of, or addition to the use of an existing structure as follows:
   i. The residential density or employee density requirements of Sections 5.29.06,1-2 apply to the entire existing structure if the change, expansion, or addition results in an increase in any of the following:

a. Employee density;
b. Residential density;
c. Number of employees; or
d. Number of persons of the general public for which the structure was intended or designed to accommodate.

ii. The noise attenuation requirements of Section 5.29.06,1 apply to the entire existing structure if the use of the existing structure is changed from any other land use to one or more of the following uses:
a. Residential;
b. Place of public accommodation; or
c. Administrative or professional office.

C. Expansion of an existing development as follows:
i. If the gross floor area of a structure or the gross floor area on the project site is expanded by less than fifty (50) percent, the provisions of Section 5.29.06 apply only to the areas of expansion.
ii. If the gross floor area of a structure is expanded by fifty (50) percent or more, the requirements of Section 5.29.06 apply to the entire structure. The sound attenuation requirement in this section does not, however, apply to an expansion of the following types of structures existing prior to the effective date of this ordinance.
a. A single family or duplex dwelling; or
b. A manufactured or mobile home.
iii. If the gross floor area on a project site is expanded by fifty (50) percent or more, the employee density and lot coverage requirements of 5.29.06,1-2 apply to the entire project site.
iv. Cumulation of Expansions. Expansions are cumulated over time from the effective date of this ordinance. Once a structure or project site is brought into conformance with the provisions of this ordinance, subsequent expansions are accumulated as of the date the existing structure or project site is brought into conformance.

2. ENFORCEMENT OFFICER

The City Administrator or his/her designee is hereby designated as the City Council's duly designated Enforcement Officer under this ordinance.

3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the Clear Zones, Accident Potential Zones I and II, Noise Zones, and the Height and Obstruction criteria designated by the FAA and DoD, shall be determined by scaling distances on the official zoning map of the City of Bellevue, Nebraska. Where interpretation is needed to the exact location of the boundaries, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute.

4. COMPLIANCE

No development located within the AICUZ shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

5. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

6. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of any other powers granted by State Statutes.

7. WARNING AND DISCLAIMER OF LIABILITY

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This ordinance does not imply that areas outside of the AICUZ or land uses permitted within such districts will be free from hazards. This ordinance shall not create liability on the part of the City of Bellevue, Nebraska, or any officer or employee thereof for any damage that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9. APPLICATION FOR APPEAL

Where a request for a permit to develop is denied by the Enforcement Officer, the applicant may apply for such permit or variance directly to the Board of Adjustment. The Board of Adjustment may grant or deny such request in accordance with the provisions of the Zoning Ordinance governing the Board of Adjustment.

5.29.04 DEVELOPMENT PERMIT

1. PERMIT REQUIRED

No person, firm, or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 5.29.04,3.

2. ADMINISTRATION

The Enforcement Officer is hereby appointed to administer and implement the provisions of this ordinance. The duties of the Enforcement Officer shall include, but not be limited to:

A. Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
B. Review permits for proposed development to assure that all necessary permits have been obtained from those federal or state governmental agencies from which prior approval is required.
C. Notify the Base Civil Engineer at Offutt Air Force Base for comments on the proposed development and its conformance with the standards as set forth in the AICUZ Report and the requirements of this ordinance.

3. APPLICATION FOR PERMIT

To obtain a permit, the applicant shall first file an application, in writing, on a form furnished for that purpose. Every such application shall:

A. Include a site plan showing all existing and proposed structures located within the property, height of all existing and proposed structures, total acreage of the parcel, distance to the property line and distance to structures which are adjacent to the property scale of the drawing, north arrow, and date of the drawing.
B. Identify and describe the work to be covered by the permit.
C. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
D. Indicate the use or occupancy for which the proposed work is intended.
E. Be signed by the property owner or his authorized agent who may be required to submit evidence to indicate such authority.
F. Include correspondence from the FAA and/or DoD to demonstrate compliance with their requirements, if applicable.
G. Give such other information as may reasonably be required by the Enforcement Officer.

5.29.05 ESTABLISHMENT OF ZONING DISTRICTS

The mapped AICUZ areas within the jurisdiction of this ordinance are hereby divided into the following districts; Clear Zone (CZ), Accident Potential Zone I (APZ I), Accident Potential Zone II (APZ II), Noise Zones (NZ), and the Height and Obstruction (HO) criteria designated by the FAA and the Air Force. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the zones as identified in the AICUZ Report and shall be indicated on the atlas of maps which is entitled "Official Zoning Map – AICUZ Overlay" incorporated herein and by this reference made a part hereof.

5.29.06 STANDARDS FOR THE CLEAR ZONE (CZ), ACCIDENT POTENTIAL ZONE I (APZ I), ACCIDENT POTENTIAL ZONE II (APZ II), AND NOISE ZONES (NZ)

1. LAND USE RESTRICTIONS

All applications for development permits submitted per the requirements of Section 5.29.04,3 shall be reviewed based on the following criteria:

Land Use		Accident Potential Zones			Noise Zones			
SLUCM NO.	*NAME*	*CLEAR ZONE*	*APZ I*	*APZ II*	*65-70*	*70-75*	*75-80*	*80+*
10	**Residential**							
11	Household units							
11.11	Single units; detached	N	N	Y[1]	25[11]	30[11]	N	N
11.12	Single units; semi detached	N	N	N	25[11]	30[11]	N	N
11.13	Single units; attached row	N	N	N	25[11]	30[11]	N	N
11.21	Two units; side-by-side	N	N	N	25[11]	30[11]	N	N
11.22	Two units; one above the other	N	N	N	25[11]	30[11]	N	N
11.31	Apartments; walk up	N	N	N	25[11]	30[11]	N	N
11.32	Apartments; elevator	N	N	N	25[11]	30[11]	N	N
12	Group quarters	N	N	N	25[11]	30[11]	N	N
13	Residential hotels	N	N	N	25[11]	30[11]	N	N
14	Mobile home parks or courts	N	N	N	N	N	N	N
15	Transient lodgings	N	N	N	25[11]	30[11]	35[11]	N
16	Other residential	N	N	N[1]	25[11]	30[11]	N	N
20	**Manufacturing**							
21	Food & Kindred products; manufacturing	N	N[2]	Y	Y	Y[12]	Y[13]	Y[14]
22	Textile mill products; manufacturing	N	N[2]	Y	Y	Y[12]	Y[13]	Y[14]
23	Apparel & other finished products made from fabrics	N	N	N[2]	Y	Y[12]	Y[13]	Y[14]
24	Lumber & wood products (except furniture); manufacturing	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
25	Furniture & fixtures; manufacturing	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
26	Paper & allied products; manufacturing	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
27	Printing, publishing, & allied industries	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
28	Chemicals & allied products; manufacturing	N	N	N[2]	Y	Y[12]	Y[13]	Y[14]
29	Petroleum refining & related industries	N	N	Y	Y	Y[12]	Y[13]	Y[14]
30	**Manufacturing**							
31	Rubber & misc. plastic products; manufacturing	N	N[2]	N[2]	Y	Y[12]	Y[13]	Y[14]
32	Stone, clay, & glass products, manufacturing	N	N[2]	Y	Y	Y[12]	Y[13]	Y[14]
33	Primary metal industries	N	N[2]	Y	Y	Y[12]	Y[13]	Y[14]
34	Fabricated metal products; manufacturing	N	N[2]	Y	Y	Y[12]	Y[13]	Y[14]
35	Professional, scientific, & controlling instruments; photographic & optical goods; watches & clocks	N	N	N[2]	Y	25	30	N
39	Miscellaneous manufacturing	N	Y[2]	Y[2]	Y	Y[12]	Y[13]	Y[14]
	Transportation, communications, & utilities							
	Railroad, rapid rail transit, & street railroad transportation	N[3]	Y[4]	Y	Y	Y[12]	Y[13]	Y[14]
	Motor vehicle transportation	N[3]	Y	Y	Y	Y[12]	Y[13]	Y[14]
	Aircraft transportation	N[3]	Y[4]	Y	Y	Y[12]	Y[13]	Y[14]
	Marine craft transportation	N[3]	Y[4]	Y	Y	Y[12]	Y[13]	Y[14]
SLUCM NO.	*NAME*	*CLEAR ZONE*	*APZ I*	*APZ II*	*65-70*	*70-75*	*75-80*	*80+*
	Highway & street right-of-way	N[3]	Y	Y	Y	Y[12]	Y[13]	Y[14]
	Automobile parking	N[3]	Y[4]	Y	Y	Y[12]	Y[13]	Y[14]
	Communication	N[3]	Y[4]	Y	Y	25[15]	30[15]	N
	Utilities	N[3]	Y[4]	Y	Y	Y	Y[12]	Y[13]
	Other transportation, communication, & utilities	N[3]	Y[4]	Y	Y	25[15]	30[15]	N
	Trade							

	Wholesale Trade	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
	Retail trade-building materials, hardware, & farm equipment	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
	Retail trade-general merchandise	N	N[2]	Y[2]	Y	25	30	N
	Retail trade-food	N	N[2]	Y[2]	Y	25	30	N
	Retail trade-automotive, marine craft, & aircraft & accessories	N	N[2]	Y[2]	Y	25	30	N
	Retail trade-apparel & accessories	N	N[2]	Y[2]	Y	25	30	N
	Retail trade-furniture, home furnishings, & equipment	N	N[2]	Y[2]	Y	25	30	N
	Retail trade-eating & drinking establishments	N	N[2]	Y[2]	Y	25	30	N
	Other retail trade	N	N[2]	Y[2]	Y	25	30	N
	Services							
	Finance, insurance, & real estate services	N	N	Y[6]	Y	25	30	N
	Personal services	N	N	Y[6]	Y	25	30	N
	Cemeteries	N	Y[7]	Y[7]	Y	Y[12]	Y[13]	Y[14,21]
	Business services	N	Y[8]	Y[8]	Y	25	30	N
	Repair services	N	Y[2]	Y	Y	Y[12]	Y[13]	Y[14]
	Professional services	N	N	Y[6]	Y	20	30	N
	Hospitals, nursing homes	N	N	N	25*	30*	N	N
	Other medical facilities	N	N	N	Y	25	30	N
	Contract construction services	N	Y[6]	Y	Y	25	30	N
	Governmental services	N	N	Y6	Y*	25*	30*	N
	Educational services	N	N	N	25*	30*	N	N
	Miscellaneous services	N	N[2]	Y[2]	Y	25	30	N
70	**Cultural, entertainment, & recreational**							
71	Cultural activities (including churches)	N	N	N[2]	25*	30*	N	N
71.2	Nature exhibits	N	Y[2]	Y	Y*	N	N	N
72	Public assembly	N	N	N	Y	N	N	N
72.1	Auditoriums, concert halls	N	N	N	25	30	N	N
72.11	Outdoor music shells, amphitheaters	N	N	N	N	N	N	N
72.2	Outdoor sports arenas, spectator sports	N	N	N	Y[17]	Y[17]	N	N
73	Amusements	N	N	Y[8]	Y	Y	N	N
74	Recreational activities (inc. golf courses, riding stables, water recreation)	N	Y[8,9,10]	Y	Y*	25*	30*	N
75	Resort and group camps	N	N	N	Y*	Y*	N	N
76	Parks	N	Y[8]	Y[8]	Y*	Y*	N	N
79	Other cultural, entertainment, & recreation	N	Y[9]	Y[9]	Y*	Y*	N	N
80	**Resource production & extraction**							
SLUCM NO.	***NAME***	***CLEAR ZONE***	***APZ I***	***APZ II***	***65-70***	***70-75***	***75-80***	***80+***
81	Agriculture (except livestock)	Y	Y	Y	Y[18]	Y[19]	Y[20]	Y[20,21]
81.5-81.7	Livestock farming & animal breeding	N	Y	Y	Y[18]	Y[19]	Y[20]	Y[20,21]
82	Agricultural related activities	N	Y[5]	Y	Y[18]	Y[19]	N	N
83	Forestry activities & related services	N[5]	Y	Y	Y[18]	Y[19]	Y[20]	Y[20,21]
84	Fishing activities & related services	N[5]	Y[5]	Y	Y	Y	Y	Y
85	Mining activities & related services	N	Y[5]	Y	Y	Y	Y	Y
89	Other resource production & extraction	N	Y[5]	Y	Y	Y	Y	Y

The designation of these uses as "compatible" in this zone reflects individual Federal agencies, and program consideration of general cost and feasibility factors as well as past community experiences and program objectives. Localities, when evaluating the application of these guidelines to specific situations, may have different concerns or goals to consider.

LEGEND

SLUCM	Standard Land Use Coding Manual, U.S. Department of Transportation.
Y (YES)	Land Use and related structures are compatible without restriction.
N (NO)	Land Use and related structures are not compatible and should be prohibited.
NLR (NOISE LEVEL REDUCTION)	NLR (outdoor to indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure. See Appendix E, Vol. II.
25, 30, OR 35	Land use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 need to be incorporated into the design and construction of structures. See Appendix E, Vol. II.
25*, 30* and 35*	Land use generally compatible with NLR. However, measures to achieve an overall noise level reduction do not necessarily solve noise difficulties and additional evaluation is warranted.

NOTES

1 Suggested maximum density 1-2 dwelling units per acre, possibly increased under a Planned Unit Development (PUD) where maximum lot coverage is less than twenty (20) percent.

2 Within each land use category, uses exist where further definition may be needed due to the variation of densities in people and structures. (See Section 5.29.06,2)

3 The placing of structures, buildings, or above-ground utility lines in the Clear Zone is subject to severe restrictions. In a majority of the Clear Zones, these items are prohibited. See Air Force Regulation 19-9 and Air Force Regulation 86-14 for specific guidance.

4 No passenger terminals and no major above-ground transmission lines in APZ I.

5 Factors to be considered; labor intensity, structural coverage, explosive characteristics, air pollution.

6 Low-intensity office uses only. Meeting places, auditoriums, etc., not recommended.

7 Excludes chapels.

8 Facilities must be low intensity.

9 Clubhouse not recommended.

10 Areas for gathering of people are not recommended.

11 a. Although local conditions may require residential use, it is discouraged in Ldn 65-70 and strongly discouraged in Ldn 70-75. An evaluation should be conducted prior to approvals, indicating that a demonstrated community need for residential use would not be met if development were prohibited in these zones and that there are no viable alternative locations.

b. Where the community determines the residential uses must be allowed, measures to achieve outdoor to indoor Noise Level Reduction (NLR) of at least 25 dB (Ldn 65-70) and 30 dB (Ldn 70-75) should be incorporated into building codes and be considered in individual approvals. Normal construction can be expected to provide a NLR of 20 dB, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year-round. Additional consideration should be given to modifying NLR levels based on peak noise levels.

c. NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, design, and use of berms and barriers can help mitigate outdoor exposure particularly from near ground level sources. Measures that reduce noise at a site should be used whenever practical in preference to measures which only protect interior spaces.

12 Measures to achieve NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

13 Measures to achieve NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

14 Measures to achieve NLR of 35 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where the normal noise level is low.

15 If noise sensitive, use indicated NLR; if not, the use is compatible.

16 No buildings.

17 Land use compatible, provided special sound reinforcement systems are installed.

18 Residential buildings require a NLR of 25.

19 Residential buildings require a NLR of 30.

20 Residential buildings not permitted.

21 Land use not recommended, built if community decides use is necessary, hearing protection devices should be worn by personnel.

2. CONCENTRATIONS OF PERSONS PER ACRE STANDARD

Uses are compatible if they do not result in a gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time.

A. Average densities of persons per hour during a 24-hour period are determined by calculating the number of persons per acre expected on a site, multiplying by the number of hours they will be on the site, and dividing the total by 24.

B. The maximum number of persons allowed per acre per hour is calculated by dividing the number of hours persons will be on the site by 24 hours, and then dividing 25 persons per acre per hour by the result. The resulting number is the maximum number of persons allowed per acre per hour, provided it does not exceed 50. Fifty persons per acre at any one time is the maximum number of persons allowed under the standard.

C. Application of this formula results in the following table which specifies the maximum persons per acre per hour for the duration of time that persons are expected to be on site during a 24-hour period.

Hours of Operation Per Day	Max. Persons Allowed[1] per Acre/ During Each Hour
24	25
23	26
22	27
21	28
20	30
19	31
18	33
17	35
16	37
15	40
14	42
13	46
12 or less	50[2]

[1] Fractions in the maximum number of persons allowed column are rounded to the lowest whole number.
[2] Concentrations of persons per acre cannot exceed 50 persons per acre at any time.

5.29.07 STANDARDS FOR THE AREA WITH HEIGHT AND OBSTRUCTION CRITERIA (HO)

1. HEIGHT AND OBSTRUCTIONS CRITERIA

This section establishes criteria for determining whether an object of structure is an obstruction to air navigation. Obstructions to air navigation are considered to be:

A. Natural objects or man-made structures that protrude above the planes or surfaces as defined in the following paragraphs; and/or

B. Man-made objects that extend more than 500 feet above the ground at the site of the structure.

2. LAND USE RESTRICTIONS

The land areas outlined herein are regulated to prevent uses which might otherwise be hazardous to aircraft operations. The following uses are therefore prohibited in these areas:

A. Uses which release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (i.e. steam, dust, and smoke).

B. Uses which produce light emissions, either direct or indirect (reflective), which would interfere with pilot vision.

C. Uses which produce emissions which would interfere with aircraft communications systems or navigational equipment.

D. Uses which would attract birds or waterfowl, such as but not limited to, operations of sanitary landfills, maintenance of feeding stations, or the growing of certain vegetation.

3. HEIGHT RESTRICTIONS

To obtain a permit per Section 5.29.04,3, the applicant shall, in addition, submit calculations which show that the proposed project will meet the height restriction criteria of FAA Part 77 as described, in part, by the information contained in Section 5.29.07.

A. COORDINATES AND ELEVATIONS

Offutt Air Force Base, Nebraska:
Average Field Elevation – 1010' MSL
Coordinates 30L – Lat 41° 06' 35" N
- Long. 95° 53' 31"W
12R – Lat 41° 07' 45" N
- Long 95° 55' 29" W

B. AIR SPACE CONTROL SURFACE PLAN
(Graphic)

4. EXPLANATION OF TERMS AND DEFINITIONS

The following additional words and phrases are explained or defined for the purposes of Section 5.29.07:

Controlling Elevation – Whenever surfaces or planes within the obstructions criteria overlap, the controlling (or governing) elevation becomes that of the lowest surface or plane.

Runway Length – Offutt Air Force Base has two runways, 11,700 feet of pavement designed and built for sustained aircraft landings and takeoffs.

Established Airfield Elevation – The elevation, in feet above mean sea level (MSL) for Offutt Air Force Base is 1010 feet.

Dimensions – All dimensions are measured horizontally unless otherwise noted.

Primary Surface – This surface defines the limits of the obstruction clearance requirements in the immediate vicinity of the landing area. The Primary Surface comprises surfaces of the runways, runway shoulders, and lateral safety zones. The length of the primary surface is the same as the runway lengths 11,700 feet and 11,700 feet respectively. The width of the primary surface for a single runway is 2,000 feet or 1,000 feet on each side of the runway centerline.

Clear Zone Surface – This surface defines the limits of the obstruction clearance requirements in the vicinity contiguous to the end of the primary surface. The length and width (for a single runway) of the clear zone surface is 3,000 feet and 3,000 feet.

Approach-Departure Clearance Surface – This surface is symmetrical about the runway centerline extended, begins as an inclined plane (glide angle) 200 feet beyond each end of the primary surface of the centerline elevation of the runway end, and extends for 50,000 feet. The slope of the approach-departure clearance surface is 50:1 along the extended runway (glide angle) centerline until it reaches an elevation of 500 feet above the established airfield elevation. It then continues horizontally at this elevation to a point 50,000 feet from the start of the glide angle. The width of this surface at the runway end is 2,000 feet; it flares uniformly, and the width at 50,000 is 16,000 feet.

Inner Horizontal Surface – This surface is a plane, oval in shape at a height of 150 feet above the established airfield elevation. It is constructed by scribing an arc with a radius of 7,500 feet above the centerline at the end of the runway and interconnecting these arcs with tangents.

Conical Surface – This is an inclined surface extending outward and upward from the outer periphery of the inner horizontal surface for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation. The slope of the conical surface is 20:1.

Outer Horizontal Surface – This surface is a plane located 500 feet above the established airfield elevation. It extends for a horizontal distance of 30,000 feet from the outer periphery of the conical surface.

Transitional Surface – These surfaces connect the primary surfaces, clear zone surfaces, and approach-departure clearance surfaces to the outer horizontal surface, conical surface, other horizontal surface, or other transitional surfaces. The slope of the transitional surface is 7:1 outward and upward at right angles to the runway centerline. To determine the elevation for the beginning of the transitional surface slope at any point along the lateral boundary of the primary surface, including the Clear Zone, draw a line from this point to the runway centerline. This elevation at the runway centerline is the elevation for the beginning of the 7 to 1 slope.

5.29.08 NONCONFORMING USE

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provision of this ordinance may be continued subject to the following conditions:

   A. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

   B. If such use is discontinued for 365 calendar days, any future use of the building or premises shall conform to this ordinance.

   C. Uses or adjuncts thereof, which are or become nuisances, shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, it shall not be reconstructed if the cost is more than sixty (60) percent of the market value of the structure before the damage occurred, except that if it is reconstructed in conformity with the provisions of this ordinance.

Section 5.30 FF/FW Flood Plain District (Overlay District)

5.30.01 Statutory Authorization, Findings of Fact and Purposes

1. Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city or village with zoning jurisdiction over the flood-prone area. Therefore, City Council of Bellevue, Nebraska, ordains as follows:

2. Findings of Fact

A. Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Bellevue, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare.

B. General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

C. Methods Used to Analyze Flood Hazards

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

i. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for this ordinance. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated May 3, 2010 as amended.

ii. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.

iii. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.

iv. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any water surface increase along the floodway profile.

v. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

3. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 5.30.01,2,A by applying the provisions of this ordinance to:

A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

5.30.02 General Provisions

1. Lands to which Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of the City of Bellevue that are subject to a 1% or greater chance of flooding in any given year, now or in the future, as identified as numbered and unnumbered A Zones (including AE, AO and AH Zones) on the effective Flood Insurance Rate Map (effective FIRM) dated May 3, 2010, or best available data as determined by more recent hydrologic and

hydraulic studies completed or approved by the City or other government agency. Requirements established in Section 5.30.04 of this ordinance shall apply to the Zoning Districts FW and FF based on the most restrictive information available. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.30.05, 5.30.06, 5.30.07.

2. The Enforcement Officer
The Planning ~~Manager~~ Director of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.

3. Rules for Interpretation of District Boundaries
The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map, the Flood Insurance Rate Map or Floodway Map, or on the Digital Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the flood fringe overlay district boundary on the land. The location of the floodway overlay district boundary may be based on a map completed or approved by the City or other government agency, provided the boundary is not less restrictive than that shown on the effective FIRM. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence if he so desires.

4. Compliance
Within identified special flood hazard areas of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and Greater Restrictions
It is not intended by this ordinance to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation
In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

7. Warning and Disclaimer of Liability
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of Bellevue or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. Severability
If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9. Appeal
Where a request for a permit to develop or a variance is denied by the enforcement officer the applicant may apply for such permit or variance directly to the Board of Adjustment.

5.30.03 Development Permit

1. Permit Required

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 5.30.12.

2. Administration

A. The Enforcement Officer is hereby appointed to administer and implement the provisions of this ordinance.

B. Duties of the Enforcement Officer shall include, but not be limited to:

i. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.

ii. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

iii. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

iv. Notify adjacent communities, the U.S. Army Corps of Engineers, and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

v. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

vi. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.

vii. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood proofed.

viii. When flood proofing is utilized for a particular structure the Enforcement Officer shall be presented certification from a registered professional engineer or architect.

ix. Facilitate the approval of new Flood Insurance Rate Maps or best available data as necessary.

x. Maintain records of all floodplain development permits and or building permits within the floodway or flood fringe overlay district to ensure that structures are not substantial improvements.

xi. Filling of the floodway fringe associated with new development within the Papillion Creek System shall be limited to 25% of the floodway fringe in the floodplain development application project area unless approved mitigation measures are implemented. The remaining 75% of floodway fringe within the project area shall be designated as a restricted fill zone. For redevelopment, these provisions may be modified or waived in whole or in part by the local jurisdiction.

3. Application for Permit

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

A. Identify and describe the development to be covered by the floodplain development permit.

B. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.

C. Indicate the use or occupancy for which the proposed development is intended.

D. Be accompanied by plans and specifications for proposed construction, including but not limited to the following information: 1) existing (natural) grades, 2) proposed grades as a result of proposed development, 3) the proposed lowest floor elevation and any higher floor elevations, including attached garage, of any proposed structures, 4) the lowest and highest adjacent grades next to any proposed structures, 5) the most restrictive base flood elevation nearest the proposed development.

E. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

F. Give such other information as reasonably may be required by the Enforcement Officer.

5.30.04 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study, effective FIRM, or best available data. The zoning districts created by this ordinance overlie other zoning districts and place additional restrictions upon the manner in which lands in such underlying district may be used. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

5.30.05 Standards for Floodplain Development

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered A zones on the effective FIRM or best available data are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of Section 5.30.06. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the effective FIRM or best available data.

4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
   A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
   B. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
   C. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   D. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be flood proofed to prevent damage resulting from flood levels exceeding the base flood elevation by one foot. Backflow valves shall be installed on all septic lines leading from the structure.

5. Storage of Material and Equipment
   A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
   B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

5.30.06 Flood Fringe Overlay District – (Including AO and AH Zones)

1. Permitted Uses

Any use permitted in Section 5.30.07 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.30.05 are met.

2. Standards for the Flood Fringe Overlay District

A. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the highest base flood elevation available, now or in the future.

B. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above **one (1) foot** above the highest base flood elevation available, now or in the future, or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Enforcement Officer as set forth in Section 5.30.03, 2, B, vii.

C. Require all new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. The area below lowest floor subject to flooding shall be a maximum of four (4) feet in height measured from the bottom of the floor joists, unless used for parking of vehicles.

D. All electrical equipment and sanitary facilities, including circuits, installed electric appliances, toilets, sinks, drains, in new developments and substantial improvements shall be located so as to not be subject to flooding or shall be flood proofed to prevent damage resulting from flood levels exceeding the highest base flood elevation available, now or in the future, by one foot. Backflow valves shall be installed on all septic lines leading from the structure.

E. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

F. Manufactured Homes

i. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;

b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;

c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

d. Any additions to the manufactured home be similarly anchored.

ii. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:

a. Outside of a manufactured home park or subdivision,

b. In a new manufactured home park or subdivision,

c. In an expansion to an existing manufactured home park or subdivision, or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.

Such homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation; and be securely

anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.30.06,2, F, i.

iii. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 5.30.06,2, F, ii. be elevated so that either:

a. The lowest floor of the manufactured home is at or above **one (1) foot** above the base flood elevation, or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 5.30.06,2, F, i.

G. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than 180 consecutive days between April 1 and October 31and be fully licensed and ready for highway use, or (ii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

H. Located within the areas of special flood hazard established in Section 5.30.02, 1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:

i. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

ii. All new construction and substantial improvements of non-residential structures shall:

a. Have the lowest floor elevated above the highest adjacent grade at least as high as **one (1) foot** above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

b. Together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 5.30.03, 2, B, vii.

iii. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5.30.07 Floodway Overlay District

1. Permitted Uses

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

A. Open space uses not requiring a closed building, such as agricultural cropland, livestock feeding and grazing, or open public and private recreation areas.
B. Wire fences or other appurtenances may be constructed which would not constitute an obstruction or debris-catching obstacle to the passage of flood waters.
C. Railroads, streets, bridges, public utility wire and pipelines for transmission and local distribution.
D. Commercial excavation of materials from pits, strips, or pools; provided, that no stockpiling of materials, products or overburden shall be such as to create a potential restriction to the passage of flood waters.
E. Non-restrictive improvements in stream channel alignment, cross section, and capacity in the normal maintenance thereof.
F. Uses of a type not appreciably damaged by flood waters; provided, no new structures for human habitation shall be permitted.
G. Recreational vehicles may be placed on sites within the floodway and shall be on the site for fewer than 180 consecutive days between April 1 and October 31 and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions. In all cases, the recreational vehicle must comply with the requirements of Section 5.30.06. Recreational Vehicles shall not be allowed on any site between November 1 through March 31.

2. Standards for the Floodway Overlay District

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of Sections 5.30.05 and 5.30.06. In unnumbered A zones flood elevation and floodway data shall be obtained, reviewed, and be reasonably utilized from any Federal, State or other sources in meeting the standards of this section.

5.30.08 Variance Procedures

1. The Board of Adjustment as established by the City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Enforcement Officer in the enforcement or administration of this ordinance.

3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in 19-912, R.R.S. 1943.

4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:

A. The danger that materials may be swept onto other lands to the injury of others;
B. The danger to life and property due to flooding or erosion damage;
C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
D. The importance of the services provided by the proposed facility to the community;
E. The necessity to the facility of a waterfront location, where applicable;
F. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
G. The compatibility of the proposed use with existing and anticipated development;

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

i. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,

ii. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

5. Conditions for Variances

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (5B-5F below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels along the floodway profile during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

F. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

5.30.09 Nonconforming Use

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

A. No such structure or use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.

B. If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance.

C. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

5.30.10 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its

requirements shall upon conviction thereof be fined not more than $500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City Council or other appropriate authority from taking such other lawful action is as necessary to prevent or remedy any violation.

5.30.11 Amendments

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Bellevue Area. At least ten days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

5.30.12 Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

1. **Appeal** means a request for a review of the Enforcement Officer's interpretation of any provision of this ordinance or a request for a variance.

2. **Area of Shallow Flooding** means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

3. **Base Flood** means the flood having one percent chance of being equaled or exceeded in any given year.

4. **Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

5. **Best Available Data** means any hydrologic and hydraulic studies which result in a base flood elevation, now or in the future, that is higher than that shown on the Effective FIRM or Effective FIS. Such study must be completed or approved by the City or other government agency.

6. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

7. **Existing Construction** means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM. "Existing construction" may also be referred to as "existing structures."

8. **Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

9. **Expansion of Existing Manufactured Home Park or Subdivision** the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.

11. **Flood Fringe** is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

12. **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the Administrator has delineated both the special flood hazards areas and the risk premium applicable to the community.

13. **Flood Insurance Study (FIS) or Effective FIS** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

14. **Floodplain** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

15. **Floodway or Regulatory Floodway** means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

16. **Freeboard** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

17. **Highest Adjacent Grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

18. **Historic Structure** means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

19. **Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

20. **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

21. **Manufactured Mobile Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

22. **New Construction** For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

23. **New Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

24. **Overlay District** is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

25. **100-Year Flood** means the condition of flooding having one-percent chance of annual occurrence.

26. **Principally above Ground** means that at least 51 percent of the actual cash value of the structure is above ground.

27. **Recreational Vehicle** means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

28. **Regulatory Flood Elevation** means the water surface elevation of the 100-year flood.

29. **Special Flood Hazard Area** is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

30. **Start of Construction** [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

31. **Structure** means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

32. **Substantial Damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

33. **Substantial Improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

34. **Variance** means a grant of relief to a person from the terms of a floodplain management ordinance.

35. **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. ***(Ord. No. 3692, Dec. 10, 2012)***

Section 5.31 OTO Olde Towne Overlay District

5.31.01 Intent:

This zone is designed to provide for flexibility to existing residential structures in the Olde Towne area and also aid in the implementation of the Olde Towne Vision Plan.

5.31.02 Permitted Uses:

1. Any principal uses permitted in the Primary Zoning District to which the Olde Towne Overlay District classification is appended when established according to the regulations and provisions of the primary zoning district

5.31.03 Conditional Uses:

1. Any conditional use permitted in the primary zone to which the Olde Towne Overlay District is appended when established according to the rules and conditions of the primary district.

5.31.04 Permitted Accessory Uses:

1. Any permitted accessory use allowed in the primary district to which the Olde Towne Overlay District is appended when established according to the rules and conditions of the primary district.

5.31.05 Space Limits:

1. *Yard Space Encroachments:* Covered porches, decks, patios, or terraces, attached to the front of a single-family dwelling and no higher than thirty (30) inches above grade, may extend up to ten (10) feet into a front yard setback. A covered porch, deck, patio, or terrace shall not be enclosed by walls, windows, screens, or other material in such a manner that this material extends more than 36 inches above the floor of the porch, deck, patio, or terrace.
2. *Nonconforming lots:* A single family dwelling and its permitted accessory buildings may be erected on a single lot in the "Olde Towne Overlay District" which was platted prior to the effective date of this ordinance. This provision shall apply even though such lot fails to meet the requirement for width that is applicable in the zoning district, provided that the other setback and area requirements for the zoning district are met.

5.31.06 Procedure:

1. The Olde Towne Overlay District shall be appended to a primary district in the same manner in which zoning map changes are made and shall have the effect of modifying the uses allowed on the specific site or zoning lot.

5.31.07 Miscellaneous Provisions:

1. All miscellaneous provisions of the primary district to which the Olde Towne Overlay District is appended shall apply.
2. The minimum front yard setback shall be 0' and the maximum front yard setback shall be 10' for the following properties:

   Lots 1 through 3, Civic Center Plaza
   Lots 1 through 6, Block 127, Bellevue
   Lots 1 through 6, Block 128, Bellevue
   Lots 1 through 6, Block 176, Bellevue
   Block 181, Bellevue
   Lots 1 through 4, 4A, 5A, 5B, 6A, and 6B, Block 197, Bellevue
   Lots 1 through 4, Block 248, Bellevue
   Lots 1 and 2, Whitfield's Addition Replat One
   Lots 1 and 2, Longo Replat

   No city block within the properties listed shall have more than 50% of its buildings constructed at a setback greater than the minimum setback.
3. For new residential construction, site plan approval shall be required for the following properties:
   Lots 1 and 2, Robinson's Addition
   Lots 1 and 2, Warsing Addition
   Lots 1 and 2, Holsapple's Replat
   Lots 11 and 12, Block 127, Bellevue
   Lots 8 through 12, Block 176, Bellevue

Lots 9 through 12, Block 197, Bellevue

Residential setbacks for these properties are variable and shall only be approved through the site plan process.

Site plan approval shall not apply to additions on to a residential structure existing at the adoption of this ordinance.

(Ord. No. 3849, June 13, 2016)

Section 5.32 CO Conservation Overlay District

5.32.01 Intent:

The intent of this overlay district is to protect the urban forests and environmentally sensitive lands along the Missouri River in Bellevue and its jurisdiction and other lands that may be identified as environmentally sensitive and needing protection. The overlay is not intended to eliminate specific uses from this portion of Bellevue but to limit uses or encourage developments sensitive to the environment.

5.32.02 Purpose:

The purpose of this overlay district is to provide additional criteria in the urban forests of Bellevue's jurisdiction and along the identified streams and rivers, and other lands that may be identified as environmentally sensitive and needing protection. This overlay district does not limit specific uses; these shall be controlled by the underlying districts. This overlay only works to prescribe certain conditions in regard to setback from the creek/river, slope, and sensitive soils. Applicants are required to demonstrate specific conditions prior to approval of any requested use including any uses that are considered as permitted and/or as conditional uses.

The requirements of this overlay district include a number of mechanical testing and monitoring techniques as well as common sense practical conservation methods. The combination of these two approaches is intended to create areas of Bellevue where a mixture of desirable uses can be established and/or expanded, while maintaining and conserving natural areas.

5.32.03 Specific Conditions Required:

The following are specific requirements/guidelines for placing any intensive use within this overlay district.

1. Subdivisions for purposes of this district shall mean anytime a rezoning is approved for the purpose of increasing the density in any District for development.
2. No new subdivisions shall be platted within this overlay unless developments are supplied by a regional system or rural water district and are required to construct a central distribution system to supply water to the individual lots of the development.
   A. The central water system shall meet all city, county, state, and federal guidelines.
   B. The developer shall demonstrate that the proposed central water system will not create an impact upon existing properties and wells surrounding the development.
   C. The central water system shall be designed to provide fire protection flows to the development.
3. Subdivision developments will be required to maintain a minimum of 15% of the development in green space.
   A. Subdivisions shall meet all requirements in the Subdivision Regulations and the items within this Section.
   B. A subdivision may clear 15% of all tree cover and/or natural ground cover such as prairie grasses for individual lots that are constructing a structure or structures. The necessary ground cover may be disturbed for constructing streets and infrastructure.
   C. The developer shall provide the City with a site plan and construction plan for such developments.
   D. All required green space will be required to be held in an easement and made part of a homeowner's association agreement, the developer, or another authorized organization or agency.
4. Parcel where 15% or more of the land area is in tree cover and/or natural ground cover such as prairie grasses, only 15% of the sites tree cover and/or ground cover may be disturbed for purposes of constructing a structure or structures.
5. All other uses including commercial and industrial developments shall be required to meet the requirements of this Section.
6. No construction on slopes of 15% or more shall be allowed in this overlay district.
7. Wetlands within this area shall not be disturbed or mitigated and shall be maintained and conserved as part of any construction project.

5.32.04 Approval:

Approval of an application within this overlay district shall only occur upon the applicant complying with and meeting the requirements of this Section. Failure to meet the requirements and conditions of this Section shall result in an application being denied.

Section 5.33 FGZ Federal Government / Non-Regulated

5.33.01 Intent: This district has been established to recognize those areas of Bellevue that are regulated by the Federal Government and are exempt from local zoning regulations. Areas include Offutt Air Force Base and related base housing.

Section 5.34 Schedule of Lot and Area Requirements

ZONING DISTRICT	MINIMUM LOT AREA		MIN. YARD SETBACK (feet)				MAX. HEIGHT (ft)	MAX. GROUND COVERAGE INCLUDING ACCESSORY BUILDING(s)
	LOT AREA (sq ft or acres)	LOT WIDTH (ft)	FRONT	STREET SIDE	SIDE	REAR		
AG: Agricultural								
Residential	20 acres	150	35	25	20	35	35	
dwellings	20 acres	150	35	25	20	35	35	10%
Other Permitted	20 acres	150	35	25	20	35	35	
Uses	-	-	35	25	20	20	35	
Conditional Uses								
Accessory Uses								
RA: Residential Agriculture	5 acres	150	35	25	20	35	35	
Residential	5 acres	150	35	25	20	35	35	15%
dwellings	5 acres	150	35	25	20	35	35	
Other Permitted	-	-	35	25	20	35	15+	
Uses								
Conditional Uses								
Accessory Uses								
RE: Residential Estates								
Residential	1 acre+	120	35	25	20	35	35	
dwellings	1 acre+	120	35	25	20	35	35	20%
Other Permitted	1 acre+	120	35	25	20	35	35	
Uses	-	-	35	25	5	5	15+	
Conditional Uses								
Accessory Uses								
RS-120 Single-Family Residential	12,000+	80	35	20	10	35	35	
Residential	12,000+	80	35	20	10	35	35	25%
dwellings	12,000+	80	35	20	10	35	35	
Other Permitted	-	-	35	20	5	5	15+	
Uses								
Conditional Uses								
Accessory Uses								
RS-84 Single-Family Residential	8,400+	70	25+	20	10+	35+	35	
Residential	8,400+	70	25+	20	10+	35+	35	30%
dwellings	8,400+	70	25+	20	10+	35+	35	
Other Permitted	-	-	25+	20	5	5	15+	
Uses								
Conditional Uses								
Accessory Uses								
RS-72 Single-Family Residential	7,200	65	25+	20	7+	35+	35	
Residential	7,200	65	25+	20	7+	35+	35	30%
dwellings	7,200	65	25+	20	7+	35+	35	
Other Permitted	-	-	25+	20	5	5	15+	
Uses								
Conditional Uses								
Accessory Uses								
RD-60 Duplex Residential	6,000	65	25+	15	5	35+	35	
Single-family	6,000	45	25+	15	10+	35+	35	
Dwelling	12,000	80	25+	15	5	35+	35	40%
Single-family	6,000	65	25+	15	5	35+	35	
Attached	6,000	65	25+	15	5	35+	35	
Two-family	-	-	25+	15	5	5	15+	
Dwelling								
Other Permitted Uses								
Conditional Uses								
Accessory Uses								
RG-50 General Residential	5,000	50	35	15	5	25	35	
Single-family	5,000 per	45 per unit	35	15	10+	25	35	
Dwelling	unit	75	35	15	5	25	35	
Single-family	10,000	75	35	15	10	25	35	50%
Attached	5,000 per	50	35	15	5	25	35	
Two-family	unit	50	35	15	5	25	35	
Dwelling	5,000	-	35	15	5	5	15+	
Res Buildings not more than four dwelling units+	5,000	-						
Other Permitted Uses								
Conditional Uses								
Accessory Uses								
RG-28 General Residential	5,000	50	35	15	5	20	35	
Single-family	5,000 per	50 per unit	35	15	5+	20	35	
Dwelling	unit	50	35	15	5	20	35	
Single-family	10,000	50	35	15	5	20	35	60%
Attached	2,800 per	50	35	15	5	20	35	
Two-family	unit	50	35	15	5	20	35	
Dwelling	5,000	-	35	15	5	5	15+	

Multi-family Dwelling+ Other Permitted Uses Conditional Uses Accessory Uses	5,000							
RG-20 General Residential Single-family Dwelling Single-family Attached Two-family Dwelling Multi-family Dwelling+ Other Permitted Uses Conditional Uses Accessory Uses	5,000 5,000 per unit 10,000 2,000 per unit 5,000 5,000	40 40 per unit 40 40 40 40 -	35 35 35 35 35 35	10 10 10 10 10 10	5 5+ 5 5 5 5	10 10 10 10 10 5	75 75 75 75 75 75	80%

+Note: Additional requirements apply for these uses, refer to the specific district for details.

Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements and the Supplemental Regulations for more information.

ZONING DISTRICT	MINIMUM LOT AREA		MIN. YARD SETBACK (feet)				MAX. HEIGHT (ft)	MAX. GROUND COVERAGE INCLUDING ACCESSORY BUILDING(s)
	LOT AREA (sq ft or acres)	LOT WIDTH (ft)	FRONT	STREET SIDE	SIDE	REAR		
RG-8 General Residential								
Single-family Dwelling	5,000	40	25	5	3	10	None	90%
Single-family Attached	5,000 per unit	40 per unit	25	5	3+	10	None	
Two-family Dwelling	10,000	40	25	5	3	10	None	
Multi-family Dwelling+	800 per unit	40	25	5	3	10	None	
Other Permitted Uses	5,000	40	25	5	3	10	None	
Conditional Uses	5,000	-	25	5	3	10	None	
Accessory Uses	-	-						
M: Modified Residential	- See Underling Zoning District and appropriate section for regulations -							
PS: Planned Subdivision District	- See Underling Zoning District and appropriate section for regulations -							
PO: Parking Overlay	- See Underling Zoning District and appropriate section for regulations -							
MU: Mixed Use	- See Underling Zoning District and appropriate section for regulations -							
BN: Neighborhood Business								
Permitted Uses	7,500	50	25	25+	5+	20	25	70%
Conditional Uses	7,500	50	25	25+	5+	20	25	
Accessory Uses	-	-	25	25+	5+	20	25	
BNH: Heavy Neighborhood Business								
Permitted Uses	7,500	50	25	25+	5+	20	25	70%
Conditional Uses	7,500	50	25	25+	5+	20	25	
Accessory Uses	-	-	25	25+	5+	20	25	
BG: General Business								
Permitted Uses	None	None	None	None	5+	10	75+	95%
Conditional Uses	None	None	None	None	5+	10	75+	
Accessory Uses	-	-	None	None	5+	10	75+	
BGM: Metropolitan General Business								
Permitted Uses	None+	None	None	None	None	None	+	100%
Conditional Uses	None+	None	None	None	None	None	+	
Accessory Uses	-	-	None	None	None	None	+	
BGH: Heavy General Business								
Permitted Uses	None	None	None	None	None	None	55	100%
Conditional Uses	None	None	None	None	None	None	55	
Accessory Uses	-	-	None	None	None	None	55	
PCO: Planned Center Overlay	- See Underling Zoning District and appropriate section for regulations -							
FX: Flex Space								
Permitted Uses	10,000	50	20+	10	None	None	+	75%
Conditional Uses	10,000	50	20+	10	None	None	+	
Accessory Uses	-	-	20+	10	None	None	+	
ML: Light Manufacturing								
Permitted Uses	10,000	50	20	10	None	None	+	75%
Conditional Uses	10,000	50	20	10	None	None	+	
Accessory Uses	-	-	20	10	None	None	+	
MH: Heavy Manufacturing								
Permitted Uses	10,000	50	20	10	None	None	+	50%
Conditional Uses	10,000	50	20	10	None	None	+	
Accessory Uses	-	-	20	10	None	None	+	
AICUZ: Air Installation Compatible Use Zone; Clear Zone, Accident Potential Zones I and II, Noise Zones, and Height and Obstruction Criteria Overlay	- See Underling Zoning District and appropriate section for regulations -							
FF/FW: Flood Plain Overlay	- See Underling Zoning District and appropriate section for regulations -							
OTO: Old Towne Overlay	- See Underling Zoning District and appropriate section for regulations -							
CO: Conservation Overlay District	- See Underling Zoning District and appropriate section for regulations -							
FGZ: Federal Government / Non-Regulated	- See Underling Zoning District and appropriate section for regulations -							

+Note: Additional requirements apply for these uses, refer to the specific district for details.
Additional requirements may apply to a Zoning District, please refer to the specific district, the General Requirements, and the Supplemental Regulations for more information.

Section 5.35 HCO Highway 34 Corridor Overlay District

5.35.01 Intent. The Highway 34 Corridor Overlay District provides basic guidelines which promote quality design along a visible corridor in the city's zoning jurisdiction. The Highway 34 Corridor Overlay District is intended to: Encourage development design that strengthens the physical character and image of the city; Support the value of property and quality of development of a major highway corridor; set basic requirements for good site design and development, building design, landscaping, and signage without discouraging creativity and flexibility in design; permit safe and convenient transportation access and circulation for motorized and non-motorized vehicles, and for pedestrians; and manage the impact of industrial development on adjacent properties. The uses permitted in the Highway 34 Corridor Overlay District shall be the same as those permitted by the underlying base zoning district except as provided by this section. The following uses shall be prohibited within the Highway 34 Corridor District:

1) Hazardous waste storage, as primary use
2) Salvage or junk yard operations and transfer stations, as a primary use
3) Tow lots, as a primary use
4) Commercial/Utility Grade SCS *(Ord. No. 4055, Oct. 5, 2021)*

5.35.02 Highway 34 Corridor Overlay District Boundaries:

The Highway 34 Corridor Overlay District applies to the following areas:

Land within one (1) mile of the centerline of Highway 34 within the planning jurisdiction of the City of Bellevue; bordered by the Missouri River on the east, and 5th Street on the west;

Tax Lots 4A and 5A (14-13-13), Tax Lots 7 and 8A (13-13-13), Tax Lots 10A and 11A (24-13-13), and Tax Lot 15A (23-13-13).

5.35.03 Project Application and Exceptions:

The Highway 34 Corridor Overlay District, its development guidelines, and other provisions, apply to the following:
Any new building or addition requiring a building permit, built on land within the boundaries of the Highway 34 Corridor Overlay District after September 25, 2012

The requirements of the Highway 34 Corridor Overlay District do not apply to a building in place or under construction on a site as of September 25, 2012.

Waivers of Sections 5.35.04 and 5.35.05 may be granted by the Design Review Board as outlined in Section **8.12.07**, City of Bellevue Zoning Ordinance.

5.35.04 Site Design Guidelines for Industrial Uses:

(A) BUILDING LOCATION AND ORIENTATION

1. To the maximum degree possible, the arrangement of buildings on a site shall screen operational and loading areas from view abutting highway corridor streets.
2. Buildings with customer entrances shall orient such entrances toward the primary access street.
3. Accessory structures shall not front a primary access street and shall be oriented away from public streets, open space, or residential areas.
4. Buildings shall be arranged and oriented so that loading docks, outdoor storage, trash collection and processing, HVAC equipment, truck parking and servicing areas and other service functions are not visible from Highway 34 except where surrounding topographic features prevent concealment. Site designs shall maximize the amount of landscaping in street yards along these highways. This standard may be met by building and site orientation, site design, and/or landscaped screening that blocks the view of such areas from the highway corridors. Customer and employee parking areas are permitted in these street yards, subject to other provisions of this regulation.
5. Any industrial building elevation visible from the Highway 34 corridor must use at least two (2) different class I or II materials as listed in Section **8.12.03** and must be composed of at least sixty (60) percent class I or II materials, not more than forty (40)

percent of class III or IV materials, and not more than ten (10) percent class IV materials.

(B) VEHICULAR ACCESS

1. To the maximum degree possible, access routes for automobiles and trucks shall be distinguished from one another.
2. Drives and access points shall be directed away from residential areas.

(C) PARKING

1. Signage and site design shall distinguish employee and visitor parking areas from truck loading and servicing areas when the project is sufficiently large to make such separation functionally necessary.
2. Landscaping shall be used to direct vehicles through the site, distinguish between automobile and truck service areas, manage storm water, and break up the size of large impervious automobile parking areas.

(D) PEDESTRIAN ACCESS

1. Developments shall provide public sidewalks in accordance with the City's building code.
2. Multi-building developments shall provide clear and safe walkways at least 5 feet in width that connect all buildings on the site. Buildings not intended for routine customer access or intended solely for drive-up services are excluded from this requirement.
3. Where required walkways cross drives, parking aisles, or other vehicular ways, the crosswalks shall be distinguished from driving surfaces by the use of durable, low-maintenance surface materials such as concrete or brick pavers; scored, colored concrete; or painted concrete.
4. Pedestrian connections to adjacent developments should be provided.

(E) SIGNS

1. Attached signs shall be integrated into the design of the building elevation.
2. Freestanding signs shall be constructed per Article 7 of the zoning ordinance.

(F) SCREENING

1. Developments shall provide year-round screening of outdoor storage, utility meters, HVAC equipment, trash collection and processing per the regulations listed in Section 8.11 and Article 9. Utility meters, HVAC, and Trash collection and processing shall be screened to its full vertical height. Outdoor storage shall provide 75% of the vertical plane of this feature to a height of 8 feet. Trash enclosure gates shall furnish a steel frame with decorative steel or wood covering, or another design acceptable to the Planning ~~Manager~~ Director. Chain-link fencing with inlaid wood or metal slats shall not be considered acceptable. Screening shall be integrated into the overall design of buildings and landscaping and fully contain the visual impact of these service functions from adjacent public streets and neighboring properties.

(G) LIGHTING

1. All lighting used to illuminate off-street parking areas, signs or other structures shall be arranged so as to deflect light down and away from any adjoining residential property through fixture type and location.
2. The maximum height of lighting standards shall be 45 feet unless the city grants a specific exception as part of the application approval process.
3. Exterior lighting of buildings shall be limited to low-level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any light sources will not glare skyward or upon adjacent property or public streets. The city may approve exceptions to these requirements for sports and athletic field lighting, flagpole lighting, public street lighting, temporary lighting for seasonal/holiday or special events, and lighting used for public safety.

Section 5.35.05 Architectural Guidelines

(A) MASS AND SCALE

1. For buildings with office areas that exceed 3,000 square feet, the mass of the office portion of a building shall be distinguished from the mass of the industrial operations portion of the building. Office and/or public entrances shall be distinguished by elements that provide both identification and scale to the development. Techniques include but are not limited to the use of canopies or porticos, overhangs, changes in horizontal plane, variations in façade height and design, arches, peaked or special roof forms, and changes in materials.

(B) BUILDING MATERIALS

1. Building materials shall be those classes listed in Section 8.11.03.

(C) ROOF FORMS

1. Visible roof materials shall include clay or concrete tile, split shakes, pre-finished metal, architectural grade asphalt shingles, architectural metals, copper, natural or synthetic slate, or similar durable materials. ***(Ord. No. 3683, Sept. 10, 2012)***

ARTICLE 6: CONDITIONAL USE PERMITS

Section 6.01 General Provisions

The City Council may, by conditional use permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit conditional uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a conditional use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a conditional use permit in accordance with the intent and purpose of this ordinance. In granting a conditional use permit, the Council will authorize the issuance of a conditional use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the conditional use permit. Conditional use permits shall run with the land, provided there are no violations to the approved permit.

Section 6.02 Application for Conditional Use Permits

A request for a conditional use permit or modification of a conditional use permit may be initiated by a property owner or his or her authorized agent by filing an application with the City upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a non-refundable fee.

Section 6.03 Planning Commission Public Hearing

Before any proposal for a conditional use permit is considered by the City Council, the Planning Commission shall conduct a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Bellevue, one time at least 10 days prior to such hearing.

Section 6.04 City Council Public Hearing

Before issuance of any conditional use permit, the Council will consider the application for the conditional use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Bellevue, one time at least 10 days prior to such hearing.

Section 6.05 Decisions

A majority vote of the Council shall be necessary to grant a conditional use permit. No order of the Council granting a conditional use permit, which has not been acted upon by the applicant, shall be valid for a period longer than 12 months from the date of such order. Unless the following is completed:

6.05.01 The Zoning Administrator, in consultation with City Staff, has granted an additional six-month administrative extension provided:

1. The character (including uses, parking conditions, traffic, and others) of the area in which the use(s) were approved has not changed significantly,
2. The applicant has made some effort to follow through with said permit or there were circumstances that slowed the applicants' progress.
3. If the administrative extension of the second six-month period has lapsed without establishment of said conditionally permitted use; or, if staff deems the character of the area has changed within the initial six-month period, the applicant shall be required to reapply to both the Planning Commission and City Council for further approval(s).

Section 6.06 Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morale, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.06.06 The use shall not include noise, which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Purpose and Applicability

7.01.01 Purpose

The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. These sign regulations are adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the zoning ordinance.

7.01.02 Applicability

A sign may be erected, placed, established, painted, created, or maintained within the City and the City's extraterritorial zoning jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of these sign regulations.

7.01.03 **Persons Affected.** It shall be unlawful for any owner of a zone lot, or any agent thereof, and also any tenant, occupant, person in possession, charge or control of any such zone lot or any portion thereof, and also any sign owner (collectively referred to as "Property Owner), whether acting jointly or severally, not to conform with the requirements set forth in this ordinance; and the requirements of this ordinance shall be jointly and severally binding upon each such noncompliant owner of a zone lot or any part thereof, and any sign owner. Violations of this provision are subject to the provisions of these regulations.

7.01.04 **Special Effects.** The effect of this ordinance as more specifically set forth herein is:

To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;

To prohibit all signs not expressly permitted by this ordinance; and

To provide for the enforcement of the provisions of this ordinance.

7.02 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth herein and in Article 2. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance. All issues concerning signs and the exercise or restrictions of rights pertaining thereto, including the right for such signs to exist in, on, or about any zone lot, shall be governed and construed in accordance with this ordinance. Principles for computing sign area and sign height are contained in Section 7.01.06.

ABANDONED SIGN shall mean a sign which no longer identifies or advertises a business, lessor, service, owner, product, or activity on the parcel where the sign is located or a sign for which no legal owner can be found.

AERIAL SIGN shall mean a balloon or other airborne flotation or inflatable device which sits on a surface or is tethered to the ground or to a building that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered, regardless of whether it does or does not contain text or advertising copy.

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

AGENT shall mean a person authorized by the owner of the zone lot to act on behalf of such owner.

ANIMATED SIGN shall mean any sign that uses movement or change of lighting, whether by natural or mechanical means, to depict actions or create a special effect or scene. The foregoing definition includes, but is not limited to, signs containing messages which change automatically or which messages can be changed via a message control center.

ANNOUNCEMENT SIGN shall mean a small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature, except the setback shall not apply in the Downtown District.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.



Sign, Architectural Canopy
Sign, Awning or Canopy

AUDIBLE SIGN shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and / or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

AWNING shall mean a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. Non-rigid materials include fiberglass, rubber, plastic, fabric, canvas, or similar material.

AWNING OR CANOPY SIGN shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BACK-LIT SIGN shall mean a sign whose light source is located behind fully opaque letters and/or graphics in the interior of the sign so that the rays go through the face of the sign.

BALLOON SIGN shall mean one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

BANNER/FLAG SIGN shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole, a building, or other permanent structure, or a part thereof. Unless specifically stated, all references to "banner" in this ordinance refer to permanent banners. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.



Sign, Banner

BANNER (COMMERCIAL) SIGN shall mean an advertising sign of non-rigid material mounted on a building or structural frame.

BILLBOARD SIGN shall mean a sign that identifies or communicates a commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located, or any noncommercial message. A billboard is differentiated from an off-premise sign in that the message on a billboard is designed to periodically change.



Sign, Billboard

BILLBOARD SIGN, DIGITAL shall mean a billboard sign that displays digital images that are changed by electronic means, generally at short time intervals.

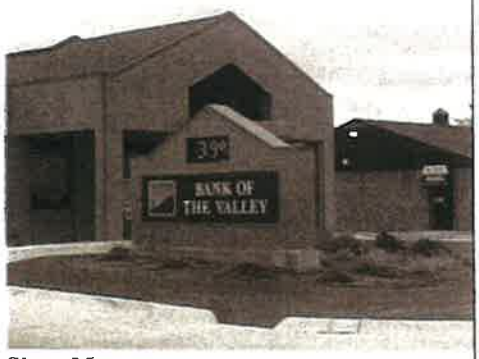
BUILDING MARKER SIGN shall mean any sign indicating the name of a building and/or date and/or incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN shall mean any sign attached to any part of a building, as contrasted with a freestanding sign.

CANOPY shall mean a projecting, non-movable, rigid, multi-sided structure covered with fabric, metal, or other material and either: a) cantilevered or suspended from a building, supported by the main structural members to which it is attached; or b) freestanding and supported by columns or posts embedded in the ground. A canopy sign is any sign painted on or attached to, in any manner, or made an integral part of the canopy. A marquee is not a canopy.

CENTER IDENTIFICATION SIGN shall mean any sign erected to provide direction to a development including multiple uses and / or structures within the development. Center Identification signs shall include the name of said development and may include, when permitted, the names of major tenants of the development. Center Identification Signs shall typically be similar to Ground (Monument) signs.

CHANGEABLE COPY SIGN shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.



Sign, Monument
Sign, Electronic Message
Sign, Flashing
Closed Sign

CITY shall mean the City of Bellevue, including each of its authorized officers, managers, and directors.

CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

CODE shall refer to the Uniform Building Code and the Uniform Electrical Code.

COMMEMORATIVE SIGN shall mean a permanent sign indicating the name of a structure or site, its address, or other information of commemorative or historical significance.

COMMERCIAL MESSAGE SIGN shall mean any sign wording, figures, logo, or other representation that, directly or indirectly, names, advertises, or calls or directs attention to a business, product, service, or other commercial activity.

COMMON SIGNAGE SITE PLAN shall mean a signage site plan jointly submitted by the Property Owners of two or more contiguous zone lots or the Property Owner of a single lot containing more than one building which contains the same information as a Master Signage Site Plan plus specific standards of consistency contained in this ordinance, and which has been approved by the ~~Manager~~ Director. A twenty-five percent (25%) increase in total sign area shall be allowed to the Property Owner(s) of the zone lot for conforming Common Signage Site Plans.

CONDITIONAL USE SIGN shall mean a sign type requiring approval by the Planning Commission and City Council as a conditional use permit.

CONSTRUCTION SIGN shall mean a temporary sign identifying an architect, engineer, contractor, subcontractor, and/or building material supplier who participates in construction on the property on which the sign is located.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

DIGITAL SIGN shall mean a sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs and light emitting diode (LED) signs. (See also "Animated Sign").

DIRECT LIGHTING shall mean illumination by means of an external source.

DIRECTIONAL/INFORMATIONAL SIGN shall mean an on-premise sign which provides direction for the safe and efficient flow of vehicular or pedestrian traffic to an activity on the premise. Directional/Informational signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premise.

DIRECTOR shall mean the Planning Director of the city or his or her designee.

DIRECTORY SIGN shall mean an on-premise sign identifying an activity, operational feature, or business name upon such premise. Directory signs shall include building names, offices, or activities in same size letters, colors and general design and shall be limited to one sign per street entrance.

DISCONTINUED SIGN (See "Sign, Abandoned")

DOUBLE-FACED SIGN shall mean a sign constructed to display its message on the outer surfaces of two identical and opposite parallel planes. This does not include "V-type signs".

DWELL TIME shall mean the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

ELECTRONIC MESSAGE SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. (See also "Animated Sign").

EXTERNALLY ILLUMINATED SIGN shall mean a sign whose illumination is derived entirely from an external source.

FAÇADE shall mean the entire building front, including the parapet.

FENCE SIGN shall mean a sign attached to or painted on a fence.

FLAGS OF GOVERNMENTAL ENTITIES shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a national, state, or local governmental entity; provided that such flags are displayed for non-commercial purposes.

FLAGS OF NON-GOVERNMENTAL ENTITIES shall mean any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a professional, religious, educational, commercial person, other organization or entity.

FLASHING SIGN shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

FREESTANDING SIGN shall mean any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

FRONTAGE shall mean the length of the property line of any one premises along a public right of way on which it borders. A building or building complex which lacks frontage on a public right of way or buildings located on a private street have "internal frontage".

GAS STATION PRICE SIGN shall mean a changeable copy or electronic sign advertising fuel prices.

GOVERNMENT SIGN shall mean any temporary or permanent sign erected and maintained by the City, County, State, or Federal government, or in conjunction with the City, for public information, traffic control or for designation of or direction to any school, hospital, historic site, or public service, property, or facility.

GROUND MONUMENT SIGN shall mean a sign mounted directly to the ground.

HAZARDOUS SIGN shall mean a sign that by reason of design, inadequate maintenance, dilapidation, or obsolescence, or placement creates a hazard to the public health, safety and welfare.

HOLIDAY DECORATION SIGN shall mean a temporary sign, in the nature of decorations, clearly customary and commonly associated with federal, state, local, or religious holidays and contains no commercial message.



Sign, Ground Monument
Sign, Changeable Copy

IDENTIFICATION SIGN shall mean a sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

ILLEGAL SIGN shall mean any of the following: (1) a sign erected without first obtaining a permit and complying with all regulations in effect at the time of its construction or use; (2) a sign that was legally erected but whose use has ceased because the business it identifies is no longer conducted on the premises; (3) a nonconforming sign for which the amortization period has expired; (4) a sign that was legally erected but which later became nonconforming and then was damaged to the extent of 50 percent or more of its current replacement value; (5) a sign that is a danger to the public or is unsafe; (6) an abandoned or obsolete sign; or (7) a sign that pertains to a specific event that has not been removed within48 hours after the occurrence of the event.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

INCIDENTAL SIGN shall mean a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INDIRECTLY ILLUMINATED SIGN shall mean illumination of a sign that is affected by a source of light not contained within the sign itself.

INFLATABLE SIGN shall mean any sign designed or constructed with the ability to be mechanically filled with air or gas that displays a commercial message or an identifiable corporate character or logo.

INTERNAL SIGN shall mean a sign that is not visible or not intended to be viewed from outside the building.

INTERNALLY ILLUMINATED SIGN shall mean a sign that is illuminated by means of a light source in the interior of the sign so that light passes through the face of the sign.

KIOSK SIGN shall mean a freestanding bulletin board or information sign structure having more than two sides that is meant to provide announcements or direction to the public.

LOGO SIGN shall mean signs owned and operated by an agent for the Nebraska Department of Roads. The signs are located in the right-of-way on interstate or primary highways. The signs are designed to

accommodate businesses that furnish gas, food, lodging, or camping and meet any criteria established by the Nebraska Department of Roads.

LOT shall mean any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of indicating ownership or possession.

MAINTENANCE shall mean the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

~~**MANAGER** shall mean the Planning Manager of the city or his or her designee.~~

MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A marquee sign is any sign attached to (in any manner) or made a part of a marquee.

MASTER SIGNAGE SITE PLAN shall mean the plan which a Property Owner submits to the ~~Manager~~ Director containing a plot plan of the zone lot, the location of buildings, parking lots, existing signs, and landscaped areas, maximum sign area, individual sign area, sign height, maximum number of signs, and future sign locations.

MENU-BOARD SIGN shall mean a permanently mounted sign displaying the bill of fare for a drive-through restaurant.

MOBILE/VEHICLE SIGN shall mean a sign mounted on a motor vehicle, or trailer, or other framework, not permanently attached to a pole, building or other structure.

MONUMENT SIGN shall mean an on-premises freestanding sign with the appearance of a solid base. The width of such base shall be at least fifty (50) percent of the width of the sign.

MOVING SIGN shall mean any sign which in part or in total rotates, revolves, or otherwise is in motion.

NAMEPLATE SIGN shall mean a sign not exceeding two square feet for each dwelling.

NEON SIGN shall mean a sign containing glass tube lighting in which a gas and phosphors are used in combination to create a colored light.

NIT shall mean a unit of luminance equal to one candela (one candle) per square meter.

NON-CONFORMING SIGN shall mean any sign existing or under construction on the effective date of this ordinance that does not conform to the requirements of this ordinance, including such signs upon zone lot premises which become subject to this ordinance after the date hereof.

OBSOLETE SIGN shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

OCCUPANT shall mean a person in possession of the zone lot who has actual use and control thereof.

OFF-PREMISES SIGN shall mean a sign which directs attention to a specific business or activity other than one conducted or located upon the lot or parcel where such sign is located. An off-premise sign shall be characterized by a display or message which is not intended to change on a regular basis. An off-premises sign shall not be a changeable copy sign.

ON-PREMISE SIGN shall mean a sign which directs attention to a business, profession, activity, merchandise, service, or entertainment that is conducted, sold, produced, or furnished upon the premises where such sign is located. All signs referred to in this ordinance are on-premise signs except for billboards.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

OWNER OF A ZONE LOT shall mean any person in whom legal title to a lot, parcel, or other piece of real estate is registered as recorded in the Sarpy County Treasurer's Office. Notices under this ordinance shall be sent to the owner at the address on file with the Sarpy County Treasurer's office.

PAINTED WALL SIGN shall mean a sign applied to a building wall with paint or similar substances on the face of a wall and which has no sign structure. A "Painted Wall Sign" is considered to be a wall mounted sign for calculation purposes.

PARAPET SIGN shall mean a sign attached to that portion of a building's exterior wall that projects above the plate line of a building.

PENNANT SIGN shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, temporarily or permanently suspended from a rope, wire, string, or permanent support, usually in series, designed to move in the wind.

PERMANENT SIGN shall mean a sign reasonably anticipated to continue or endure and not to be removed. A sign that is fixed, lasting, and stable and not reasonably anticipated to be portable, transferable, temporary, or transient.

PERSON shall mean any individual, association, company, corporation, firm, organization, entity, joint stock company, limited liability company, trust, joint venture, business trust or partnership, singular or plural, of any kind.

POLE SIGN shall mean an on-premises sign built on a freestanding frame, mast, or pole(s) where the support (the freestanding frame, mast, or pole(s)) encompasses less than fifty (50) percent of the width of the sign.

POLITICAL SIGN shall mean a sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

PORTABLE SIGN shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character. Examples are: menu and sandwich board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations (deliveries and transportation of personnel) of the business. This definition also includes any and all sandwich boards supported by human beings or animals.

PRINCIPAL FRONTAGE shall mean the length of the zone lot line towards which the sign faces on any one premise, where such zone lot line abuts or is parallel to a public street, private way, or court. Principal frontage is measured from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

PROJECTING SIGN shall mean any sign affixed to a building or wall of any type of structure in such a manner that the leading edge of such sign extends more than six inches beyond the surface of such building or wall.

PROPERTY OWNER shall be construed to include, both jointly and severally, the owner of any zone lot, any agent thereof, and also any tenant, occupant, person in possession, charge or control of the zone lot, or any portion thereof, and also any sign owner.

PUBLIC/TRAFFIC INFORMATION SIGN shall mean a sign, usually erected and maintained by a public agency that provides the public with information and in no way relates to a commercial activity. Such signs include but are not limited to, speed limit signs, stop signs, city limit signs, welcome signs, street name signs, vehicle identification signs, pedestrian wayfinding signs, and destination and directional signs.



Projecting Sign
Open Sign

REAL ESTATE SIGN shall mean a temporary sign that identifies property or properties that are for sale or lease.

RESIDENTIAL SIGN shall mean any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance in which it is located.

ROOF LINE shall mean the top edge of the roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

ROOF SIGN shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

ROOF (INTEGRAL) SIGN shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

ROTATING SIGN shall mean a sign which in its entirety or in part moves in a revolving or similar manner. Such motion does not include methods of changing copy.

SANDWICH BOARD SIGN shall mean an advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member.

SEARCHLIGHT SIGN shall mean a searchlight that is used to announce, direct attention to, or advertise businesses.

SETBACK shall mean the distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

SIGN shall mean any device, fixture, placard, or structure that uses any color, form, figure, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to offer direction, or to communicate information of any kind to the public.

SIGN AREA shall mean the area of a sign face computed using the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the writing, representation, emblem, projection, or other display, together with any integral or differentiating background. The sign area does not include supporting framework, bracing, or decorative fence of wall that meets zoning ordinance regulations and is clearly incidental to the display itself.

SIGN BASE shall mean any structural element extending upward from grade to the base of the sign.

SIGN COPY shall mean any combination of letters or numbers which are intended to inform, direct, or otherwise transmit information.

SIGN COPY AREA shall mean the area of the sign occupied by sign copy. It is computed by measuring the area enclosed by straight lines drawn to enclose the extremities of the letters or numbers.

SIGN FACE shall mean an individual surface of a sign that offers information to advertise, to announce, or to identify the purpose of a person or entity, or to offer direction or to communicate information of any kind to the public.

SIGN GROSS AREA shall mean the entire area within a single continuous perimeter enclosing the extreme limits of a sign. However, this perimeter shall not include any structural elements lying outside of the limits of the sign and not forming an integral part of the display.

SIGN HEIGHT shall mean the vertical distance measured from the highest point of the sign, excluding embellishments of not more than five feet in height above the sign, to the average ground grade beneath the sign.

SIGN OWNER shall mean each person in which the ownership, dominion or title of a sign is or will be vested, including, but not limited to, the owner and/or lessee thereof.

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN STACKING shall mean the placing of one sign above another at the same location.

SIGN STRUCTURE shall mean the base, supports, uprights, bracing, or framework of any structure exhibiting a sign, be it single-faced, double-faced, or V-type or otherwise.

SIGN SURFACE shall mean the entire area of a sign.

SIGNAGE PLAN shall mean a scaled or dimensioned graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot.

SNIPE SIGN shall mean an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

SPECIAL EVENT SIGN shall mean a sign advertising display that is temporary in nature, is not permanently attached to the ground, building or sign structure surface, and is used for special events, such as, but not limited to, grand openings, seasonal sales, liquidations, going-out-of-business sales, fire sales, and promotions.

STATIC DWELL TIME (see Dwell Time)

STATIC MESSAGE shall mean an advertisement or message which, when displayed contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.

STREET shall mean a strip of land or way subject to vehicular traffic or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevard, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

STREET FRONTAGE shall mean the length of a zone lot line of any one premise, abutting and parallel to a public street, private way, or court. Street frontage is measured from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

SUBDIVISION IDENTIFICATION SIGN shall mean a sign that is permanently constructed at the entrance(s) of the subdivision and identifies a recognized subdivision, condominium complex, or residential development, and includes the name of the subdivision in the form of attached letters or sign. The subdivision entrance sign may include specific types of landscaping such as water, stone, brick, etc.

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY FREESTANDING SIGN shall mean a temporary sign with a post or other support structure designed to be inserted into the ground for use of the sign on a temporary basis.

TEMPORARY PORTABLE SIGN shall mean a movable reusable sign structure made of durable material, mounted on wheels and towed or on a rigid frame and trucked, which is regularly and periodically moved from parcel to parcel.

TEMPORARY SIGN shall mean any sign that is reasonably anticipated to be used only temporarily and is not permanently mounted, or a sign which is reasonably anticipated to last only for a limited time or a short duration – not permanent.



Subdivision Identification Sign

TENANT shall mean a person or entity who holds or possesses realty and/or personal property of another. A tenant has the temporary use and occupation of real property or the personal property owned by another person or entity, the duration and terms of the tenancy being usually fixed by an instrument called a "lease."

TETHERED SIGN shall mean a sign which is anchored by a rope, wire, chain, or similar method.

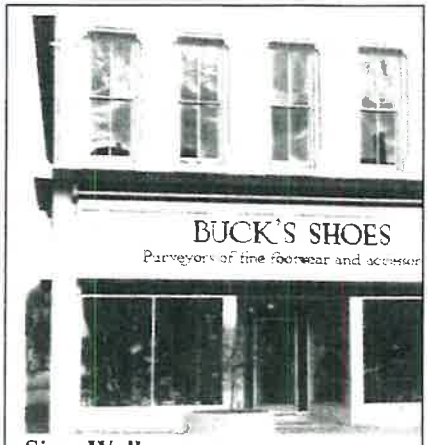
TIME AND TEMPERATURE SIGN shall mean an electrically controlled sign which contains only public service, time, temperature, and/or date information.

TRANSITION TIME shall mean the duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

TOURIST ORIENTED DIRECTIONAL SIGN shall mean a sign owned and operated by a contracted agent of the Nebraska Department of Roads and located in the right-of-way on rural highways and cannot be erected on the interstate or interchanges on expressways. These signs shall meet all applicable criteria established by the Nebraska Department of Roads.

VIDEO SIGN shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen. (See also "Animated Sign").

WALL SIGN shall mean any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.



Sign, Wall

WARNING SIGN shall mean a sign located on a property posting such property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

WINDOW SIGN shall mean any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

ZONE LOT shall mean a parcel of real estate or land that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by any applicable zoning regulations. ***(Ord. No. 3647, Nov. 28, 2011)***

Illustrative Definitions



Animated Sign



Announcement Sign



Awning Sign



Balloon Sign



Banner/Flag Sign



Banner Sign (Commercial)



Building Marker Sign



Canopy Sign



Center Identification Sign



Changeable Copy Sign



Commemorative Sign



Construction Sign



Destination Sign



Directional / Informational Sign



Directory Sign



Double-faced Sign



Electronic Message Sign



Freestanding Sign



Gas Station Price Sign



Identification Sign



Ground Monument Sign



Incidental Sign



Inflatable Sign



Kiosk Sign



Marquee Sign



Menu-Board Sign



Billboard Sign



Painted Ghost Wall Sign



Painted Wall Sign



Parapet Sign



Pennant Sign



Pole Sign



Political Sign



Projecting Sign



Public/Traffic Information Sign



Real Estate Sign



Roof Sign



Roof (integrated) Sign



Sandwich Board Sign



Sign, Digital



Sign Stacking



Subdivision Identification Sign



Suspended Sign



Wall Sign



Warning Sign



Window Sign

Section 7.03 Computations

The following principles shall control the computation of sign area and sign height.

7.03.01 Computation of Area of Individual Signs

The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, decorative fence or wall when such supporting framework, bracing, decorative fence, or wall meets zoning ordinance regulations and is clearly incidental to the display itself.

7.03.02 Computation of Area of Multi-faced Signs

The sign area for a sign with more than one face shall be computed by (1) determining the point from which most of the sign faces can be seen; and (2) adding together the area of such visible sign faces; provided, however, when two identical signs faces are painted back to back, so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same sign structure and are connected at one point and separated not more than 30 degrees, the sign area shall be computed by the measurement of one of the faces.

7.03.03 Computation of Height

The Height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the

sign, where such sign support touches the ground, is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

7.03.04 **Computation of Maximum Total Permitted Sign Area for a Zone Lot**

The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in Table 7C: Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

7.04 Permits and Interpretation

7.04.01 Signs Allowed on Private Property with and without Permits

Signs shall be allowed on private property in the City in accordance with, and only in accordance with Table 7A. Subject to the other qualifications of this Section, if the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 7A shall be allowed only if:

The sum of the area of all building and freestanding signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table 7C;

The size, location, and number of signs on the lot conform with the requirements of Tables 7D and 7F, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table 7A;

The characteristics of the sign conform with the limitations of Table 7B, Permitted Sign Characteristics, and with any additional limitations on characteristics listed in Table 7A.

1. **Signs Permitted for Shopping Centers or Office Parks.** Shopping centers and office parks shall be permitted one freestanding "shopping center or office park identification sign" per exterior street frontage on which the name of the shopping center or office park and businesses within the shopping center or office park may be displayed. Such shopping center or office park identification sign shall be located the greater of 15 feet from the property line or 50 feet from the centerline of the fronting street, may not exceed 37 feet in height, and may contain a sign area no greater than 300 square feet. A sign permit application shall be accompanied by an exhibit which identifies the commercial development to which the sign is applicable. Placement of a shopping center or office park identification sign on an individual lot within a shopping center or office park shall not prevent the occupant of that lot from erecting additional signs as otherwise permitted by Article 7. The shopping center and office park identification sign regulations may be modified by the City Council in connection with the approval of a site plan or development agreement.

7.04.02 Permits Required

If a sign requiring a permit under the provision of this ordinance is to be placed, constructed, erected, or modified on a zone lot, the Property Owner shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.03.

Furthermore, the Property Owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.03.

No signs shall be erected in the public right-of-way except in accordance with Section 7.04.03.

No sign permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this ordinance (including those Sections protecting existing signs) in every respect and with the Master Signage Site Plan or Common Signage Site Plan in effect for the property.

7.04.03 **Signs Allowed on Private Property with and without Permits**

1. Design, Construction, and Maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

All signs shall comply with applicable provisions of the Uniform Building Code and the Uniform Electrical Code, as each may change from time to time, of the City.

Except for temporary banners, flags, temporary signs, and window signs which conform in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

Sign erectors or installers shall not erect or install a sign without having first received from the Property Owner a current and valid sign permit. Violations of this provision are subject to the provisions of Section 7.01.

All signs at all times shall be maintained in good structural condition, securely fixed, in compliance with the code, and in conformance with this ordinance.

2. Master or Common Signage Site Plan.

No permit shall be issued for a sign requiring a permit unless and until a Master Signage Site Plan or a common Signage Site Plan for the zone lot on which the sign will be erected has been submitted to the ~~Manager~~ Director and approved by the ~~Manager~~ Director as conforming with this Section.

A. Master Signage Site Plan. For any zone lot on which the Property Owner proposes to erect or allow one or more signs requiring a permit, unless such zone lot is included in a Common Signage Site Plan, the Property Owner shall submit to the ~~Manager~~ Director a Master Signage Site Plan containing the following:

An accurate plot plan of the zone lot, at such scale as the ~~Manager~~ Director may reasonably require;

Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;

Computation of the maximum total sign area, the maximum area for each sign, the height of each sign, and the number of freestanding signs that are allowed on the zone lot(s) under this ordinance; and

An accurate indication on the plot plan of each sign existing as of the date of the ordinance and of the proposed location of each future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

B. Common Signage Site Plan. If the Property Owner(s) of two or more contiguous (disregarding intervening streets and alleys) zone lots or the Property Owner of a single zone lot with more than one building (not including any accessory building) file with the ~~Manager~~ Director for such zone lots a Common Signage Site Plan conforming with the provisions of this Section, a twenty-five percent (25%) cumulative increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the Property Owner(s) elects in writing and files such election with the ~~Manager~~ Director.

C. Provisions of Common Signage Site Plan. The Common Signage Site Plan shall contain all of the information required for a Master Signage Site Plan and shall also specify standards for consistency among all signs on the zone lots affected by the Common Signage Site Plan with regard to:

Color scheme;
Lettering or graphic style;
Lighting;
Location of each sign;
Location of each sign on the buildings;
Material; and
Sign proportions.

D. Limit on Number of Freestanding Signs Under Common Signage Site Plan. The Common Signage Site Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in each such plan have frontage and shall provide for shared or common usage of such signs.

E. Showing Window Sign on Common or Master Signage Site Plan. A Common Signage Site Plan or Master Signage Site Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

F. Other Provisions of Master or Common Signage. The Master Signage Site Plan or Common Signage Site Plan may contain such other restrictions as the Property Owners may reasonably determine.

G. Consent. The Master Signage Site Plan or Common Signage Site Plan shall be signed by each Property Owner and the sign owner in such form as the ~~Manager~~ Director shall require.

H. Procedures. A Master Signage Site Plan or Common Signage Site Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

I. Amendment. A Master Signage Site Plan or Common Signage Site Plan may be amended by filing a new Master or Common Signage Site Plan that conforms with all requirements of the ordinance then in effect.

J. Binding Effect. After approval of a Master Signage Site Plan or Common Signage Site Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

3. **Signs in the Public Right-of-Way.**

No signs shall be allowed in the public right-of-way, except for the following:

A. Permanent Signs. Appropriate permanent signs, including:

Public signs erected by or on behalf of a governmental body including, but not limited to, those to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;

Bus stop signs erected by a public transit company;

Informational signs of a public utility company regarding its poles, lines, pipes, or facilities; and

Awning, projecting, and suspended signs projecting not more than twenty-four inches (24") over a public right-of-way in conformity with the conditions of Table 7A of this ordinance.

B. Subdivision Identification Signs. Subdivision identification signs may be erected in the right-of-way by the City, a Sanitary and Improvement District, or a Homeowners Association subject to the following conditions:

The sign shall not exceed 6 feet in height, nor shall any face of the sign exceed 60 square feet.

Regardless of the height and size restrictions, no sign may be erected which creates a visual obstruction for vehicular traffic.

The sign shall only be a "monument sign" as defined in this ordinance.

In the event such sign abuts a residential lot, approval of the abutting property owner shall be required.

All such signs shall be approved by the Public Works Department prior to installation. A City of Bellevue Sign Permit shall also be required.

If, after installation, it is determined by the City that the sign creates a hazard to vehicular or pedestrian traffic it may be removed by the Public Works Department.

C. Emergency Signs. Emergency warning signs erected by a governmental body, a public utility company, or a contractor authorized to do permitted work within the public right-of-way.

D. Temporary Directional Signs. Signs erected to direct pedestrian or vehicular traffic to residential areas or businesses that are impacted by temporary road closings due to construction, maintenance, utility work or similar matters which result in road closures. Prior to posting any temporary directional signs, the party desiring such sign shall coordinate with the City and notify each Property Owner where temporary directional signs will be located.

E. Other Signs Forfeited. Any sign installed or placed on public property or in the public right of way, except in conformance with the requirements of this Section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the Property Owner or person placing such a sign, the full cost of removal and disposal of such sign.

4. **Signs Exempt From Regulation Under This Ordinance.**

The following signs shall be exempt from regulation under this ordinance:

A. Any public notice or warning authorized by a valid and applicable federal, state, or local law, regulation, or ordinance;

B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;

C. Temporary displays or decorations customarily associated with any national, state, local, or religious holiday or celebration; provided such signs shall be erected no more than forty-five (45) days before and removed no later than fourteen (14) days after the holiday or celebration;

D. Works of art that do not include a commercial message; and

E. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the standards of the Nebraska Department of Roads and which contain no commercial message of any sort.

5. **Signs Prohibited Under this Ordinance.**

A. Audible signs.
B. All other signs not expressly permitted or exempt from regulation under this ordinance are prohibited in the City.

6. **Temporary Signs.**

Temporary signs placed on private property with the property owner's permission shall not require a sign permit. Temporary signs are, however, subject to all other provisions and conditions of this ordinance. In addition, temporary signs are allowed only in compliance with the following Sections:

A. Temporary Freestanding Signs. Temporary freestanding signs shall be allowed in all zoning districts provided the sign face of a temporary freestanding sign may not exceed six (6) square feet in any residential zone, and thirty-two (32) square feet in any other zone. Signs greater than six (6) square feet in size in a residential zone, and thirty-two (32) square feet in size in any other zone, shall not be considered temporary signs and shall require a sign permit. Temporary signs in any district other than a residential district must be spaced twelve (12) feet apart. In commercial zoning districts, two (2) temporary freestanding signs shall be allowed per business per zone lot, provided no more than eight (8) temporary freestanding signs may be on any one zone lot at any one time.

B. Tethered Balloons and Inflatable Signs. Tethered balloons and inflatable signs are allowable on a temporary basis, one tethered balloon or one inflatable sign per zone lot. Tethered balloons and inflatable signs are not allowed in residential zones. A tethered balloon or inflatable sign may not exceed thirty-five feet (35') in height or 300 square feet in the total area of the tethered balloon or inflatable sign; provided, however, the tether shall not exceed one hundred feet (100'). Such tethered balloons and inflatable signs may only be exhibited for a period of not more than fourteen (14) days.

C. Penalties on Public Property or Public Right-of-Way. In the event that any temporary sign is posted on public property or in the City's right-of-way, the City shall have the right to immediately remove and dispose of such sign in accordance with Section 7.04.03.

7. Billboard Signs.

Billboard signs are exempt from the restrictions of Tables 7B, 7C, 7D, and 7E of this ordinance, and are subject to the following provisions:

A. General Provisions.

i. Billboard signs shall not be established in any location having principal frontage on any street within a 150 feet radius of any lot, parcel, or other property which is used for a public park, school, church, courthouse, city hall, or public museum having principal frontage on the same street.

ii. Setbacks:
   a. Front Yard. The greater of 15 feet from the property line or 50 feet from the center line of the fronting street.
   b. Street Side Yard. The greater of 15 feet from the property line or 50 feet from the center line of the fronting street.
   c. Interior Side Yard. No requirements.
   d. Rear Yard. 15 feet.

iii. Height: The maximum height of any billboard sign shall be fifty-five (55) feet, with an additional five (5) feet permitted for extensions beyond the sign face. The height of a sign is measured from the normal grade level (as defined in Section 7.03.03) below the sign to the topmost point of the sign structure.

iv. Character: No billboard sign shall be constructed which resembles any official marker erected by the City, state, or governmental body, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

v. Code: All billboard signs shall be constructed in accordance with the code.

vi. Sign Maintenance: All billboard signs shall be continuously maintained to good and safe structural conditions. The painted portions of billboard signs shall be periodically repainted and kept in good condition.

vii. Consent: No billboard sign or part thereof or overhang thereof shall be located on any lot, parcel, or other property designation without the consent of the Property Owner.

viii. Lot Maintenance: The general area in the vicinity of any undeveloped property must be kept free and clear of materials, weeds, debris, trash, and other refuse.

ix. Location: No billboard sign shall be located within a 150-foot radius of any residential zone measured from the portion of the sign face closest to any residential zone.

x. Animation and Motion: Billboard signs shall not be animated signs. Billboard signs shall not revolve or rotate. Slow or continuous motion or rotating within a portion of the sign face shall be permitted.

xi. Zoning: Billboard signs may only be located on a lot zoned BG, BGH, ML, or MH; such signs may be located on a lot zoned MU or FX if specifically approved with the required site plan for the property.

B. Sign Size

i. Billboard signs up to 300 square feet on their face are permitted in the following zones: BG (General Business Zone) and MU (Mixed Use Zone).

ii. Billboard signs up to 400 square feet on their face are permitted in the following zones: BGH (Heavy General Business Zone), FX (Flex Space Zone), and ML (Light Manufacturing Zone).

iii. Billboard signs up to 672 square feet on their face are permitted in the following zone: MH (Heavy Manufacturing Zone).

C. Spacing.

i. Kennedy Freeway and Highway 34: Any billboard sign along the Kennedy Freeway or Highway 34 shall be spaced a minimum of 1500 feet apart from the closest billboard sign measured in a straight line along the center line of the Kennedy Freeway or Highway 34, as appropriate. The distance shall be measured from the portion of the sign face closest to Kennedy Freeway or Highway 34, as appropriate.

ii. On all other streets and highways within the jurisdiction of the City pursuant to the provisions of this ordinance, no billboard sign may be established within an 850-foot radius of any other billboard sign. The distance shall be measured from the portion of the sign faces which are closest to each other.

iii. On-premise and off-premise signs shall not be counted nor shall measurements be made from them for the purpose of determining compliance with these spacing requirements.

D. Digital billboards.

Digital billboards shall comply with all requirements of this ordinance, plus the following specific requirements:

i. The image displayed on the sign shall not change more frequently than every 10 seconds.
ii. The image shall remain static during its display period (no movement or motion shall be permitted).
iii. Digital billboard signs shall be equipped with a sensor or other device to automatically adjust the day/night light intensity to a level of no greater than 5,000 nits during daylight hours and no greater than 750 nits during nighttime hours.

8. Sign Permit Procedures.

The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the application, submission and review of each Common Signage Site Plan and each Master Signage Site Plan.

Signs identified as "P" or "S" on Table 7A, shall be constructed, erected, modified, installed, or created (hereinafter jointly or severally referred to as "Install" or "Installation") only in accordance with a duly issued and valid sign permit issued by the ~~Manager~~ Director. Such permits shall be issued in accordance with the following provisions:

A. Applications. All applications for sign permits of any kind and for a Master Signage Site Plan or Common Signage Site Plan shall be made in writing upon forms furnished by the City. Each application shall be submitted to the ~~Manager~~ Director in accordance with application specifications promulgated by the ~~Manager~~ Director. Each proposed sign requires a separate permit and each sign existing as of the effective date of this ordinance and each sign existing upon annexation of the lot upon which it is encompassed requires the filing of an application for either a Master Signage Site Plan or a Common Signage Site Plan. Property Owners who wish to submit a Common Signage Site Plan for approval may do so jointly, submitting only one application.

B. Insure and Indemnify. Any applicant(s) applying for a sign permit for a new sign or filing an application(s) for a Master Signage Site Plan or Common Signage Site Plan for proposed signs or existing signs, shall procure and maintain during the existence of any sign commercial general liability insurance covering bodily injury, including death, and property damage with a combined single limit of at least $500,000 per person. The applicant(s) shall also defend, indemnify, and hold the City harmless from and against any action, claim, judgment, loss, damage, or injury to person or property, all fines, penalties, costs, or expenses including reasonable attorney fees, of any nature whatsoever which are brought, made, incurred, caused by, or which result or arise from, or out of, or in connection with (whether in whole or part) the negligent or intentional act, error or omission, including any default under the application, of the indemnifying party.

C. Fees. Each application for a sign permit or for approval of a Master Signage Site Plan or Common Signage Site Plan shall be accompanied by the applicable fees, which shall be established by the City Council from time to time by resolution. Permit fees are intended to cover the associated cost of sign permit review; processing of the permit application, and any site inspections pertaining to the installation, erection, and/or placement of each sign.

D. Completeness. No more than five (5) business days after receiving an application for a sign permit or for a Master Signage Site Plan or a Common Signage Site Plan, the ~~Manager~~ Director shall review it for completeness; and if the ~~Manager~~ Director finds that it is complete, the application shall then be further processed. If the ~~Manager~~ Director finds that the application is incomplete, the ~~Manager~~ Director shall return it to the applicant together with a notice of the deficiencies.

E. Issuance of a Permit or Approval of Plan. After the receipt of an application for a sign permit, the ~~Manager~~ Director shall review the plans, specifications, and other data relating to such sign, and, if it is considered necessary, shall inspect the zone lot premises upon which the sign is proposed to be erected. The ~~Manager~~ Director shall take action (i) on the application for a sign permit in accordance with Section 7.04.03 or (ii) the ~~Manager~~ Director shall take action on the application for approval of a Master Signage Site Plan or Common Signage Site Plan in accordance with Section 7.04.03 or, when related to nonconforming signs, in accordance with Section 7.04.03.

F. Action. No more than ten (10) business days after receiving a duly completed application for a sign permit, the ~~Manager~~ Director shall either:

Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and of the applicable Master Signage Site Plan or Common Signage Site Plan previously approved; or

Refuse to issue the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance and of the previously approved applicable Master Signage Site Plan or Common Signage Site Plan. In case of a rejection, the ~~Manager~~ Director shall specify in the rejection the Section(s) of this ordinance, or the applicable plan with which the sign(s) is inconsistent.

G. Action on the Plan. On any duly completed application for approval of a Master Signage Site Plan or Common Signage Site Plan, other than those pertaining to nonconforming signs as referenced in Section 7.04.03, the ~~Manager~~ Director shall either:

Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this ordinance; or

Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of this ordinance and of the previously approved applicable Master Signage Site Plan or Common Signage Site Plan. In case of a rejection, the ~~Manager~~ Director shall specify in the rejection the Section(s) of this ordinance, or the applicable plan with which the sign(s) is inconsistent.

The ~~Manager~~ Director shall take such action on the proposed plan on the applicable one of the following dates:

No later than ten (10) business days after the submission of an application if the application is for signs for existing buildings; or

No later than ten (10) business days after the date of issuance of any related application for a building permit, site plan, or development plan involving new construction.

H. Inspection. The ~~Manager~~ Director shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit, or at an earlier date if the Property Owner may request. If the Installation is not substantially complete at the time of inspection, the permit shall lapse and become void. If the Installation is complete and in full compliance with this ordinance and with the code, the ~~Manager~~ Director shall affix to the sign or sign structure, a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the Installation is substantially complete but not in full compliance with this ordinance and the code, the ~~Manager~~ Director shall give the Property Owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the Installation is then complete, the ~~Manager~~ Director shall affix to the sign or sign structure, the permanent symbol described above.

I. Permit Label. With each permit issued, the City shall provide a label or decal for each permitted sign bearing the permit number. This label shall be attached to the sign or sign structure, in an approved location (specified on the permit) so as to be clearly visible from the public right-of-way or public area of the business site.

J. Failure of Applicant or ~~Manager~~ Director to Comply. The failure of an applicant to timely file an application for a sign permit or the failure of an applicant to comply with the provisions of this Section when filling out, and/or submitting an application, shall be construed as prejudicial to the applicant. The failure of the ~~Manager~~ Director to meet the time constraints imposed upon him/her by this ordinance shall not be construed as waiving the requirements of this ordinance or impliedly granting such permit.

9. Sign Permits – Duration and Lapse.

The Property Owner of a zone lot containing sign(s) requiring a permit under this ordinance shall at all times maintain in force a sign permit for such zone lot. Sign permits shall be issued for each zone lot, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Common Signage Site Plan.

A. Lapse of Sign Permit. A sign permit shall lapse automatically if the business activity on the zone lot is discontinued for a period of 180 days or more and is not renewed within 60 days of a notice from the City to the last permittee, sent to the zone lot, that the sign permit will lapse if such activity is not renewed. Lapse of a sign permit shall be considered a violation of this ordinance.

B. Assignment of Sign Permits. A current sign permit shall be assignable to a successor as Property Owner, subject only to filing such application as the ~~Manager~~ Director may require within six (6) months and paying any applicable fee. The assignment shall be accomplished by filing a copy of same with the ~~Manager~~ Director and shall not require further approval.

10. Signs Without Permits.

A. Violation and Nuisance. It shall be a violation of this ordinance to install, create, erect, or maintain any sign, for which a permit is required, without having obtained such a permit. Installing, creating, erecting, or maintaining any sign for which a permit is required without having obtained such a permit shall also constitute a continuous public nuisance and each day such a violation exists shall be deemed a separate violation.

B. Property Owner Removal. Except as otherwise provided, the Property Owner with a sign for which a current sign permit has not been issued shall be obligated to take down and remove such sign within ten (10) days after written notification from the City.

C. Summary Removal Authorized. The Planning ~~Manager~~ Director is hereby empowered to determine whether a current and valid sign permit has been issued for any sign. If a current sign permit is required but has not been issued due to the failure or refusal of the Property Owner(s) to comply with this Ordinance, the Planning ~~Manager~~ Director shall provide written notice to the Property Owner(s) of such violation and order removal of the sign. The Property Owner(s) shall have twenty (20) days to comply with this written notice. If the Property Owner(s) fail to comply with the order of removal, the City may have such work done. The costs and expenses of any such work shall be paid by the Property Owner(s). If unpaid for two (2) months after such work is done, the City may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground.

11. Nonconforming Signs

A. Signs Existing on Effective Date. For any sign existing in the City on or before September 24, 1996 and in continuous and uninterrupted existence since that date, a duly completed application for either a Master Signage Site Plan or a Common Signage Site Plan must be submitted to the Man~~Manager~~ Director ager on or before October 1, 2000; and for any sign existing on property annexed at a later date which causes the sign to become subject to this ordinance, an application for either a Master Signage Site Plan or a Common Signage Site Plan must be submitted to the ~~Manager~~ Director within six (6) months of the effective date of the annexation or wthin such period as may be established in an agreement between the City and the relevant Property Owner; and the timely filing of such duly completed applications shall qualify such signs and Property Owner for the protection of Section 7.04.03 (11C.) and (11D.). Signs that are the subject of applications for a Master Signage Plan or a Common Signage Plan not so received or received after October 1, 2000 shall be subject to all of the terms and conditions of this ordinance, shall be in violation thereof, and shall not be entitled to the protection of Section 7.04.03 (11C.) and (11D.). Except as otherwise provided in this ordinance, any such nonconforming sign for which an application for a Master Signage Site Plan or a Common Signage Site Plan has not been timely submitted to the ~~Manager~~ Director shall be taken down and removed in accordance with the procedures and provisions of Section 7.04.03 (10).

B. Fees. Duly completed applications for a Master Signage Site Plan or a Common Signage Site Plan for existing signs timely filed within the time period specified in Section 7.04.03 (11A.) shall be exempt from the initial fees adopted under authority of this ordinance.

C. Permits. A sign that would be permitted under this ordinance only with a current sign permit, but which was in existence on the effective date of this ordinance or on a later date when the property upon which such sign exists is annexed to the City, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this ordinance, shall be deemed to have been issued a current and valid nonconforming sign permit if an application for a Master Signage Site Plan or a Common Signage Site Plan in accordance with Section 7.04.03 (11A) of this ordinance is timely filed.

D. Grandfather Rights. Any nonconforming sign which has been registered in accordance with Section 7.04.03 (8) of this ordinance may be repaired or modified provided such repair or modification does not involve a structural alteration or result in the sign becoming more nonconforming. A sign permit will not be required for repairing or modifying an existing registered sign.

Any nonconforming sign which has been registered in accordance with Section 7.03.04 of this ordinance may be replaced or otherwise structurally altered provided the sign is not made more nonconforming and the sign is of a type permitted by Table 7A in the zoning district in which it is located. A sign permit will be required prior to replacing or structurally altering any sign.

E. Lapse of Sign Permit for Existing Signs. A nonconforming sign permit deemed to have been issued for existing signs in accordance with Section 7.04.04 (11C.) shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void as specified in Section 7.04.03 (9).
(Ord. No. 3647, Nov. 28, 2011)
(Ord. No. 3688, Dec. 10, 2012)

7.05. Appeals.

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

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made on behalf of the City by an administrative official or agency based on or made in the enforcement of any applicable zoning regulation or any regulation relating to the location or soundness of structure;

B. To hear and decide, in accordance with the provisions of any applicable zoning regulation, requests for interpretation of any map; and

C. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of real property at the time of the enactment of any applicable zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition or such piece of property, the strict application of this ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the Property Owner to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution. No such variance shall be authorized by the Board of Adjustment unless it finds that:

i) The strict application of the any applicable zoning regulation would produce undue hardship;

ii) Such hardship is not shared generally by other real properties in the same zoning district and the same vicinity;

iii) The authorization of such variance will not be of substantial detriment to adjacent real property and the character of the district will not be changed by the granting of the variance; and

iv) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

No variance shall be authorized unless the Board of Adjustment finds that the condition or situation of the real property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the applicable zoning regulations. In exercising the above-mentioned powers such Board of Adjustment may 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 ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board of Adjustment 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 regulation or to affect any variation in such regulation.

7.05.02. Violations.

Any of the following shall be violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the Zoning Ordinance, and by state law:

To install, create, erect, or maintain any sign in a way that is inconsistent with this ordinance or any plan or permit governing such sign or the zone lot on which the sign is located;

To install, create, erect, or maintain any sign requiring a permit without such a permit;

To fail to obtain a current and valid sign permit for existing signs in accordance with Section 7.04.03 (11C);

To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

To continue any such violation.

Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance and each day a violation exists shall be a separate violation when applying the penalty portions of this ordinance.

7.05.03. Enforcement: Remedies and Penalties.

1. Remedies. Any Property Owner, sign erector, installer, or other person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance, will be subject to the following: Any violation or attempted violation of this Ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to State law. A violation of this Ordinance shall be considered a violation of the Zoning Ordinance of the City. The remedies of the City shall include: Issuing a stop work order for any and all work on any signs on the same zone lot, seeking an injunction or other order of restraint or abatement that requires removal of the sign(s) or the correction of the nonconformity, imposing any penalties that can be imposed directly by the City under the Zoning Ordinance, and seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance.

Upon determination by the Planning ~~Manager~~ Director that a sign poses a danger to public health or safety or is in such a state of disrepair that it is no longer functional, the Planning ~~Manager~~ Director shall provide written notice to the Property Owner(s) of such violation and order removal or repair of the sign. The Property Owner(s) shall have twenty (20) days to comply with this written notice. If the Property Owner(s) fail to comply with the order of removal, the City may have such work done. The costs and expenses of any such work shall be paid by the Property Owners. If unpaid for two (2) months after such work is done, the City may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground.

A sign that has been abandoned or no longer used by the Property Owner(s) for at least six (6) months shall be removed. The Planning ~~Manager~~ Director shall provide written notice to the Property Owner(s) of such violation and order removal of the sign. The Property Owner(s) shall have twenty (20) days to comply with this written notice. If the Property Owner(s) fail to comply with the order of removal, the City may have such work done. The costs and expenses of any such work shall be paid by the Property Owner(s). If unpaid for two (2) months after such work is done, the City may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground.

The City shall have other such remedies as are and as may from time to time be provided for or allowed by state law for the violation of the Zoning Ordinance.

All such remedies provided herein shall be cumulative. To the extent that State law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

2. Criminal Penalties. Any Property Owner, sign erector, installer, or other person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 for each offense or imprisoned in the county jail for a period not exceeding thirty (30) days for each violation or offense. ***(Ord. No. 3647, Nov. 28, 2011)***

Table 7A PERMITTED SIGNS by TYPE and ZONING DISTRICT

Sign Type	RE RS RD	AG RA	RG	INS [a]	M	BN BNH	BG BGH	BGM	FX	ML MH
Freestanding										
Incidental [c]	N	N	P	P	P	P	P	P	P	P
Monument	S	S	S	S	S	S	S	S	S	S
Other	N	N	S	S	S	S	S	S	S	P
Pole Sign	N	N	N	S	N	S	S	S	S	S
Residential [b]	N	P	N	N	N	N	N	N	N	N
Building										
Awning	N	N	S	S	S	S	S	S	S	S
Banner	N	N	N	N	N	S	S	S	S	S
Building Marker [e]	P	P	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	N	S	S	S	S	S
Identification [d]	P	P	P	P	P	P	P	P	P	P
Incidental [c]	N	N	P	P	P	P	P	P	P	P
Marquee [f]	N	N	N	N	N	N	S	S	S	S
Projecting [f]	N	N	N	N	N	S	S	S	S	S
Residential [b]	P	P	P	N	P	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	S	S	S	S
Suspended [f]	N	N	N	P	N	N	N	P	N	N
Wall	N	N	N	P	N	S	S	S	S	S
Window	N	N	N	P	N	S	S	S	S	S
Miscellaneous										
Banner [c]	N	N	N	N	N	S	S	S	S	S
Flag [h]	P	P	P	P	P	P	P	P	P	P
Off-Premises Sign	N	N	N	N	N	N	S	S	S	S
Temporary	P	P	P	P	P	S	S	S	S	S

P = Allowed without sign permit
S = Allowed only with sign permit
N = Not allowed

a. This column does not represent a zoning district. It applies to institutional uses permitted under the Zoning Ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

b. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.

c. No commercial message of any kind allowed on sign if message is legible from any location off the zone lot on which the sign is located.

d. Only address and name of occupants allowed on sign.

e. May include only building name, date of construction, or historical data on historical site; must be cut or etched into masonry, bronze, or similar material.

f. If such a sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the Property Owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the ~~Manager~~ Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least $500,000 per occurrence per sign.

g. The conditions of Section 7.04.03 (9) of this ordinance apply.

h. Except for flags of the United States, flags of the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are included herein, provided that such a flag shall not exceed 60 square feet in area and shall not be flown

from a pole the top of which is more than 40 feet in height. Flags of the United States shall not exceed 600 square feet in area. Flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such. ***(Ord. No. 3647, Nov. 28, 2011)***

TABLE 7B PERMITTED SIGN CHARACTERISTICS BY TYPE

No sign shall exceed any applicable maximum number or dimensions or encroach on any applicable minimum clearance shown on this table.

Sign Type	Number Allowed	Maximum Sign Area	Vertical Clearance	
			From sidewalk, private drive	From public street parking
Freestanding				
Incidental				
Monument				
Other	**See Table 7D**	**See Table 7D**	N/A	N/A
Pole Sign				
Residential				
Building				
Awning	1 per bldg.	25% of surface canopy	9 ft.	12 ft.
Banner	N/A	N/A	9 ft.	12 ft.
Building Marker	1 per bldg.	4 sq. ft.	N/A	N/A
Canopy	1 per bldg.	25% of vertical surface of canopy	9 ft.	12 ft.
Identification	1 per bldg.	N/A	N/A	N/A
Incidental	N/A	N/A	N/A	N/A
Marquee	1 per bldg.	N/A	9 ft.	12 ft.
Projecting	1 per bldg.	40 sq. ft.	9 ft.	12 ft.
Residential	1 per zone lot	N/A	N/A	N/A
Roof, Integral	2 per zone lot	N/A	N/A	N/A
Suspended	1 per entrance	N/A	9 ft.	N/A
Wall	N/A	N/A	N/A	N/A
Window	N/A	25% of total window area	N/A	N/A
Miscellaneous				
Banner	N/A	N/A	9 ft.	12 ft.
Flag (b)	N/A	60 sq. ft.	9 ft.	12 ft.
Temporary	See Section 7.04.03,6	N/A	N/A	N/A

a. Permitted on the same terms as a temporary sign, in accordance with Section 7.04.03(6), except that it may be freestanding.

b. Except for flags of the United States, flags of the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are included herein, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. Flags of the United States shall not exceed 600 square feet in area. Flags must be flown in accordance with protocol established by the Congress or the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

TABLE 7C MAXIMUM TOTAL SIGN AREA PER ZONE LOT BY ZONING DISTRICT

The maximum total area of all signs on a zone lot except incidental, building marker, temporary, identification signs, and flags (b) shall not exceed the lesser of the following:

	RE RS	RA AG	RG	INS(a)	M	BN BNH	BG BGH	BGM	FX	ML MH
Max. Number of Total Sq. Ft.	10	50	250	375	250	750	1125	750	1125	1125 1250
Sq. Foot of Signage per Linear Foot of Street Frontage	N/A	N/A	0.5	0.5	0.5	2	3	6	4	N/A

a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

b. Except for flags of the United States, flags of the State, the City, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are included herein, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. Flags of the United States shall not exceed 600 square feet in area. Flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

TABLE 7D NUMBER, DIMENSIONS, and LOCATION of INDIVIDUAL SIGNS by ZONING DISTRICT

Individual signs shall not exceed the applicable maximum number dimensions or setbacks on this table, Table 7B, and Table 7E

	RE RS RD	AG RA	RG	INS[a]	M	BN BNH	BG BGH	BGM	ML FX	MH
Freestanding										
Area (sq. ft.)[b]	8	50	50	250	50	250	375	250	375	375
Height (ft.)	5				see table 7E					
Setback (ft.)[cde]	5				see table 7E					
Number Permitted Per Zone Lot	2	2	n/a	2	n/a	n/a	n/a	n/a	n/a	n/a
Per Feet of Street Frontage	n/a	n/a	1 per 200	n/a	1 per 200	1 per 200	1 per 200[f]	1 per 100	1 per 200	1 per 700
Building										
Area (Max. Sq. Feet)[b]	6	6	6	100	6	n/a	n/a	n/a	n/a	n/a
Wall Area (percent)[g]	n/a	n/a	n/a	n/a	n/a	15%	20%	20%	20%	10%

[a] This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, funeral homes, and cemeteries.

[b] The area limits set forth in this table do not apply to temporary signs. See Section 7.04.03 (6) for applicable area restrictions.

[c] Minimum setback is five (5) feet; however, in no case shall the actual sign height exceed the actual setback from any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back seven (7) feet from such a lot, it may be no more than seven feet (7) high.

[d] In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or driveway.

[e] Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

[f] For lots that have at least 100 feet of frontage, but less than 200 feet of frontage, Table 7D will be amended to allow a freestanding monument sign in accordance with Table 7E up to a maximum height of 15 feet and a maximum area of 65 square feet, provided the corresponding setback is met. Lots with less than 100 feet of frontage would still not be permitted freestanding signs.

[g] The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each sign is most nearly parallel.

TABLE 7E FREESTANDING SIGNS
Correlation of setback, Height, and Size

IF Setback from property line (in feet)	**THEN** Maximum Height (in feet)	**THEN** Maximum Size (in square feet)
5	7	25
6	8	30
7	9	35
8	10	40
9	11	45
10	12	50
11	13	55
12	14	60
13	15	65
14	16	70
15	17	75
16	18	80
17	19	85
18	20	90
19	21	95
20	22	100
21	23	105
22	24	110
23	25	115
24	26	120
25	27	125
26	28	130
27	29	135
28	30	140
29	31	145
30	32	150
31	33	155
32	34	160
33	35	165
34	36	170
35	37	175
36	37	180
37	37	185
38	37	190
39	37	195
40	37	200
41	37	205
42	37	210
43	37	215
44	37	220
45	37	225
46	37	230
47	37	235
48	37	240
49	37	245
50	37	250
51	37	255
52	37	260
53	37	265
54	37	270
55	37	275
56	37	280
57	37	285

58	37	290
59	37	295
60	37	300
61	37	305
62	37	310
63	37	315
64	37	320
65	37	325
66	37	330
67	37	335
68	37	340
69	37	345
70	37	350
71	37	355
72	37	360
73	37	365
74	37	370
75	37	375

TABLE 7F PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

	RE RS	RA AG	RG	INS(a)	M	BN BNH	BG BGH	BGM	FX	ML MH
Animated(c)	N	N	N	N	N	N	S	S	S	S
Changeable Copy	N	N	N	P	N	N	S	S	S	S
Illumination, Internal	N	N	N	P(b)	N	S(b)	S	S	S	S
Illumination, External	N	N	P	P(b)	P	S(b)	S	S	S	S

P = Allowed without sign permit
S = Allowed only with a signed permit
N = Not allowed

a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, school, funeral homes, and cemeteries.

b. No direct light or significant glare from the sign shall be cast on to any adjacent zone lot that is zoned and used for residential purposes.

c. Signs shall not change panels or messages within at least 15 seconds and flashing lights or brightness of signs may be regulated based on vehicular traffic safety.

ARTICLE 8 SUPPLEMENTAL REGULATIONS

Section 8.01 Off-Street Automobile Storage

8.01.01 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*
	One vehicle per bay at exit
Car Wash – Automatic / Conveyor	200 feet per bay at entrance*
	One vehicle per bay at exit
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

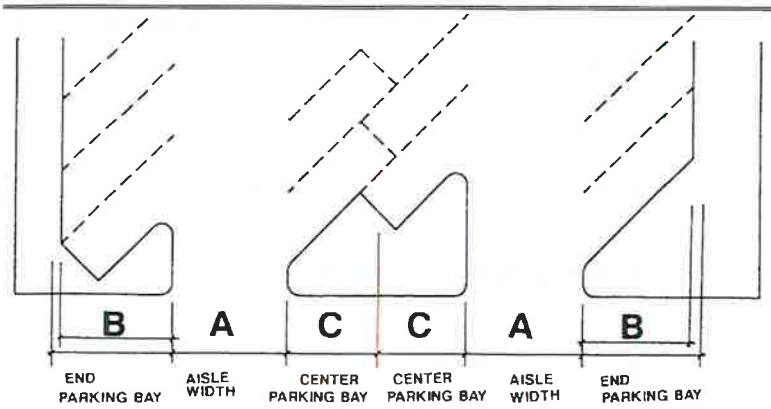
* Stacking requirements are in addition to vehicle being served.

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 8.02 Off-Street Parking Design Criteria

8.02.01 Standard parking stall dimensions shall not be less than 9 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



8.02.02 Minimum dimensions for a parallel parking space shall be nine feet by 23 feet

8.02.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the Planning ~~Manager~~ Director and City Engineer

Section 8.03 Off-Street Parking and Loading

8.03.01 PURPOSE. All buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and such parking and loading spaces shall be so oriented that they are in fact readily usable for such purpose. Because of the pedestrian orientation of the core of the central business district it is intended that parking be provided at the periphery of the core.

8.03.02 Each use of land and each building or structure hereafter constructed or established, and each addition to a structure, shall provide off-street parking and loading according to the standards set forth herein. When an addition is made to a building which is nonconforming as to parking or loading, a conforming amount of parking shall be supplied based upon the size of the addition. Parking spaces shall also be provided in accordance with the Americans with Disabilities Act and the Nebraska Accessibility Guidelines.

8.03.03 No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or **loading** space unless such building and its addition, conform with the regulations for parking and loading contained herein. Contractual agreements may be made between uses which generate parking demand at different times in such a manner that the requirements of more than one use may be met by the same space provided the parking demand for each such use involved is in fact met.

8.03.04 Except as otherwise provided, all off-street parking and loading spaces (including parking areas used for the storage of vehicles, boats, and trailers), access, aisles, and driveways shall comply with the following requirements:

1. All such areas constructed after the effective date of this ordinance shall be surfaced with Portland cement concrete (PCC) or asphaltic cement concrete (ACC).
2. Unless a site-specific engineered solution is otherwise proposed, and approved by the city engineer, commercial properties shall utilize a PCC thickness of 7" or an ACC thickness of 9". Industrial properties shall utilize a PCC thickness of 8" or an ACC thickness of 10".
3. All such areas existing as of the effective date of this ordinance shall be surfaced with an approved hard surface as defined below.
4. Gravel or crushed rock driveways which are permitted under the provisions of this ordinance shall not be permitted to have areas of vegetation or exposed dirt. Permitted concrete, asphalt, brick, paving stones and block pavers shall not be permitted to have areas of exposed dirt or grass/weeds/worthless vegetation with greater than three (3) inches of growth.
5. Any property taking access to a public or private street which has been improved with concrete, asphalt, or brick shall provide an apron, improved with concrete, between the street pavement and the property line. Such apron shall be at least as wide as the associated driveway or access. Any property which does not comply with this provision at the time of its approval by the City Council shall be required to come into compliance not later than October 1, 2012.

6. In the event a property has frontage on more than one street, the property owner may, unless otherwise prohibited, determine the street from which to take access. Regardless of which street is used for access, all off-street parking and loading spaces, access, aisles, and driveways shall be provided with an approved hard surface in accordance with this section.
7. The surface of any existing parking pad shall be of a quality greater than or equal to the driveway or access leading to such parking pad.
8. For the purposes of this section, "approved hard surface" for an existing driveway or parking pad shall consist of one of the following materials: concrete, asphalt, brick, paving stones, block pavers, or gravel/crushed rock. For the purposes of Paragraph 7, this list of approved hard surfaces is listed in decreasing degree of quality.
9. The "Hard Surface Committee" consisting of three City Council members appointed by the Mayor, shall hear and decide upon any dispute between a property owner and City staff as to what constitutes an approved hard surface. A property owner's request for a hearing before the Hard Surface Committee shall be submitted in writing on a form provided by the City, which must include payment of the applicable fee as stated in the master fee schedule. Requests submitted without payment of the required fee shall be returned to the property owner.
10. The provisions of this section shall not apply to sales conducted under the terms of a Seasonal Vendor Permit or a permit for the sale of fireworks issued by the City.

(Ord. No. 3663, Feb. 13, 2012)

8.03.05 All parking spaces on concrete shall be a minimum of one hundred sixty-two (162) square feet, and in no event shall any such parking space be smaller **than** the square footage of the motor vehicle, recreational vehicle, trailer, or boat and boat trailer occupying such parking spaces.

1. Nothing contained herein shall prohibit the City from proceeding simultaneously against both an owner of any real property lot or ground or any part of any lot and against an agent, occupant, or other person in possession, charge, or control of any real property lot or ground or any part of any lot to remedy any violations of Section 8.03 of the Bellevue Zoning Ordinance, as amended.

8.03.06 Subject to the exception contained in Section 8.03.04, all motor vehicles shall be parked on concrete. In all residential zones, all recreational vehicles, trailers, or boats and boat trailers shall be parked in the following manner:

1. Inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where located.

2. Outside the side yard or rear yard on a concrete, asphalt, or other approved hard surface, provided it is not nearer than two (2) feet to the lot line.

3. Outside on a concrete driveway, provided space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard; a corner lot is generally deemed to have reasonable access to the rear yard; and a fence is not necessarily deemed to prevent reasonable access.

4. The body of the recreational vehicle, trailer, or boat and boat trailer must be at least thirteen (13) feet from the face of any curb.

5. No part of the recreational vehicle, trailer, or boat and boat trailer may extend over the public sidewalk or public thoroughfare (right-of-way).

6. Parking is permitted only for storage purposes, and any recreational vehicle, trailer, or boat and boat trailer shall not be:

   A. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one (1) calendar year. Cooking is not permitted at any time.

   B. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries or other purposes.

   C. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.

7. Notwithstanding any other provisions, of Section 8.03.06, a recreational vehicle, trailer, or boat and boat trailer may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle, trailer, or boat and boat trailer for use.

8. The recreational vehicle, trailer, or boat and boat trailer shall be owned by the resident on whose property the recreational vehicle, trailer, or boat and boat trailer is parked for storage.

8.03.07 Except in the AG, FX, ML, and MH zoning district, parking of semi-trailers, tractors, truck-tractors, or any truck exceeding eight (8) feet in width or twenty-one (21) feet in length shall be strictly prohibited. Parking of semi-trailers, tractors, truck-tractors, or any truck exceeding eight (8) feet in width or twenty-one (21) feet in length may be allowed in BGH zoning districts by conditional use permit. If necessary, trucks will be measured bumper to bumper, including overhangs and attachments such as trailer hitches and side mirrors. ***(Ord. 3991, April 21, 2020)***

8.03.08 Uses listed below shall provide parking and loading in the amounts specified and at locations specified for the group in which such use falls. For any use not listed, the City Administrator, or designee, shall determine the property requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment. In making any such determination, the City Administrator, or designee, shall follow the principals set forth in the statement of purpose for the parking and loading provisions.

8.03.09 For the purpose of this Section, a parking space shall be at least one hundred sixty-two (162) square feet in size and shall be of easily usable and convenient shape, orientation, and grade. Handicap accessible parking spaces shall be a minimum of ninety-six (96) inches in width and provide an adjacent access aisle a minimum of sixty (60) inches in width. Van accessible parking spaces shall be a minimum of ninety-six (96) inches in width and provide an adjacent access aisle a minimum of ninety-six (96) inches in width. Each such space shall be readily accessible and aisles required for access to any space shall not be counted in meeting the requirements for spaces. Loading spaces shall be at least twelve (12) feet wide and sixty (60) feet long for industrial and warehouse type uses but may be twelve (12) feet wide and thirty (30) feet long for retail, service, and institutional establishments. Aisles adequate to accommodate the maneuvering into position of such vehicles shall be provided accessory to such space or spaces. Specified distances from the principal use for which a parking space is provided shall be measured from the edge of the usable parking space to a normal entrance to the building or use along a convenient and unobstructed pedestrian route. Parking spaces shall not be provided within a required front yard, or a side yard at a corner, except as specifically authorized herein.

8.03.10 All off-street parking and loading areas shall be landscaped and screened in accordance with Article 9.

8.03.11. **GROUP A:** All uses of land and buildings enumerated under Group A shall provide off-street parking on the same zoning lot as such use or building and said parking shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the following buildings or uses:

USE	PARKING REQUIRED	
Dwellings	One (1) for each	
Apartments	Two (2) For each dwelling unit	
Boarding, rooming, and lodging houses	One (1) for each bedroom	
Doctor's offices, medical and dental clinics	Five (5) spaces for each medical or dental practitioner	
Restaurants, beer parlor, taverns, bars, night clubs	One (1) for each two and one half (2.5) seats	
Retail stores and shops	One (1) space for each two hundred (200) square feet of gross sales area.	
Furniture and appliance sales & furniture and appliance repair	One (1) for each five hundred (500) square feet of gross sales space and repair space	
Funeral homes and mortuaries	One (1) for each three (3) seats in chapels or one (1) for each fifty (50) square feet of public area, whichever is greater	
Real estate sales offices	Two (2) for the first two hundred (200) square feet plus one (1) for each one hundred (100) square feet of office and public space	
Small item service and repair shops	One (1) for each two hundred (200) square feet of gross floor area	
Beauty and barber shops	Two (2) for each operator	
Automotive or machinery sales and service garages	One (1) for each four hundred (400) square feet of floor area	
Bowling alleys	Five (5) for each alley.	
Roller and ice rinks, intensive spots and recreation establishments and dance halls	One (1) for each three (3) fixed seats or one (1) for each one hundred (100) square feet of gross floor area of public space as appropriate	
Banks and professional offices and general offices	One (1) for each three hundred (300) square feet of floor area	
Assisted living and multi-family dwellings exclusively for senior citizens	One (1) space for each dwelling unit	
Self-service storage facilities	Two (2) spaces at the rental office or one and one half (1.5) spaces per employee, whichever is greater	
Day care centers	One (1) space per three hundred and fifty (350) square feet of gross floor area plus three (3) spaces for vehicles of the operation	

8.03.12 **GROUP B:** All uses of land or buildings enumerated under Group B shall provide off-street parking on the same zoning lot as such building or use for all customers or patrons frequenting the establishment and said parking shall have convenient and unobstructed pedestrian access across said parking lot to a principal entrance to the building or use. That portion of the parking requirement that is attributed to employees may be provided within three hundred thirty (330) feet of the following uses or buildings:

USE	PARKING REQUIRED	
Hotel, apartment hotel, motel, club with guest rooms	One (1) space for each unit for the first twenty (20) units, plus one (1) space for each two (2) units for those in excess of twenty (20) on site, plus one (1) space for each two (2) employees on the largest shift.	
Hospitals and rest homes	One (1) space for each four (4) beds plus one (1) space for each two (2) staff physicians on site, plus one (1) space for each three (3) employees of all classes on the largest shift.	
College fraternities, college sororities	One (1) space for each two (2) bedrooms. Half of the requirement may be off site.	
Clubs, organization halls	One (1) space for each one hundred (100) square feet of assembly space on site, plus one (1) space for each two (2) employees	
Wholesale stores with stock of goods (without stock, see general offices)	One (1) space for each four hundred (400) square feet of gross floor area. At least half of the requirement shall be on site.	
Warehouses	Four (4) spaces for the first five thousand (5,000) square feet of gross floor area, plus one (1) additional space for each additional five thousand (5,000) square feet or major fraction thereof twenty-five (25) percent of total requirements shall be on site	

8.03.13 **GROUP C:** Parking requirements for customers, patrons, and employees may be provided within six hundred sixty (660) feet of said following uses or buildings:

USE	PARKING REQUIRED	
Auditoriums, stadiums (except school), theaters, community centers and similar places of public assembly	One (1) space for each five (5) seats in the main assembly area, or where no fixed seats are provided one (1) space for each fifty (50) square feet of main assembly area	
Churches	One (1) space for each four (4) seats in the main assembly area	
Libraries, museums and similar uses	One (1) space for each four hundred (400) square feet of gross space to which the public has access.	
Senior high schools, junior high schools, elementary schools (including public, parochial and private)	One (1) space for each teacher or employee except that where living accommodations for such teachers or employees are provided on or near the site this requirement may be satisfied by the parking provided for the living quarters, plus one (1) space for each one hundred (100) square feet of seating space in the auditorium or multi-purpose room, whichever is greater.	
Manufacturing, freight terminals	Four (4) spaces for each ten thousand (10,000) square feet of gross floor area or major fraction thereof, plus one (1) space for each employee on the largest shift	
Multi-tenant commercial strip building	Four and one half (4.5) parking spaces per one thousand (1,000) square feet of gross leasable area	

Section 8.04 Home Based Businesses

The following are the minimum standards required for a Home-Based Businesses:

8.04.01 No external evidence of the home-based business with the exception of one unlighted residential sign as per Article 7.

8.04.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.

8.04.03 No more than 25 percent (25%) of the home's total finished square feet can be used for the home-based business. This percentage is inclusive of any detached accessory buildings used for Home based businesses.

8.04.04 Home based businesses shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by the non-resident employee.

8.04.05 No exterior storage is permitted.

8.04.06 Additional off-street parking may be required for the business.

8.04.07 If home-based business is for a business office for services rendered at another location, then not more than two (2) business vehicles parked on the home-based business property at any one time. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home-based business provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.

8.04.08 There shall be no emission of smoke, dust, odor, fumes, heat, glare, noise, and vibration, electrical or electronic disturbance detectable at or from the dwelling premises lot line.

8.04.09 All activities within a home-based business must be able to operate on normal household utilities including electricity.

8.04.10 There shall be no signs, radio, television, newspaper, handbills, classified telephone listing, internet, or similar types of advertising linking the address of the dwelling premises with the Occupation.

8.04.11 All contact by the public shall be by appointment only.

8.04.12 Any occupation which does not meet the characteristics set forth above, shall be interpreted not to be a home-based business.

Section 8.05 Wireless Communication Towers and Antennas

8.05.01 Purposes

1. This Conditional Use Permit procedure provides for the review and discretionary approval of communication towers and building and rooftop mounted antennas. These uses have site development or operating characteristics that require special consideration.

2. To encourage public review of proposed projects which would be regulated under the provisions of this ordinance.

3. To provide a procedure which allows communication towers to operate according to certain conditions without requiring a rezoning to a higher intensity district, which may not conform to the objectives of the Comprehensive Plan.

4. To maximize the use of any existing or new communication tower to reduce the number of towers needed in the community.

8.05.02 Definition of Terms

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

"Antenna" - any exterior apparatus designed for telephonic, radio, data, Internet, or video communications through the sending and/or receiving of electromagnetic waves, and includes equipment attached to a tower or building for the purpose of providing personal wireless services, wireless telecommunications services utilizing frequencies authorized by the Federal Communications Commission for cellular, enhanced specialized mobile radio, specialized mobile radio and personal communications services, telecommunications services, and its attendant base station.

"Communication tower" – A structure principally intended to support transmitting and/or receiving antennas and accessory equipment related to telecommunications

"Height of tower" – The vertical distance between the highest point of the tower structure including the antenna, and the natural grade directly below this point.

8.05.03 Applicability

1. Communication towers which may or may not exceed the height limit of the zoning district, but with a maximum height limit of two hundred (200) feet, and accessory facilities are permitted for the following uses, subject to the requirements of Sections 8.05.04, 8.05.05, and 8.05.06:

   A. Cable television
   B. Two-way radio
   C. Common carriers and private carriers
   D. Cellular telephone
   E. Fixed-point microwave
   F. FM/AM Radio
   G. Television

2. Building and rooftop mounted antennas, subject to the requirements of Section 8.05.04, 8.05.05, and 8.05.06.

3. Accessory facilities including, but not limited to, offices, long-term vehicle storage, other outdoor storage, broadcast studios, or other uses not needed to send or receive transmissions, are not permitted unless such facility is a permitted use in the zoning district.

4. An antenna and supporting structure for the following uses are exempt from the requirements of this ordinance and are permitted in any zoning district if accessory to a permitted use and if they comply with applicable regulations of that zone:

   A. Amateur radios licensed by the FCC
   B. Citizens band radios

C. Home satellite receive-only antennas
D. UHF or VHF television antennas
E. Conventional home television antennas

5. Towers for police, fire, and emergency communications, or other municipal communications, are exempt from the requirements of this ordinance.

6. Towers for military radars which are used for the purpose of defense or aircraft safety are exempt from the requirements of this ordinance.

7. Towers which have painting or lighting requirements due to the requirements of the Federal Aviation Administration or the Nebraska Department of Aeronautics are declared incompatible due to their potential hazard to navigation and are hereby expressly excluded.

8.05.04 Conditions for Approval

Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information:

1. The purpose of the tower as listed in Section 8.05.03 (1) and information pertaining to the operational need or demand for the tower.

2. The type of tower proposed; either monopole, self-supporting, or guyed mast type, and accessory facilities or structures.

3. The height of the proposed tower, and a determination of the minimum height necessary to accommodate the communication equipment.

4. Minimum setback from all adjoining property equal to:

   A. One hundred (100) percent of the tower height from the base of the tower, not including guy anchors, to any adjoining lot zoned residential.
   B. Twenty (20) feet from the base of the tower, not including guy anchors, to any adjoining lot zoned nonresidential.
   C. Tower guy anchors must meet the minimum setback requirements of the zoning district.
   D. The City Council may grant a reduction in the required setbacks upon a determination that such reduction will not adversely affect adjacent properties and is consistent with the intent of this ordinance.

5. Proximity to the nearest existing tower and information to demonstrate that an existing tower cannot accommodate the communication equipment planned for the proposed tower.

6. The landscaping and other buffers proposed to screen the base of the tower from adjacent residential or commercial uses, streets, parks, or other public property.

7. Other proposed measures to minimize adverse visual effects on adjacent properties including the design of the tower and accessory buildings, avoidance of artificial lighting, non-interference with television and radio reception, and any other factors.

The Planning ~~Manager~~ Director may issue an administrative permit approving an application to locate a building mounted or rooftop mounted antenna if the application does not exceed the permitted height in the zoning district in which it is located and will have minimal adverse effect on the surrounding property. Administrative permits will be allowed only in commercial and industrial zones. Permits for the purpose of installing building and rooftop mounted antennas shall be evaluated based on the following information:

(1) The proposal shall demonstrate the antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris.

(2) Antenna attached to the wall of an existing building shall be mounted in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is attached.

(3) The antenna shall be designed and located so as to minimize any adverse aesthetic impact. The antenna shall be constructed, painted, or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

(4) If accessory equipment or structures are present, they must blend with the surrounding buildings in architectural character and color.

(5) Rooftop mounted antenna and any related equipment shall be completely screened from view as visible from the property line by materials that are consistent and compatible with the design, color, and materials of the building.

(6) Antenna attached to the roof of a building must be either:

A. Omnidirectional or whip antenna no more than seven inches in diameter; or
B. Panel antenna no more than two feet wide and eight feet long.

(7) The fee for the administrative permit shall be in accordance with the Master Fee Schedule.

Within 30 days of receiving a complete application, the Planning ~~Manager~~ Director shall act on the request for an administrative permit. If a request for an administrative permit is not acted upon within 30 days, or is denied, or the conditions imposed thereon are unacceptable to the applicant, then the applicant may, by written notice to the Planning ~~Manager~~ Director, convert the request for an administrative permit to an application for a conditional use permit through the public hearing process.

8.05.05 Application Requirements

An application for a Conditional Use Permit may be submitted by the property owner or their authorized representative. The application shall be filed with the Planning Department and include at least the following information:

1. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, distance to the property line and distance to structures which are adjacent to the property, scale of the drawing, north arrow, and date of the drawing.

2. A landscape plan submitted in accordance with the Landscaping, Buffering, and Screening regulations, although additional buffering and screening may be required as a provision of the Conditional Use Permit.

3. Engineering information pertaining to tower design, building materials, equipment to be attached to the tower, accessory structures, non-interference with television and radio reception, the safety and stability of the structure, and a description of the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity.

4. Correspondence with the Federal Aviation Administration, Federal Communications Commission, and the Nebraska Department of Aeronautics to demonstrate progress in compliance with their requirements.

5. A survey of existing towers including type and location, and a statement which demonstrates the need for the new tower.

8.05.06 Duration of Conditional Use Permit

1. A Conditional Use Permit and administrative permit shall become void two (2) years after the date of approval unless the applicant has obtained a building permit and is in the process of or has completed construction of the communication tower or antennas.

2. Within sixty (60) days of the completion of the construction of the tower, the applicant is required to submit an inspection certification from a registered professional engineer demonstrating compliance with the minimum criteria for specifying and designing steel antenna towers and antenna supporting structures. Certification of structural integrity must also be provided to the City every three (3) years thereafter.

3. A Conditional Use Permit approved pursuant to these provisions shall run with the land and continue to be valid upon a change of ownership of the site or structure that was the subject of the permit. The property owner is required, however, to notify the City of any sub-leases or shared use of the tower.

4. The Conditional Use Permit may be revoked upon a finding that the use is in violation of the terms of approval.

5. All obsolete or unused towers, antennas, and accessory facilities must be removed at the owner's expense within twelve (12) months of cessation of the operation of the site.

(Ord. No. 3886, October 9, 2017)

Section 8.06 Residential and Individual Solar Conversion Systems

8.06.01 Purpose
It is the purpose of this ordinance to promote the safe, effective, and efficient use of residential and individual SCS installed to reduce the on-site consumption of utility supplied electricity and that such systems are appropriately sited within Bellevue's zoning jurisdiction.

8.06.02 Definitions
The following are defined for the specific use of this section.

1. **Project Area:** The size of the land area occupied by solar array(s), solar collector(s), and/or SCS, including any foundation, base, other associated electrical equipment, or any other extension of the SCS structure.
2. **Solar Array:** Any number of solar photovoltaic modules or panels connected together to increase voltage and/or power to the level required for a given system.
3. **Solar Collector:** A device, or combination of devices, structure, or part of a device or structure which is used to transform solar energy into-thermal, chemical, or electrical energy and that contributes to a structure's energy supply. It includes any space or structural components specifically designed to retain energy derived from solar energy.
4. **Solar Conversion System (SCS):** Any device such as a solar panel, Solar Array, or Solar Collector or any combination thereof, which collects and converts solar energy to a form of useable or on-site energy storage.
5. **Solar Conversion System – Individual:** A SCS for the specific use of an individual, residential, commercial, or public use equal or less than one (1) acre in total project area.
6. **Solar Conversion System – Ground Mounted:** A SCS mounted on racks or poles that is not attached to a building or structure.
7. **Solar Conversion System – Structure Mounted:** A SCS that is directly connected to and supported by a structure or the roof of a structure.

8.06.03 Permit Required for Residential and Individual Solar Conversion Systems

No SCS shall be constructed within the zoning jurisdiction of the City of Bellevue unless a permit is approved and issued by the building inspector, except for mobile units or those six square feet or less in size and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained as well as any applicable Federal and Utility permits and inspections that may be required.

8.06.04 Lot and Height Requirements: SCS shall conform to the required front, side, and rear lot setback requirements except as provided herein:

1. A structure mounted SCS may project four feet into the front yard; six feet into the rear yard; and two feet into a side yard of five feet or less and four feet into a side yard greater than five feet.
2. A ground mounted SCS may be located in the required rear yard provided it does not exceed fifteen feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the SCS or energy storage devices be located in the required side yard or front yard, unless a Waiver is issued by the Board of Adjustment. Ground mounted SCS shall conform to the maximum ground coverage allowed by the appurtenant zoning district.

8.06.05 Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable building codes.

8.06.06 Plot Plan: For ground mounted SCS, the application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed SCS location with respect to property lines, and dimensions of the proposed SCS.

Section 8.07 Commercial/Utility Grade Solar Conversion Systems

Section 8.07.01 Purpose
It is the purpose of this ordinance to promote the safe, effective, and efficient use of Commercial/Utility Grade SCS and that such systems are appropriately sited within the zoning jurisdiction of the City of Bellevue.

Section 8.07.02 Definitions: The following are defined for the specific uses of this section. Additional definitions pertaining to SCS are found in Section 8.06.02 herein.

1. **Applicant:** Any person or entity submitting an application for a conditional use permit for a Commercial/Utility Grade SCS.
2. **Capacity:** The amount of electricity produced by a SCS measured in kilowatts (kW).
3. **City:** The City of Bellevue Nebraska including its Extra Territorial Jurisdiction (ETJ).
4. **County:** The County of Sarpy, Nebraska.
5. **Operator:** The person or entity responsible for the day-to-day operation and maintenance of the Commercial/Utility Grade SCS including energy storage devices.
6. **Owner:** The person, entity, or entities having controlling or majority equity interest in the Commercial/Utility Grade SCS, including their respective successors and assigns.
7. **Landowner:** The person or entity listed as the real property owner under a lease or other property agreement(s) with the Owner or Operator of the Commercial/Utility Grade SCS.
8. **Setback:** The minimum distance, measured in feet, between the SCS facility and the property line or access easements.
9. **Solar Conversion System – Commercial/Utility Grade:** A series of SCS, solar arrays, and/or solar collectors connected together in order to supply the converted energy to a community, power grid, storage device or public utility, which occupies a project area greater than one (1) acre of land.
10. **State:** The State of Nebraska.

Section 8.07.03 General Requirements

1. No commercial or utility grade SCS shall be constructed within the zoning jurisdiction of the City of Bellevue unless a conditional use permit is approved and issued. Permit and applications for SCS shall comply with all of the policies, requirements, and procedures set out in Article 6: Conditional Use Permits, in addition to the policies, requirements, and procedures set out in this Section.
2. Commercial/Utility Grade SCS may be located in districts designated as ML (Light Manufacturing) and MH (Heavy Manufacturing).
3. Commercial/Utility Grade SCS shall not be permitted within the Highway 34 Corridor Overlay District as defined in Section 5.35 of these regulations.
4. The application fee for the conditional use permit shall be paid by the applicant at the time of submission of the application in accordance with the Master Fee Schedule.

Section 8.07.04 Permitting Requirements

In addition to the requirements and procedures set out in Article 6: Conditional Use Permits, the following requirements and information shall be met and supplied before a Commercial/Utility Grade SCS be approved as a Conditional Use within any district where the use is listed and allowed:

1. The name(s) of project applicants and operator.
2. The name(s) of the project owner.
3. A narrative describing the proposed SCS, including an overview of the project, and proposed total rated capacity (kW) of the SCS.
4. The proposed number, types, and height or range of heights of solar array to be constructed including their generating capacity, storage devices, dimensions, and respective manufacturers.
5. Description of any ancillary facilities or structures to be erected on the site.
6. A site plan, drawn to scale, of the total project area which indicates the following:
    a. Total site acreage.
    b. Description and location of project boundary lines, including all parcels on which the proposed system will be located.
    c. Proposed location of all SCS;
    d. Property lines, setback lines, access roads, and other site features;
7. Existing easements, rights-of way, and current public utility lines or infrastructure;
8. Evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application;
9. Description of existing vegetation and soil information for the proposed site;
10. Erosion/Sediment control plan or resource management plan, if required;
11. Documentation of land ownership and/or legal authority to construct on the proposed site;
12. Any specific requirements of the appropriate fire district and local utilities;

13. A decommissioning plan as required by this ordinance, contingent upon approval of a Conditional Use Permit; and,
14. Any other information as deemed reasonably necessary and requested by the City.

Section 8.07.05 Installation and Design Standards

All commercial/utility grade SCS shall adhere to the following installation and design standards:

1. All structural, electrical, and mechanical components of the SCS shall conform to the relevant and applicable local, state and national codes and standards in effect at the time of permit approval.
2. Electrical Codes and Standards. All SCS and accessory equipment shall comply with the National Electrical Code and applicable local code in effect at the time of permit approval.
3. Nebraska State Building Code. All SCS structures shall comply with the International Building Code as adopted by the State of Nebraska Building Code and Bellevue City Code.
4. SET BACK REQUIREMENTS: Minimum setback requirements for all equipment and structures are as follows:
    a. Front Yard – 20 feet
    b. Rear Yard – 10 feet
    c. Side Yard – 5 feet
    d. Street Side Yard - 10

    In the event the setback requirements from the applicable zoning district are greater than the minimum setbacks as required by this section, the requirements of the applicable zoning district shall be followed.
5. Maximum Height: Ground mounted SCS shall not exceed fifteen feet (15') in height at maximum tilt. Exceptions may be granted within the Conditional Use Permit in cases when topography, flood plain or other natural elements of the natural landscape interfere with the ability to meet the foregoing height restrictions.
6. Fencing: All boundary line fencing shall be located entirely upon the property of the SCS. Fences shall consist of open fencing such as chain link. Fences shall not exceed eight (8) feet in height.
7. Buffer Requirement: A berm (2:1 maximum slope with supplemental plant materials including, trees, shrubs, and groundcovers) and/or a continuous evergreen vegetative buffer shall be provided and maintained at all times around the perimeter of the fencing that faces: (a) an existing residence or farmstead not on the subject parcel; or (b) residentially zoned or platted property. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at time of planting shall be minimum of six (6) feet in height and which shall be maintained at maturity at a height of eight (8) feet in height to screen the fence. Plantings shall be spaced in accordance with Section 9.05.
8. Stormwater Management and Erosion Control: SCS sites shall meet the requirements for stormwater management and erosion and sediment control pursuant to applicable Nebraska state and local law.
9. Waste Disposal: Solid and hazardous waste, including but not limited to crates, packing materials, damaged or worn solar panels and parts no longer installed within the SCS, batteries, as well as used oils, acids and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state, and federal regulations during construction and operation.
10. On-site power lines shall be buried where reasonably feasible, except when connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.

8.07.06 Decommissioning: The owner or operator of a commercial/utility grade SCS shall, at its expense, complete decommissioning of the system and/or individual solar arrays, within twelve (12) months after the end of the useful life of the system or individual solar array, excluding time periods in which a force majeure event prevents the generation of electricity. The commercial/utility grade SCS or individual solar array will presume to be at the end of their useful life if no electricity is generated for a continuous period of twelve (12) months. A decommissioning plan shall be submitted with the application for a commercial/utility Grade SCS conditional use permit, which shall document:

1. The removal of all structural, electrical, and mechanical components of the SCS after the end of its useful life within twelve (12) months.
2. Grading and re-seeding of all disturbed earth.
3. A report prepared by an independent professional engineer licensed in the State of Nebraska that estimates the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City of Bellevue after the first year of operation and every fifth year thereafter.

4. The owner or operator of the SCS shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided, at no point shall Decommissioning Funds be less than 25 percent of the Decommissioning Costs. The Decommissioning Funds shall be posted and maintained as a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney.
5. If the owner or operator of the SCS fails to complete decommissioning with the period prescribed herein, then the landowner shall have six months to complete decommissioning.
6. If neither the owner or operator of the SCS nor the landowner complete decommissioning within the periods prescribed herein, then the City of Bellevue may take such measures as necessary to complete decommissioning.
7. An easement allowing the City of Bellevue access to the project site, pursuant to reasonable notice, to effect or complete decommissioning.
8. The escrow agent shall release the Decommissioning funds when the owner of the SCS has demonstrated and the City of Bellevue concurs that decommissioning has been satisfactorily completed, or upon written approval of the City of Bellevue in order to implement the decommissioning plan.
9. An agreement that the City of Bellevue is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the owner or operator of the SCS, or landowner, for decommissioning costs in excess of the amount guaranteed, and to file a lien against any real estate owned by the owner or operator of the SCS, or landowner, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce such lien.
10. Financial provisions shall not be so onerous as to render SCS facilities unfeasible in the City of Bellevue.

8.07.07 Liability Insurance: For each commercial/utility grade SCS, there shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Copies of such certificates shall be made available to the City of Bellevue upon request.

(Ord. No. 4055, Oct, 5, 2021)

Section 8.08 Performance Standards for Flex and Industrial Uses

The following standards shall be met unless there are greater standards required by the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality.

8.08.01 **Physical Appearance:** All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be displayed or stored in the open if the applicable zoning district permits. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the outdoor storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition. Outdoor storage shall be visually screened from public roadways and residential properties.

8.08.02 **Fire hazard:** No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gasses when handled in accordance with other regulations of the City of Bellevue.

8.08.03 **Noise:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume or in excess of eighty (80) decibels, whichever is greater. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.

8.08.04 **Exterior Lighting:** Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas, and public rights-of-way.

8.08.05 **Sewage and Liquid Wastes:** No operation shall be carried on which involves the discharge of waste into a storm sewer, water course, or the ground; nor should any liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations be dumped into wastewater sewerage.

8.08.06 **Air Contaminants:**

1. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted
2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. **Odor:** The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking, or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinances.
5. **Gasses:** The gasses Sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
6. **Vibration:** All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003)

of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.

7. **Glare and heat:** All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 8.09 Auto Wrecking Yards, Junk Yards, Salvage Yards, and Scrap Processing Yards

8.09.01 The use shall be located on a tract of land at least 660 feet from a residential district.

8.09.02 The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded by a solid fence or wall at least eight feet high.

8.09.03 The fence or wall shall be uniform in height, texture, and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the neighborhood.

8.09.04 The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard. No scrap, junk or other salvaged materials may be piled or stacked so to exceed the height of the enclosing fence or wall.

8.09.05 No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public Rights-of-Way.

8.09.06 Burning of paper, trash, junk, or other materials shall be prohibited.

Section 8.10 Residential and Small Wind Energy Systems

8.10.01 *Purpose*

It is the purpose of this ordinance to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity and that such systems are appropriately sited within Bellevue's zoning jurisdiction.

8.10.02 *Definitions*

The following are defined for the specific use of this section. Additional definitions pertaining to wind energy systems are found in Section 8.16.02 herein.

1. **Building-Mounted Wind Turbine (BMWT)**: a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
2. **Decibel (db)**: The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
3. **FAA**: Federal Aviation Administration.
4. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
5. **Residential Wind Energy Conversion System (RWECS)**: a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
6. **Small Wind Energy Conversion System (SWECS)**: a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
7. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
8. **Tower Height** shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.10.03 *Requirements for Residential Wind Energy Conversion System (RWECS)*

Residential wind energy systems shall be permitted within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.10.07 for regulations on building mounted wind turbines.

1. Wind energy towers shall to the extent possible blend into the surrounding environment and architecture, including painting to reduce visual obtrusiveness. The City Planner may require a photo of an RWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. RWECS shall not be artificially lighted unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. RWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. The minimum distance between the ground and any protruding blades utilized on an RWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall be secured to prevent unauthorized climbing.
6. Compliance with FAA regulations: An RWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
7. Compliance with the International Building Code: Building permit applications for an RWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. Compliance with National Electric Code: Building permit applications for an RWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
8. Setbacks
   a. RWECS shall comply with the setback requirements of the underlying zoning district.
   b. No part of the wind system structure, excluding guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site
9. Tower Height

The applicant shall provide evidence that the proposed height of the RWECS does not exceed the height recommended by the manufacturer or distributor of the system.

a. The maximum tower height is 80 feet unless a greater restriction is imposed by FAA regulations.

8.10.04 *Requirements for Small Wind Energy Conversion System (SWECS)*

Small wind energy systems shall be permitted within any district where the use is listed and allowed. Certain requirements as set forth below shall be met. See Section 8.10.07 for regulations on building mounted wind turbines.
1. Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to match the finish on the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. The Planning ~~Manager~~ Director may require a photo of an SWECS system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
2. SWECS shall not be artificially lighted unless required by the FAA or another appropriate authority.
3. No tower should have any sign, writing, or picture that may be construed as advertising.
4. SWECS shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. The minimum distance between the ground and any protruding blades utilized on an SWECS shall be 20 feet, as measured at the lowest point on the arc of the rotor. The supporting tower shall be secured to prevent unauthorized climbing.
6. Compliance with FAA regulations: An SWECS must comply with applicable regulations of the Federal Aviation Administration, including any necessary approvals for installations close to airports.
7. Compliance with the International Building Code: Building permit applications for an SWECS shall be accompanied by standard drawings of the wind turbine structure, including the tower base, and footings. Compliance with National Electric Code: Building permit applications for an SWECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code. This information may be supplied by the manufacturer.
8. Setbacks
   a. SWECS shall comply with the setbacks of the underlying zoning district.
   b. No part of the wind system structure, excluding guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
9. Tower Height

The applicant shall provide evidence that the proposed height of the SWECS does not exceed the height recommended by the manufacturer or distributor of the system.

a. The maximum tower height is 120 feet unless a greater restriction is imposed by FAA regulations. ***(Ord. No. 3643, Nov. 14, 2011)***

Section 8.11 Commercial/Utility Grade Wind Energy Systems

8.11.01 *Purpose*

It is the purpose of this ordinance to promote the safe, effective, and efficient use of commercial/utility grade wind energy systems and that such systems are appropriately sited within the zoning jurisdiction of the City of Bellevue.

8.11.02 *Definitions*

The following are defined for the specific use of this section.

1. **A-weighted Sound Level (dbA)**: a measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1,000 Hz and above 5,000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (governed by OSHA) and community noise regulations.
2. **Aggregate Project** shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
3. **Applicant**: A property owner, or any person or entity acting as an agent for the property owner, in an application for a WECS Permit under this Article.
4. **Blade Glint**: The intermittent reflection of the sun off the gloss surface of wind turbine blades.
5. **Building-Mounted Wind Turbine (BMWT)**: a wind energy conversion system consisting of a wind turbine mounting system and associated control or conversion electronics and which is mounted to a building and intended to primarily reduce on-site consumption of utility power.
6. **Commercial Wind Energy Conversion System (CWECS)**: an electrical generating facility comprised of one or more wind turbines and accessory facilities generating capacity, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into

electrical energy. The energy generated will be used by a utility company for off-site use. A wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

7. **Decibel (db)**: The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 dbA. In general, this means the quietest sound we can hear is near 0 dbA and the loudest we can hear without pain is near 120 dbA. Most sounds in the typical day-to-day environment range from 30 dbA to 100 dbA. Normal speech at 3 feet averages about 65 dbA.
8. **FAA**: Federal Aviation Administration.
9. **Fall Zone** shall mean the area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.
10. **FCC**: Federal Communications Commission.
11. **Feeder Line** shall mean any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.
12. **Furling**: A design characteristic of a wind turbine intended to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
13. **Hub Height**: the distance measured from ground level to the centerline of the rotor.
14. **Ice Throw**: Ice build-up that is thrown by the spinning turbine blades.
15. **Meteorological Tower** shall mean, for purposes of this ordinance, a tower, including the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
16. **Micro-Wind Energy Conversion System** shall mean a Wind Energy Conversion System of 1 kW nameplate generating capacity or less and utilizing supporting towers of 40 feet or less.
17. **Nacelle**: A cover housing that holds all of the generating components of a WECS, such as the gearbox, drive train, rotor shaft, and brake assembly.
18. **Operator**: The person or entity responsible for the day-to-day operation and maintenance of the WECS.
19. **Public Conservation Lands** shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, Federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this ordinance, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
20. **Pure Tone**: A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by five db for center frequencies of 500 Hz and above, and eight db for center frequencies between 160 and 400 Hz, and by 15 db for center frequencies less than or equal to 125 Hz.
21. **Residential Wind Energy Conversion System (RWECS)**: a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
22. **Rotor**: The rotating part of a turbine, including the blades.
23. **Rotor Diameter** shall mean the diameter of the circle described by the moving rotor blades.
24. **Sensitive Receptor**: Structures that have occupants on a routine basis and whose occupants could be negatively affected by noise, vibration, shadow, or flicker, including those structures intended for four season human habitation (whether inhabited or not), public parks, state designated wildlife areas, the manicured areas of private recreational establishments such as golf courses or the campsites in a state approved campground, schools, daycare centers, elderly care facilities, hospitals, places of public assembly, and businesses.
25. **Shadow Flicker**: When the blades of an operating wind turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment.
26. **Small Wind Energy Conversion System (SWECS)**: a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, and which will be used primarily to reduce on-site consumption of utility power. Such system has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.
27. **Stall Control**: A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes

too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.

28. **Substations** shall mean any electrical facility to convert electricity produced by wind turbines to a voltage greater than 35,000 (35,000 KV) for interconnection with high voltage transmission lines.

29. **Total Height** shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

30. **Tower** shall mean the vertical structures that support the electrical, rotor blades, or meteorological equipment.

31. **Tower Height** shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

32. **Transmission Line** shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

33. **Turbine, or Wind Turbine**: see "Wind Energy Conversion System."

34. **Upwind Rotor**: A design in which the rotor on a wind turbine tower faces into the wind.

35. **Well-designed Braking System**: The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

36. **Wind Energy Conservation System (WECS)** shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations, and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

37. **Wind Energy Conversion System (WECS) Facility**: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

38. **Wind Turbines** shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

8.11.03 *Requirements*

Commercial/Utility Grade wind energy systems shall be permitted as a Conditional Use within any district where the use is listed and allowed. The following requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Engineer's certification from a professional engineer licensed in the State of Nebraska.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed CWECS not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed CWECS.
11. An Acoustical Analysis that certifies that the noise requirements within these regulations can be met.
12. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
13. Location of all known Communication Towers within two miles of the proposed Wind Energy Conversion System and evidence that there will be no interference with any such commercial and/or public safety communications towers.
14. Decommissioning Plan as required by this ordinance.
15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties.
16. A CWECS shall be located on a parcel that is at least ten (10) acres in size.
17. Setbacks identified as required in Section 8.10.05.

8.11.04 *Aggregated Projects*

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews, and as appropriate approvals.
2. Permits may be issued and recorded separately.

3. Joint projects will be assessed fees as one project.

8.11.05 *Setbacks*

All towers shall adhere to the setbacks established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	1.25 times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Neighboring Dwelling Units*	750 feet	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or 1.1 times the total height.
Road Rights-of-Way**	One times the height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other Rights-of-Way	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Public conservation lands	1320 feet	600 feet
Wetlands, USFW Types III, IV, and V	1320 feet	600 feet
Other structures	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.	The greater of: The fall zone, as certified by a professional engineer, + 10 feet or one times the total height.
Other existing WECS	To be considered based on: • Relative size of the existing and proposed WECS • Alignment of the WECS relative to the predominant winds • Topography • Extent of wake interference impacts on existing WECS • Property line setback of existing WECS • Other setbacks required Waived for internal setbacks in multiple turbine projects including aggregated projects	
River Bluffs	1,320 feet	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

8.11.06 *Special Safety and Design Standards for CWECS*

All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 20 feet of clearance between their lowest point and the ground.
2. All CWECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a CWECS, shall be installed with a tubular, monopole type tower.
4. Turbine identification:
   A. Each site access road shall be named according to the City Street (or county road) naming convention;
   B. Each individual turbine shall be designated with a numeric or alphanumeric identifier;
   C. Each individual turbine shall be labeled with its respective identifier and the name of the access road it is located along; and
   D. Signage shall be provided at the intersection of each access road with the public right-of-way indicating the towers that may be found along that access road, along with subsequent signage at each road intersection within the site further indicating the direction to specific towers.
5. Wind turbines that are not designed in "accordance with proven good engineering practices" shall be prohibited. Turbines designed with the following characteristics shall be deemed in "accordance with proven good engineering practices:"
   A. at least 3 blades;
   B. upwind rotor;
   C. no furling;
   D. tapered and twisted blades; and
   E. a well-designed braking system.
6. Color and finish:
   A. All wind turbines and towers that are part of a CWECS shall be white, grey or another non-obtrusive single color.
   B. Blades may be black in order to facilitate deicing.
   C. Finishes shall be matte or non-reflective.
   D. CWECS shall not display advertising, except for reasonable identification of the manufacturer, facility owner or operator, which may be placed on the nacelle.
7. Visual Impact
   A. To provide visual order to a CWECS facility, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise, or counterclockwise) in relation to the wind.
   B. Except during construction, re-construction or removal, outdoor storage is not permitted within the facility boundary except at locations that are screened from view, as shown on the approved site plan;
   C. If turbines become inoperable for any reason, they shall be repaired as soon as reasonably possible;
   D. To avoid cluttering the skyline, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle, or structure;
   E. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers;
   F. The maximum total height of the turbines shall be 355 feet. Greater height, but not in excess of 400 feet, may be considered on a case-by-case basis if the applicant can sufficiently demonstrate that the increased height will result in increased energy efficiencies thereby reducing the overall number of turbines in the project. However, in all cases, due consideration shall be given to the scale of the turbines in relation to the surrounding landscape.
8. Lighting:
   A. Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations.
   B. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds.
   C. Red pulsating incandescent lights shall be prohibited.
9. All signage shall comply with the sign regulations found in these regulations.
10. All communications and feeder lines installed as part of a CWECS shall be buried, where feasible.
11. No CWECS shall exceed 50 dbA at the nearest structure or use occupied by humans.
12. Controls and brakes:
   A. All CWECS shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode.
   B. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
13. Interference.

A. The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any CWECS.

B. The applicant shall notify all communication tower operators within five miles of the proposed CWECS location upon application to the City for permits.

14. Roads, applicant shall:

A. Identify all city, county, or townships streets/roads to be used for the purposes of transporting CWECS, substation parts, cement, and/or equipment for construction, operation, or maintenance of the CWECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.

B. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road/facility.

C. Be responsible for restoring or paying damages as agreed to by the applicable jurisdiction sufficient to restore the road(s) and bridges to preconstruction conditions.

15. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation, or maintenance of the CWECS.

16. Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.

8.11.07 *Building-Mountable Wind Turbines (BMWT)*

A BMWT and its essential support facilities shall be allowed as a permitted accessory use when attached to the principal structure in any zoning district subject to the following:

1. A simple site plan shall be submitted for each BMWT providing the following information:
2. Mounting location of the BMWT on the principal structure.
3. Description of the BMWT height and width, including a photo (if available) or other visual representation.
4. BMWT shall not exceed 60 dBA, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
5. BMWT shall comply with the maximum height requirement of the zoning district in which it is located. Applicants proposing an installation higher than allowed by the zoning district in which it will be located may apply for a variance to the Zoning Board of Adjustment.
6. No BMWT may occupy, encroach or "overhang" any public right-of-way without the expressed approval of the City of Bellevue.
7. Each BMWT installation shall require a separate building permit.

8.11.08 *Noise and Shadow Flicker*

1. Audible sound from a WECS facility shall not exceed 50 dbA if it is determined a pure tone is generated by the facility, as measured at the exterior of any occupied building on a non-participating landowner's property. Methods for measuring and reporting acoustic emissions from the WECS facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 (1989) titled *Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.*
2. The Facility owner and Operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a non-participating landowner's property.

8.11.09 *Use of Public Roads; Bond Required*

The property owner of a CWECS facility shall be responsible for extraordinary maintenance and restoration of all City roads leading to the project site that may be damaged during construction or due to activities involving the CWECS facility unless the property owner can prove that operation of the CWECS facility was not the cause of the roadway damage. All maintenance and restoration of roads shall be done with the approval of and to the satisfaction of the Public Works Director. The following information shall be submitted along with an application for a CWECS Permit:

1. Detailed maps of access and haul routes;
2. If weight and size permits are required by the Nebraska Department of Roads, a pre-construction baseline survey shall be provided to document and determine existing road conditions;
3. A report on potential road damage that may result from the construction and maintenance of the CWECS facility;
4. If, in the discretion of the Public Works Department, road damage may occur, a road damage mitigation plan and/or long-term road maintenance agreement shall be submitted, which shall include a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney, in an amount determined by the Public Works Director to be sufficient to guarantee the necessary restoration or extraordinary maintenance required due to the construction or operation of the CWECS facility; and

5. If impacts may occur to public roads in other jurisdictions, the Applicant shall give notice to such other jurisdictions, providing information regarding road impacts, and submit to the Public Works Department proof that such notice was given.

8.11.10 *Decommissioning Plan; Bond Required*

1. The facility owner and operator shall, at its expense, complete decommissioning of the CWECS facility, or individual turbines, within six months after the end of the useful life of the facility or individual turbines. The CWECS facility or individual turbines will presume to be at the end of their useful life if no electricity is generated for a continuous period of 12 months. A decommissioning plan shall be submitted with an application for a CWECS permit, which shall document:
   A. The removal of turbines, buildings, cabling, electrical components, roads, foundations to a depth of four feet within 180 days;
   B. Grading and re-seeding all disturbed earth;
   C. A report prepared by an independent professional engineer licensed in the State of Nebraska that estimates the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the City of Bellevue after the first year of operation and every fifth year thereafter.
   D. The facility owner or operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided, at no point shall Decommissioning Funds be less than 25 percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained as a bond, escrow, security agreement, or other form of guarantee approved by the City Attorney.
   E. If the facility owner or operator fails to complete decommissioning within the period prescribed herein, then the landowner shall have six months to complete decommissioning.
   F. If neither the facility owner or operator, nor the landowner complete decommissioning within the periods prescribed herein, then the City of Bellevue may take such measures as necessary to complete decommissioning.
   G. An easement allowing the City of Bellevue access to the project site, pursuant to reasonable notice, to effect or complete decommissioning.
   H. The escrow agent shall release the Decommissioning Funds when the facility owner or operator has demonstrated and the City of Bellevue concurs that decommissioning has been satisfactorily completed, or upon written approval of the City of Bellevue in order to implement the decommissioning plan.
   I. An agreement that the City of Bellevue is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the right to seek reimbursement from the facility owner or operator, or property owner, for decommissioning costs in excess of the amount guaranteed, and to file a lien against any real estate owned by the facility owner or operator, or property owner, or in which they have an interest, for the amount of the excess, and to take all steps allowed to enforce such lien.
2. Financial provisions shall not be so onerous as to render CWECS facilities unfeasible in the City of Bellevue.

8.11.11 *Repair; Abandonment; Removal*

Small Wind Energy Conversion Systems: Any SWECS found to be unsafe by the Building Official shall be repaired by the owner to meet federal, state, and local safety standards, or removed within six months. If any SWECS is not operated for a continuous period of 12 months, the City shall notify the landowner by registered mail that such SWECS is deemed abandoned and provide 45 days for a response. In their response, the landowner shall set forth reasons for the operational difficulty and provide a timetable for corrective action not exceeding six months. If the corrective action is not completed with six months, the City shall notify the landowner that such SWECS shall be removed within 12 days of receipt of the notice.

8.11.12 *Liability Insurance*

For each CWECS facility, there shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least $1 million per occurrence and $1 million in the aggregate. Copies of such certificates shall be made available to the City of Bellevue upon request.

(Ord. No. 3643, Nov. 14, 2011)

Section 8.12 Building Design and Material Criteria

8.12.01 *Exterior architectural standards for commercial, office, industrial, warehouse, multi-family residential, and similar buildings in residential and nonresidential zoning districts.*

The purpose of this section is to establish minimum standards for exterior architecture of commercial, office, multi-family residential, industrial and warehouse buildings to ensure high quality of development, redevelopment, and compatibility with evolving architectural or planning themes that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the citizens of the City. These standards are intended to prevent the use of materials that are unsightly, rapidly deteriorate, contribute to depreciation of area property values, or cause urban blight.

These standards are further intended to ensure coordinated design of building exteriors, additions, and accessory structures in order to: (i) prevent visual disharmony, and (ii) minimize adverse impacts on adjacent properties from buildings which are or may become unsightly and buildings that detract from the character and appearance of the area. It is not the intent of this section to unduly restrict design freedom when reviewing and approving project architecture in relationship to the proposed land use, site characteristics, and building layout of the development.

The guidelines in this ordinance shall apply to all new structures, additions, and exterior alterations except as otherwise noted. Any buildings or phased developments that have been issued building permits and are under construction at the time of the adoption of this Ordinance shall be exempt from these guidelines.

8.12.02 *Minimum submission requirements.*

The applicant obtaining the permit shall submit the following:

1. Elevations and dimensions of all sides of existing and proposed buildings, including but not limited to, roof mechanical equipment, vents, chimneys, heating, air conditioning and ventilating, electrical equipment heights, or other projecting items above the roof line.
2. Percentages of building materials utilized.
3. Elevations and dimensions of all existing or proposed solid waste and recycling containment areas.
4. Detailed exterior descriptions, including type and color of all exterior building materials (including color renderings and/or color pallets), awnings, exterior lighting, mechanical screening material, fencing, metal flashing and the like.
5. Other information as requested by the City of Bellevue.

8.12.03 *Exterior design standards.*

Exterior surface materials of buildings shall be subject to the following:

1. Classes of materials. For the purpose of this subsection, materials shall be divided into class I, class II, class III and class IV categories as follows:

    A. Class I
        i.. Fired Clay Brick
        ii. Natural and manufactured stone
        iii. Glass
        iv. Architectural precast panels as defined by PCI MNL-117-96, Third Edition
        v. Architectural concrete masonry units integrally colored such as textured or rock faced block, except for burnished block.
        vi. Low profile, non-corrugated, metal panels utilizing concealed fastener and sealant systems. Panel systems may incorporate recessed reveals for panel jointing.
        vii. Other comparable or superior materials as approved by the Design Review Board

    B. Class II
        i. Structural precast panels (with special finishes) as defined by PCI MNL-116-99, Fourth Edition
        ii. Masonry stucco
        iii. Exterior finish installation system (EFIS)
        iv. Other comparable or superior materials as approved by the Design Review Board

    C. Class III
        i. Cement fiber board
        ii. Opaque panels
        iii. Vinyl siding

iv. Ornamental metal (i.e. trim) and copper panels
v. Other comparable or superior materials as approved by the Design Review Board

D. Class IV
i. Smooth concrete block
ii. Smooth scored concrete block
iii. Smooth concrete tilt up panels
iv. Structural precast panels (without special finishes) as defined by PCI MNL-116-99, Fourth Edition
v. Architectural concrete masonry units such as burnished block.
vi. Ceramic
vii. Glass block
viii. Wood
ix. Standard formed metal panels consisting of pre-finished steel or aluminum sheet material formed in rolled ribbed panel profiles utilizing exposed fastener systems (in the ML and MH zoning districts only).
x. Other comparable or superior materials as approved by the Design Review Board

2. Buildings shall incorporate classes of materials in the following manner:
A. Office and commercial buildings: must use at least three (3) different class I materials; the front elevation of the building and any elevation fronting a public or private street must be composed of at least sixty (60) percent class I materials, not more than forty (40) percent class II or class III materials, and not more than ten (10) percent class IV materials. Any other elevation of the building must be composed of at least forty (40) percent class I materials, not more than sixty (60) percent class II or III materials; and not more than ten (10) percent class IV materials.
B. Industrial and warehouse buildings: must use at least two (2) different class I or II materials; the front elevation of the building and any elevation fronting a public or private street must be composed of at least sixty (60) percent class I or class II materials, not more than forty (40) percent of class III and class IV materials, and not more than ten (10) percent class IV materials. Any other elevation of the building must be composed of at least twenty-five (25) percent Class I or II materials. Class I, II, III, or IV materials must be used on the remaining seventy-five (75) percent of the building elevation.
C. All elevations of multi-family residential buildings must use at least three (3) different class I materials and must be composed of at least sixty (60) percent class I materials; not more than forty (40) percent class II or III materials; and not more than ten (10) percent class IV materials. Accessory structures to the multi-family residential use must be composed of at least sixty (60) percent class I materials; not more than forty (40) percent class II or III materials; and not more than ten (10) percent class IV materials.
D. Buildings in residential zoning districts that are not single family or two-family residences, and their accessory structures, shall conform to the exterior finish materials and proportions of office or commercial buildings.

3. Buildings may be constructed primarily of one (1) specific class I material provided the design is obviously superior to the general intent of this section, provides variation in detailing, footprint of the structure or deviations in long wall sections to provide visual interest.

4. Garage doors shall not constitute required materials that make up the exterior of a building.

5. All rooftop equipment shall be screened from public view with an architectural treatment that is compatible with the building's architecture and integral to the overall appearance of the building, except where prohibited by the Building Code or other adopted codes.

6. All mechanical equipment located on the roof or around the perimeter of a structure shall be screened by a raised parapet or with comparable and compatible exterior building materials.
A. Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or be constructed of a material and color compatible with other elements of the building.
B. Metal cabinets used to enclose and protect rooftop mechanical equipment shall not substitute as screening.

7. Front elevations or building facades or walls that face a public or private street, shall not have an uninterrupted length exceeding 50 feet without including a change of plane and elevation.

8. As viewed from ground levels at a variety of locations at the property line, roof materials shall be similar to, or an architectural equivalent of, a three hundred (300) pound or better asphalt or fiberglass shingle, clay tile, or wooden shingle. Architectural metal roofs may also be utilized.

9. Vinyl siding must meet the ASTM D3679 standard and be a minimum thickness of 0.042 inches.

10. Garish or bright colors (i.e., orange, bright yellow, or fluorescent colors) on the building shall be minimized, but in no case shall such coloring exceed five (5) percent of each elevation.

11. Brick or stone exteriors shall not be painted during the life of the exterior materials.

12. Design of structural canopies shall be integrated with adjacent building architecture through the use of similar materials, colors, and roof forms.

8.12.04 Screening Requirements:

1. All waste and recycling receptacles shall be stored within the principal structure or within an accessory enclosure area, subject to the following:
   A. Enclosure shall be located adjacent to the structure whenever possible.
   B. Exterior wall treatment of the enclosure shall conform to the color and materials of the principal structure.
   C. Enclosure must be accessible to waste and recycling collections vehicles.
2. Equipment used for mechanical, processing, bulk storage tanks, utility meter banks, coolers, or equipment used for suppressing noise, odors and the like that protrudes from a side of a building or is located on the ground adjacent to a building shall be screened from public view as much as practical with materials matching the design of the building. Where miscellaneous exterior equipment cannot be fully screened with matching building materials, landscaping may be used as additional screening.

8.12.05 Outdoor Storage or Displays of Merchandise:

1. Outdoor storage or displays of merchandise shall comply with the following regulations:
   A. The outdoor storage or display of merchandise shall not occupy required parking stalls or interfere with the safe and unobstructed use of vehicular or pedestrian access ways or walkways.
   B. The applicant of the proposed outdoor storage or display of merchandise shall submit a site plan to the Planning Department for approval. The site plan shall specify the location and dates of all non-permanent/temporary structures and merchandise on display. Any changes in the submitted site plan or dates shall require the approval of the Planning Department. Site plan approval must be obtained prior to any structures being erected and merchandise being displayed.
   C. The Planning ~~Manager~~ Director may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.
   D. Outdoor storage or displays of merchandise shall not be displayed more than 120 days per calendar year.

2. Any product which is mandated by the Building or Fire Code to be stored outside of a building area shall be exempt from the time limit described in Section 8.11.05 (1) D.

8.12.06 Landscaping Design Criteria:

These criteria shall apply to the construction of new structures only.

1. Plantings at intersections or driveway entrances shall be arranged to allow a permanently clear, safe sight distance.
2. Plant materials shall not interfere with utility lines.
3. Trees and shrubs shall not be placed over underground drainage and should maintain adequate distance from the storm sewers, sanitary sewers, and water lines.
4. Landscape areas shall be of adequate size to promote proper plant growth and to protect plantings from pedestrian traffic, vehicle traffic, and other types of concentrated activity. Grouping of landscaped areas shall be encouraged in order to create larger areas.
5. Landscaped areas shall be irrigated with the exception of areas utilizing drought and heat resistant plants as determined by the Planning Department.

6. Landscaped areas, other than those occupied by trees or shrubs, shall be turf.
7. A variety of tree and shrub species shall be utilized to provide visual, four-season interest. Not more than one-third of the required number of trees or shrubs may be comprised of any one species, and at least one-third of the plants shall be a coniferous or evergreen species.
8. Multi-family developments shall provide one deciduous shade or evergreen tree, or two ornamental trees, and three shrubs for every two dwelling units. This requirement is in addition to street yard landscaping requirements.
9. Except in the BGM Zoning District, multi-family residential, commercial, office, and mixed-use developments shall provide a minimum 15-foot-deep landscaped yard adjacent to any public or private street, running the entire length of the development. Industrial developments shall provide a minimum 25-foot-deep landscaped yard adjacent to any public or private street, running the entire length of the development.
    A. Plant materials shall include at least one deciduous shade or one ornamental tree, and three shrubs for every 40 linear feet of street frontage.
    B. A landscaped earth berm not exceeding 6 feet in height may be used in combination with the plant materials.
10. Parking areas shall contain the following landscaping, in addition to the street landscaping required above, as follows:
    A. There shall be 19 square feet of landscaped area per parking stall.
    B. One tree which provides shade or is capable of providing shade at maturity shall be provided for every 300 sq. feet of required landscaped area. Shrubbery, hedges, and other planting materials may be used to complement the tree landscaping but shall not be the sole means of landscaping.
    C. The minimum size for all shade trees shall be 2-inch caliper as measured 12 inches up from the ground surface. The minimum size for all evergreen trees shall be 4 foot in height. The minimum size for all shrubs shall be two-gallon size container.

8.12.07 Waiver Process:

1. A Design Review Board is hereby established and shall hereinafter be referred to as the "Board." The purpose of the Board shall be to hear and act on requests for waivers of the guidelines established in Sections 8.11.03, 8.11.04, and 8.11.06.
2. The Board shall consist of five (5) regular members and one (1) alternate member for each regular member appointed by the Mayor and approved by the City Council. One member of the Board and one alternate member shall be City Council members. One Board member and one alternate member shall be Planning Commission members. One member of the Board and one alternate member shall be registered architects as licensed by the State of Nebraska and members in good standing with the American Institute of Architects. The remaining Board members, including alternates, shall have experience in construction, engineering, or similar background. The alternate member shall vote only when the regular member for which he/she is an alternate is unable to attend for any reason.
3. Board members shall be appointed for a term of three (3) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
4. A majority of the members shall constitute a quorum in order to conduct the business of the Board. A majority vote of the Board membership is required in order to approve a waiver request.
5. Any applicant applying for a permit that wishes to obtain a waiver of the guidelines established in Sections 8.11.03, 8.11.04, and 8.11.06 shall submit such request in writing to the Planning Department. Such request shall be accompanied by an application fee as set forth in the Master Fee Schedule.
6. The applicant requesting a waiver shall appear in person before the Board in order to present his/her reasons for desiring an exception to the guidelines established in Sections 8.11.03, 8.11.04, and 8.11.06.
7. The Board may approve a waiver request provided it finds: (i) the request is in accordance with the intent of the provisions of this ordinance, or (ii) the applicant proves a hardship exists where a waiver is necessary. Monetary considerations shall not be a factor in granting a waiver.

Section 8.13 Raising of Hens

Raising of hens, subject to the following conditions:

8.13.01 Any person who keeps hens in the City of Bellevue or its zoning jurisdiction shall obtain a permit from the City prior to acquiring the hens. Application shall be made to the ~~Permits and Inspections Division~~ Planning Department and the fee for the permit shall be as determined by Council resolution.

8.13.02 Permits expire and become invalid five (5) years after the date of issuance. A person who wishes to continue keeping hens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit to include a plot plan showing the building envelope in which the coop may be located.

8.13.03 Any person who, in any zoning district of the City of Bellevue, was keeping hens prior to March 1, 2011, may continue to keep hens, provided, that such person shall obtain the required permit *not later than November 1, 2011,* and comply with the requirements for keeping or housing hens on his or her property as set forth herein. Such permit application shall include *an affidavit signed by the applicant stating* that the applicant was keeping hens on his or her property prior to March 1, 2011. ***(Ord. No. 3632, Sept. 12, 2011)***

Persons in any zoning district of the City of Bellevue may keep hens on his/her property for the sole purpose of participating in livestock exhibitions such as 4-H or similar programs upon approval of a permit and in accordance with the provisions as set forth herein. ***(Ord. No. 3632, Sept. 12, 2011)***

8.13.04 A person who keeps or houses hens on his or her property shall comply with all of the following requirements:

1. No more than 7 hens may be kept on any one zoning lot.
2. The principal use of the property shall be a single-family dwelling.
3. No person shall keep any rooster.
4. No person shall slaughter any hens.
5. The hens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Such covered enclosure or coop shall contain at least four-square feet of floor area per hen, and the fenced enclosure shall provide at least ten square feet of open area per hen; no coop shall exceed 120 square feet of floor area or exceed 12 feet in height.
6. A person shall not keep hens in any location on the property other than in the rear yard. For purposes of this section, "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the dwelling and extending to the side lot lines.
7. No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.
8. All enclosures for the keeping of hens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on another person's property.
9. All feed and other items associated with the keeping of hens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
10. Eggs produced by permitted chickens may be sold by the permit holder.
11. If the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
12. A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

Section 8.14 Public Safety Radio Amplification Systems

8.14.01 ***General:*** Except as otherwise provided, no person shall maintain, own, erect, construct, remodel, renovate, or provide an addition of more than 20 percent to any building or structure or any part thereof or cause the same to be done which fails to support adequate radio coverage for the Sarpy County Radio Communications System (SCRCS), including but not limited to emergency service workers, firefighters, and police officers. Descriptively, adequate coverage means the ability for SCRCS users to transmit into the building an intelligible voice signal that may be heard; the ability to receive an intelligible voice signal transmitted and originating from within the building; and the ability to transmit and receive intelligible voice signals among users who are within the building.

For purposes of this section, adequate radio coverage shall include all of the following:

1. A minimum received signal strength in the building of one micro volts (-107 dBm) available in 90 percent of the area of each floor when transmitted from the SCRCS;
2. A minimum signal strength of one micro volts (-107 dBm) received by the SCRCS when transmitted from 90 percent of the area of each floor of the building;
3. The frequency range that must be supported shall be 806 MHz to 869 MHz; and,
4. A 90 percent reliability factor shall be required.

8.14.02 ***Testing Procedures:*** Initial Tests; It will be the building owner's responsibility to have the building tested to ensure that two-way coverage on each floor of the building is a minimum of 90 percent. At a minimum, the test shall be conducted using a Motorola MTS 2000, or equivalent portable radio, talking through the SCRCS. Radios may be obtained for conduct of the tests from the Sarpy County Communications Department (SCCD). The gain values of all amplifiers shall be measured, and the test measurement results shall be provided to the SCCD and kept on file so that the measurements can be verified each year during the annual tests. The SCCD will be informed of the schedule for such testing, and, at its discretion may participate as an observer. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section. Annual Tests; the building owner shall be responsible to conduct annual tests. Such tests shall follow the guidance outlined in Section 8.13.01 and 8.13.02 above.

8.14.03 ***Amplification Systems Allowed:*** Buildings and structures that cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC accepted bi-directional amplifiers as needed. If used, bi-directional amplifiers shall include filters to reduce adjacent frequency interference at least 35 dB below the National Public Safety Planning Advisory Committee (NPSPAC) band. The filters shall be tuned to 825 MHz and to 870 MHz so that they will be 35 dB below the NPSPAC frequencies of 824 MHz and 869 MHZ respectively. Other settings may be used provided that they do not attenuate the NPSPAC frequencies and further provided that they are not more than one MHz from the NPSPAC frequencies. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

8.14.04 ***Field Testing:*** SCCD personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to certain the required level of radio coverage is present.

8.14.05 ***Exemptions:*** This section shall not apply to; buildings permitted in residential districts; any building constructed of wood frame; any building 35 feet high or less; as long as none of the aforementioned buildings make use of any metal construction or any underground storage or parking areas. For purposes of this section, parking structures and stairwells are included in the definition of "building" and stair shafts are included in the definition of "all parts of a building," but elevators may be excluded.

Section 8.15 Keeping of Horses

The keeping of horses shall be permitted in any residential zoning district, subject to the following conditions:

8.15.01 No horse or other equine shall be kept on a lot of less than one acre.

8.15.02 The principal permitted use on the lot shall be a single-family residence.

8.15.03 Private stables, corrals, and paddocks shall be located no closer than 20 feet from any property line, no closer than 50 feet from a street line, and no closer than 40 feet from any dwelling on the same or adjoining property.

8.15.04 Two horses or other equines may be kept on an acre. For each additional horse or other equine above two kept, there shall be an additional 20,000 square feet in lot area. ***(Ord. No. 3762, April 14, 2014)***

ARTICLE 9: LANDSCAPING, SCREENING AND FENCING REQUIREMENTS

Section 9.01 Intent

The intent of the landscaping requirements are to improve the appearance of lot areas and soften paved areas and buildings; to provide a buffer between differing land uses; to minimize the adverse effect of uses from one another; to minimize the effect of heat, noise and glare; to conserve the value of property and neighborhoods within the community; and to enhance the physical environment within the City of Bellevue by ensuring that yards, open spaces, parking lots and those areas abutting public rights-of-way are designed, installed and maintained in accordance with the provisions of this section.

Property development shall consider and respect land capabilities and constraints, minimize erosion and destruction of natural amenities and provide a buffer between differing land uses.

Section 9.02 Application and Scope

The provisions of the section shall apply to all new construction and development including, but not limited to, structures, dwellings, buildings, parking lots, residential subdivisions, office parks, shopping centers, and redevelopment for which either a building or zoning permit approval is required, except the following and those exempted in this ordinance:

9.02.01 Agricultural buildings, structures and uses.

9.02.02 Additions, remodeling or enlargements of existing uses or structures provided that the enlargement of surface parking is 4,000 square feet or less. Where such enlargement is 4,000 square feet or less, the provisions of this section shall apply only to that portion of the lot or site where the enlargement occurs.

9.02.03 Where there is more than one lot or site being developed together as one unit with common property lines, the entire site shall be treated as one lot or site for the purpose of conforming to the requirements of this section.

1. When a lot or site with more than one ownership has been partially developed at the time of the adoption of this section. The application of the requirements of this section shall be determined by the City.

Section 9.03 Definitions

The following definitions shall be used for terms contained with this ordinance:

Berm: An area of ground raised in elevation to create a visual separation between two areas.

Bufferyards: A landscaped area installed and maintained to separate and obstruct the view between a more intensive zoned lot and less intensive zoned, adjacent lot.

Caliper: The diameter of a tree as measured 12 inches above the ground.

Landscaped Area: Area within a lot which consists primarily of plant material. Inorganic materials such as walkways may be used within this area, provided that such material does not exceed the maximum allowable amount.

Minimum Depth: The minimum depth of required landscaped area, in feet, extending from one given line into the property; examples utilizing minimum depth include bufferyard landscaped areas and street yard landscaped areas.

Mulch: An organic or inorganic protective layer of material spread on the ground within planting beds to reduce evaporation, maintain even soil temperature, prevent erosion, and control weeds. Organic mulch such as bark chips or shredded hardwood are preferred because they also enrich the soil nutrients as they decompose. Other mulch materials include lava rock, river pebbles, and granite chips.

Off Street Parking: Parking provided on private property for use by customers, employees, etc.

Screening: To visually shield or separate one abutting or nearby structure or use from another by the use of berms, fences, walls, plant materials, or other methods.

Shrub: A woody perennial plant having more than one main stem at the ground, usually attaining a height of less than 15 feet.

Street Front Yard: The area within the total street yard which lies adjacent to the more intensive street or faces the front of the building on a corner lot. Special requirements apply to these yards that do not apply to side or rear street yards.

Street Yard: The area of a lot which lies between any street property line and the fronting walls on all buildings within the lot.

Tree: A woody perennial plant having at least one main stem, usually attaining a height of more than 15 feet.

Section 9.04 Landscaping Provisions

The following provisions shall be applied in the development of any lot within the City of Bellevue and its jurisdiction, unless otherwise exempted.

9.04.01 Specific landscaping requirements for all zoning districts shall be in accordance with Section **8.12.06** of this ordinance.

9.04.02. All single family and duplex residences are exempt from street yard landscaping requirements.

9.04.03 Landscaping provisions shall be applied for each individual development or lot when application for building permit for such development or lot is made.

9.04.04 Submittal at the time of building permit application shall include the following information:

1. Common and scientific names for all proposed plant material.
2. Quantity, height/caliper/size (as applicable) of all proposed plant material.
3. Pounds of seed per 1000 square feet and species of grass in all areas to be seeded.
4. Number of ground cover plants per square foot to be planted.
5. Location of all proposed plant materials.
6. Location, size, and species of all existing plant material to remain.
7. Location of all retaining walls, fences, utility easements, existing and proposed structures, and parking areas.
8. Plant installation details.
9. Drainage areas.
10. North arrow and scale of drawing.

9.04.05 Surety will be required prior to the issuance of a Certificate of Occupancy or prior to the commencement of operations occurring when all required landscaping or screening has not been installed or constructed. Surety shall consist of letter of credit, certificate of deposit, or other surety as approved by the City of Bellevue. If said landscaping and/or screening is not installed within one year of issuance of Certificate of Occupancy or commencement of operations, the development or Owner shall grant the City of Bellevue permission to enter upon the land to install required landscaping and/or screening and the City shall retain said surety. Exemptions to this requirement include single family dwellings and duplexes exclusively. The City of Bellevue will release any surety when the required landscaping and/or screening has been installed and the Permits and Inspection Department has verified that the required landscaping and /or screening has been installed.

9.04.06 Before the City issues a Building Permit, the Owner shall sign an agreement to maintain all required landscaped areas, bufferyards and screening, as provided by the City.

9.04.07 Landscaping and/or screening installed shall not obstruct the view to or from any driveway approach, street, alley, or pedestrian, bicycle, or driveway approach.

9.04.08 All plant material installed in required landscaped areas or bufferyards shall conform in species to those recommended for such areas by the City of Bellevue Tree Ordinance, Nebraska Statewide Arboretum, and Sarpy County Extension Office. Size and spacing of material shall be provided on a site plan and shall be identified as to assure optimum plant survival and growth habit without affecting vehicular and pedestrian safety.

9.04.09 No artificial trees, shrubs, turf, or plants shall be used to fulfill the minimum requirements for landscaping.

9.04.10 Maintenance responsibility. The Owner of the property, his successors, heirs, and assigns, shall be responsible for the proper maintenance of all required landscaped areas. Landscaping shall be maintained continuously including all necessary watering, weeding, pruning, pest control, and replacement of dead or diseased plant material.

9.04.11 All plant material shown on the approved site plan shall be maintained including the replacement of dead or diseased plant material. Replacement shall be of the same type and size as set forth on the approved site plan. Replacement shall occur in the next planting season; replacement time shall not exceed one year.

9.04.12 In all zoning districts, all lighting and signage shall be arranged and/or equipped with suitable shielding so as to deflect light away from adjacent residential zoned areas.

9.04.13 All off-street parking lots designed for ten or more cars shall be landscaped and screened in accordance with the requirements of the Off-Street Parking and Loading section of this ordinance.

Section 9.05 Bufferyard

Buffering shall be used to reduce the adverse visual impacts, dust, noise, or pollution, and to provide for greater compatibility between dissimilar, adjoining zoning districts. Bufferyards are established, planted, and landscaped areas conforming to the requirements of this ordinance.

9.05.01 The Owner of a lot shall install and maintain a landscaped bufferyard as required and shown in Table 9A. A development shall comply with the bufferyard requirement in effect at the time of issuance of its building permit.

9.05.02 Should the Owner of a lot which is adjacent to an already developed site choose to rezone his lot to a less intensive zoning district, the Owner of the rezoned, less intensive zoned lot shall then install and maintain a landscaped bufferyard on his lot(s) at the time of development. The minimum bufferyard shall be as indicated in Table 9A.

9.05.03 Table 9A indicates required minimum bufferyard for each zoning district with the more intensive district across the top. The number indicates the minimum depth of bufferyad in feet; and asterisk (*) indicates screening may also be required. "V" indicates a variable bufferyard according to the height of existing structure closest to the common property line as follows:

HEIGHT TO COMMON PROPERTY LINE	BUFFERYARD REQUIRED
0' to 15'	15'
15' to 30'	20'
30' and over	30'

9.05.04 Districts with Common Lot Lines or Intervening Alleys: When the more intensive zoning district shares a common lot line or an intervening alley with a less intensive zoning district, the required bufferyard shall be in accordance with Table 9A.

9.05.05 Districts with Intervening Streets: When a platted street separates adjacent zoning districts requiring a bufferyard, the required bufferyard shall be the greater of either one-half the required bufferyard in accordance with Table 9A or the required minimum depth of street front yard landscaped area provided in these regulations.

9.05.06 Districts with Railroad Right-of-Way: When an active railroad right-of-way is located adjacent to a property line which would require a bufferyard installation, the bufferyard requirement along this common property line shall be waived.

9.05.07 Alternatives for achieving adequate buffers include:

1. Bufferyards with a required width of fifteen (15) feet or less:

   A. At least one row of coniferous shrubs, spaced not more than five (5) feet apart, which will grow to form a continuous hedge of at least five (5) feet in height within two (2) years of planting or

B. Bermed planting area with slope not to exceed 3:1 planted with a combination of evergreen and deciduous shrubs, and

C. Lawn, low growing evergreens, shrubs, and ground cover covering the balance of the area.

2. Bufferyards with a required width greater than fifteen (15) feet:

A. Any of the above listed alternatives for bufferyards of fifteen or less in width AND one deciduous or evergreen tree spaced no more than fifty (50) feet apart or

B. At least one row of deciduous (shade or ornamental) and coniferous trees staggered and spaced not to exceed one-half the mature spread. Such species shall conform to those recommended by the City of Bellevue Tree Ordinance, Nebraska Statewide Arboretum, and Sarpy County Extension Office. This row shall extend along the entire common property line to be buffered.

9.05.08

1. TABLE 9A: BUFFERYARD REQUIREMENTS FOR 2 LOTS WITH COMMON LOT LINES

More Intensive District

Less Intensive District

	AG	RA	RE	RS120	RS84	RS72	RD60	RG50	RG28	RG20	RG8		BN	BNH	BG	BGH	BGM	ML,FX	MH
AG		0	0	0	0	0	0	0	0	0	0		0	0	0	0	0	0	0
RA			**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**		**0**	**0**	**0**	**0**	**0**	**0**	**0**
RE				0	0	0	0	V	V	V	V		15*	20*	20*	25*	0	40*	50*
RS120					**0**	**0**	**0**	**V**	**V**	**V**	**V**		**15***	**20***	**20***	**25***	**0**	**40***	**50***
RS84						0	0	V	V	V	V		15*	20*	20*	25*	0	40*	50*
RS72							**0**	**V**	**V**	**V**	**V**		**15***	**20***	**20***	**25***	**0**	**40***	**50***
RD60								V	V	V	V		15*	20*	20*	25*	0	40*	40*
RG50									**V**	**V**	**V**		**15**	**20**	**20***	**25***	**0**	**30***	**40***
RG28										V	V		10	10	15	20*	0	30*	40*
RG20											**V**		**10**	**10**	**15**	**20***	**0**	**30***	**40***
RG8													10	10	15	20*	0	20*	30*
BN														**0**	**0**	**10**	**0**	**10**	**20**
BNH															0	10	0	10	20
BG																**10**	**0**	**10**	**20**
BGH																	0	10	20
BGM																		**10**	**20**
ML,FX																			0
MH																			

Section 9.06 Screening

Screening shall be used to eliminate or reduce visual impacts from one zoning district to another. Screening is required between adjacent zoning districts as indicated in Table 9A with an asterisk (*) when one of the following conditions in the more intensive zoning district is visible from and faces toward the less intensive zoning district.

9.06.01 The following conditions require screening:

1. Outdoor storage areas.
2. Compressed natural gas tanks when part of a convenience store or gasoline station.
3. Loading docks, service areas, and trash storage and collection areas.
4. Major machinery or areas containing a manufacturing process, truck or trailer parking.
5. Sources of glare, noise, or other environmental effects.
6. All sides of exterior salvage and scrap yards. ***(Ord. No. 3781 Oct. 13, 2014)***

9.06.02 A solid, opaque screen shall be installed and maintained which visually screens the potentially offensive uses listed above from less intensive districts. For screening items 1-5 above, any combination of the following types of screens may be utilized to achieve the requirements:

1. A solid wood and/or masonry fence or wall at least six (6) feet in height, of a design approved by the City Planning Department.
2. A hedge-like screen or informal screen of coniferous or approved deciduous plant material, capable of providing a minimum height of six (6) feet within three (3) years of planting. Design must have the approval of the City Planning Department.
3. A landscaped earth berm with a maximum slope of 3:1, rising no less than six (6) feet above existing grade of the lot line separating the zoning districts. Land surface shall be protected to prevent erosion (sodding, seeding, plantings) as soon as construction is complete.
4. Screening may be accomplished by the proper siting of the disruptive elements, building placement, building parapets or other design techniques.

9.06.03 For screening item **6** above (salvage and scrap yards), a solid wood and/or masonry fence at least six (6) feet in height and a maximum of twelve (12) feet in height and of a design approved by the City Planning Department, shall be installed and maintained. All fences used to screen this use shall be constructed to a height of twelve (12) inches higher than the salvage and scrap stored within the facility.

9.06.04 All screening fences or walls shall be installed a minimum of one-half the width of the required bufferyard away from the less intensive zoning district.

9.06.05 A development shall comply with the screening requirements in effect at the time of issuance of its building permit, regardless of whether an adjacent lot is rezoned to a less intensive district which would require additional screening.

9.06.06 All parking areas or vehicular use areas abutting a residential district or public right-of-way shall be screened from grade level to a height not less than three feet.

Section 9.07 Plant Materials

The following provisions recommend and restrict the plant materials installed to meet the minimum landscaping requirements.

9.07.01 The minimum size for all shade and ornamental trees shall be 2" caliper as measured 12 inches up from the ground surface. The minimum size for all evergreen trees shall be 4 foot in height. The minimum size for all shrubs shall be two-gallon size container or the equivalent height and/or spread as established by the American Association of Nurserymen. Groundcover plants shall be installed at a spacing not to exceed 18" on center.

9.07.02 All shrubs shall be installed in beds utilizing some form of edging and containing a minimum of 2 to 3 inches of organic or inorganic mulch. Landscape fabric is recommended in beds containing only shrubs (not in areas containing groundcover or annuals) to aid in maintenance.

9.07.03 Plant materials shall conform to those recommended by the City of Bellevue Tree Ordinance, Nebraska Statewide Arboretum, and Sarpy County Extension Office and the City. Selection of plant material shall consider the following:

1. Recommended plant materials (common and scientific names)
2. Habitat
3. Evergreen or Deciduous designation
4. Height and spread at maturity
5. Suitability for different uses
6. Disease problems if any
7. Fruit bearing characteristics which may be hazardous in pedestrian areas
8. Designation for those plants which are native to this geographical region

9.07.04 The use of native plant materials is encouraged to fulfill landscaping requirements as suitable. Native plants or those plants which occur naturally in this region, have shown greater adaptability to the seasonal and climate changes which occur in this region.

9.07.05 Restricted plant materials as identified by the Sarpy County Extension Office because of disease, maintenance, or suitability problems shall not be used to fulfill any landscape requirement.

Section 9.08 Exterior Lighting

Exterior lighting when used, shall enhance the building design and the adjoining landscape. Building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided. Lighting shall be designed to a standard that does not impact adjoining properties, especially residential areas.

Section 9.09 Fences

No fence shall be constructed within the zoning jurisdiction of the City of Bellevue unless it is constructed in conformance with the following requirements:

9.09.01 The height limitation for fences shall be six feet above ground level except as provided herein.

1. A fence constructed within a front yard of a residential lot and vegetation used as a barrier, screen, or fence along and parallel to the front line of a residential lot, shall be open (at least 50% of the surface area in open spaces) and shall not exceed 48 inches in height.
2. On Business and Industrial Properties, fences erected within a portion of a zoning lot on which a principal building may be erected, but not an accessory building, may conform with height limits of buildings which may be erected on such lot, but shall be subject to any Building Code provisions which may be applicable to buildings.
3. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Nebraska Department of Roads, shall not exceed eight feet in height.

9.09.02 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

9.09.03 The use of barbed wire and electric fences in the construction of any fence is prohibited except:

1. **Barbed wire fences**. It shall be unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any barbed wire strung along or upon any fence as a barrier within the City limits and the jurisdictional area of the City; provided that on fences surrounding public institutions, public utilities, factories, storage yards, communication centers, or airports it shall be permissible to string not more than three (3) strands of barbed wire upon supports inclined an angle not greater than sixty (60) degrees with the horizontal plane when such wires are strung so that they are suspended above and within the property lines and further that all elements of said fence shall be within a line drawn perpendicular upward from the property line, and the bottom strand of such barbed wire is not less than six (6) feet above the surface of the ground measured from the outer face of such fence.
2. **Electric fences**. It shall be unlawful for any person to erect or cause to be erected or to maintain any fence, the wire, or wires of which are electrified at any location within the jurisdictional control of the City. Provided, however, that in any area zoned agricultural, electric fences may be used to control the ranging of livestock (Section 8-29, Bellevue City Code).

9.09.04 All fences shall be maintained in good repair.

9.09.05 FENCES AND HEDGES, OTHER THAN CORNER: On portions of a lot not covered by street or alley intersection restrictions, the height of fences of any length, and foliage continuous for 5 feet or more, shall be limited to 48 inches in the required space limits for the front yard, provided however that decorative or ornamental features of a fence (such as end or corner posts, caps, or gates), comprising no more than 10 percent of the overall length of the fence on any one side, shall be permitted to a height of 60 inches. Fences built on residential property within the required space limits for the front yard shall be of open-type construction, such as picket, split rail, or chain link, which contains openings constituting no less than 50 percent of the surface area of the fence. On all other portions of lot lines, fences, hedges, and continuous foliage barriers may not exceed a height of 72 inches.

9.09.06 FENCES AND HEDGES, CORNER VISIBILITY: Except in zones allowing the construction of buildings to the property line, there shall be provided an unobstructed view across the sight triangle formed between a height of 30 inches and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the corner points of the curb, 45 feet in each direction along the curb. At the intersection of major or arterial streets, the 45-foot distance may be increased to at least 90 feet for each arterial leg of the intersection. The required distance may be increased based upon subdivision design and speed limits along major or other arterials.

9.09.07 FENCES, PERIMETER TO A SUBDIVISION: Fences around an entire platted subdivision shall be of an aesthetic nature and located 6 inches within the lot line and shall be constructed of wood, masonry, vinyl or wrought iron materials and shall conform to the height limits of Section 9.09.01. The care, upkeep, and maintenance of the fence shall be the sole responsibility of the property owner or an appropriate homeowner's association.

9.09.08 FENCES, SURROUNDING POOLS: Every outdoor pool as regulated under the Uniform Plumbing Code shall be completely surrounded by a fence or wall not less than 72 inches in height, which shall be so constructed as not to have openings, holes, or gaps larger than 4 inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension shall not exceed 4 inches. A dwelling or accessory building may be used as part of such enclosure.

All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device located at least 45 inches above grade level for keeping the gate or door securely closed at all times, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

The provisions of this section shall be applicable to all outdoor pools which have a depth of 18 inches or greater and a diameter of nine feet or greater, as regulated under the Uniform Plumbing Code. No person either as owner, purchaser, lessee, tenant, or licensee, in control of the property having such pool shall fail to provide and maintain such fence or wall as herein provided.

9.09.09 FENCES AND HEDGES, MEASUREMENT RULE: Height shall be measured from the existing grade at the exterior side of the fence. No person may construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence.

9.09.10 FENCES, FINISHED SIDE OF: The finished surfaces of any fence shall face toward adjacent properties and street frontages.

(Ord. No. 3825, Nov 9, 2015)

ARTICLE 10: BOARD OF ADJUSTMENT

Section 10.01 Members, Terms, and Meetings

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): The board of adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. After September 9,1995, the first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than two hundred persons reside within such area. Thereafter, at all times, at least one member of the board of adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Section 10.02 Appeals to Board, Record of Appeal, Hearings and Stays

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. 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. Upon the hearing any party may appear in person or by agent or attorney.

Section 10.03 Powers and Jurisdiction on Appeal

The Board of Adjustment shall have the following powers:

10.03.01 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination 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;

10.03.02 To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board of Adjustment is authorized by this Ordinance to pass; and

10.03.03 To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

1. The Board of Adjustment shall authorize no such variance, unless it finds that:
2. The strict application of the Ordinance would produce undue hardship;
3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
4. 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

5. 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. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned, or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

In exercising the above-mentioned powers, the Board may 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 ought to be made, and to that end shall have all the powers of the officer 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 this Ordinance or to affect any variation in this Ordinance.

Section 10.04 Appeals to District Court

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

ARTICLE 11: AMENDMENTS

Section 11.01 Amendments

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least 10 days prior to the date of such hearing.

It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than 50 dollars or more than 100 dollars.

The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

Section 11.02 Planning Commission Review

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission, the Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within 45 days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Such recommendation shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

11.02.01 At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited the sum set in Article 4, Section 4.23 as a fee to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

Section 11.03 Inspections by City Staff

The provisions of this Ordinance shall be administered and enforced by City Staff, who shall have the power to make inspection of buildings or premises necessary to carry out individually assigned duties in the enforcement of this Ordinance.

Section 11.04 Building Permits

The following shall apply to all new construction and all applicable renovations and remodels within Bellevue's Zoning Jurisdiction:

11.04.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Building Inspector has issued a building permit for such work.

11.04.02 Issuance of a building permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Building Inspector shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance

of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building or zoning permit shall become void 12 months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 11.05 Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 11.06 Penalties

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or 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 such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed 100 dollars for any one offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

Section 11.07 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 12: COMPREHENSIVE PLAN RELATIONSHIP

These zoning ordinances are designed to implement various elements of the comprehensive plan as required by state statutes. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

ARTICLE 13: LEGAL STATUS PROVISIONS

Section 13.01 Separability
Should any article, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13.02 Purpose of Catch Heads
The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

Section 13.03 Repeal of Conflicting Ordinances
All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 13.04 Effective Date
This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Bellevue, Nebraska,

This 16th day of August, 2022.

(Seal)

ATTEST:_____ _____
(CITY CLERK) (MAYOR)

APPENDIX: ZONING USE MATRIX (Business and Manufacturing Districts)

The Zoning Use Matrix has been constructed to assist in identifying the various uses allowed within the Business and Manufacturing Districts. Ir. the event there is a conflict between the uses listed in the matrix and those listing in the individual zoning district regulations, the district regulations in Article 5 shall apply.

12b.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 02/06/2024	SUBMITTED BY: Tammi Palm	TITLE: Planning Director
AGENDA ITEM:	CONSENT AGENDA ☐	SPECIAL PRESENTATION ☐
LIQUOR LICENSE ☐	ORDINANCE ☑	PUBLIC HEARING ☐
RESOLUTION ☐	CURRENT BUSINESS ☐	OTHER ☐

SUBJECT:

Request to amend Ordinance No. 4105, the City of Bellevue Subdivision Regulations, regarding minor text amendments for the purpose of updating staff titles. Applicant: City of Bellevue.

SYNPOSIS/BACKGROUND:

Due to a staff title change in the Planning Department, the City of Bellevue is proposing to amend the Subdivision Regulations. The title of Planning Manger will be changed to Planning Director.

FISCAL IMPACT: None BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: NO	COUNTER-PARTY:	INTERLOCAL AGREEMENT: NO	
CONTRACT DESCRIPTION:			
CONTRACT EFFECTIVE DATE:	CONTRACT TERM:	CONTRACT END DATE:	
PROJECT NAME:			
START DATE:	END DATE:	PAYMENT DATE:	INSURANCE REQUIRED: YES
CIP PROJECT NAME:		CIP PROJECT NUMBER:	
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):	
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:	

RECOMMENDATION:

The Planning Department and the Planning Commission have recommended approval of these amendments.

ATTACHMENTS:

1. Planning Commission Recommendation Sheet	2. Staff Memo	3. Subdivision Regulations - redline
4. Ordinance No. 4147	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

We Influence The World!

City of Bellevue
Planning Department
1510 Wall Street • Bellevue, Nebraska 68005
(402) 293-3026

MEMORANDUM

TO: City Council
FROM: Tammi Palm, Planning Director
DATE: January 30, 2024
RE: Amend Ordinance No. 4105, City of Bellevue Subdivision Regulations regarding staff titles.

The City of Bellevue is proposing to amend Ordinance No. 4105, City of Bellevue Subdivision Regulations, to include updating staff titles.

In 2022, these documents were amended to reflect the staff title change from Planning Director to Planning Manager. In 2023, the Planning Director title was reinstated. This amendment reflects the change.

Attached is a red-line copy of the proposed amendments.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.

PLANNING COMMISSION RECOMMENDATION:

APPROVAL of the amendment as presented.

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: City of Bellevue

CITY COUNCIL HEARING DATE: February 5, 2024

REQUEST: to amend Ordinance No. 4105, City of Bellevue Subdivision Regulations, regarding minor text amendments for the purpose of updating staff titles.

On January 25, 2024, the City of Bellevue Planning Commission voted six yes, zero no, three absent and zero abstained:

APPROVAL of amendments as presented.

VOTE:

Yes:	Six:	No:	Zero:	Abstain:	Zero:	Absent:	Three:
	Hankins						Aerni
	Sims						Taylor-Jones
	Jacobson						Bennett
	Ackley						
	Lasenburg						
	Perrin						

Planning Commission Hearing (s) was held on: January 25, 2024

ORDINANCE NO. 4147

AN ORDINANCE TO AMEND ORDINANCE NO. 4105, SUBDIVISION ORDINANCE, BY CHANGING STAFF TITLES AND ADOPTING DEFINITIONS FOR SUCH; TO REPEAL SUCH ORDINANCE AS HERETOFORE EXISTING; AND TO PROVIDE AN EFFECTIVE DATE OF THE ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That Ordinance No. 4105 is hereby amended to read as follows:

SUBDIVISION ORDINANCE

CHAPTER 1

TITLE AND INTENT

Section 1-1. Title. This ordinance shall be known, referred to, and cited as the "City of Bellevue Subdivision Ordinance."

Section 1-2. Purpose and Intent. This ordinance is to provide for the harmonious development of Bellevue and its environs; to prescribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreations, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

Section 1-3. Jurisdiction. This ordinance shall apply to all land located within the zoning jurisdiction of the city of Bellevue, as designated in Section 26-38 through 26-40 of the Bellevue City Code. (Section 16-901 Revised Statutes of Nebraska)

Section 1-4. Applicability. The owner or owners of any land located within the jurisdiction of these regulations subdividing land into two or more lots and blocks or tracts or parcels when the smallest parcel created is less than ten acres in area, for the purpose of laying out a subdivision, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations. (Section 19- 921 Revised Statutes of Nebraska)

CHAPTER 2

DEFINITIONS

Section 2-1. Definitions. For the purpose of regulations, certain words used herein are defined as follows:

Section 2-2. Alley. A public right-of-way not designed to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

Section 2-3. Assistant Planning Manager. The city staff person with responsibility for advising the Planning Commission and City Council on land use development, zoning, and platting matters.

Section 2-4. Average Daily, Traffic (ADT). The vehicular traffic generated on a particular street over a twenty-four-hour period by the development on the street plus any through traffic.

Section 2-5. Bellevue School District. School District No. 1 of Sarpy County, Nebraska.

Section 2-6. Block. A tract or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way, or parks, or a combination thereof

Section 2-7. City. The City of Bellevue, Nebraska, a municipal corporation.

Section 2-8. City Administrator. The principal administrative officer of the City of Bellevue, Nebraska.

Section 2-9. City Clerk. City Clerk of the City of Bellevue, Nebraska.

Section 2-10. City Council. City Council of the City of Bellevue, Nebraska.

Section 2-11. City Engineer. The city engineer of the City of Bellevue retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the city.

Section 2-12. Common Open Space. That undivided land in a subdivision which is jointly owned by all property owners of the subdivision, for the enjoyment and benefit of the owners and occupants of the individual building sites of the said development.

Section 2-13. Comprehensive Plan. The plan for the improvement and development of the City of Bellevue, Nebraska, as adopted by the city's Planning Commission and City Council in accordance with the laws of the State of Nebraska and the Ordinances of the City of Bellevue.

Section 2-14. County Engineer. The engineer of Sarpy County, Nebraska.

Section 2-15. County Surveyor. The surveyor of Sarpy County, Nebraska.

Section 2-16. County Treasurer. The treasurer of Sarpy County, Nebraska.

Section 2-17. Cul-De-Sac. A short street with one end open to traffic and the other end terminated by a vehicular turn around.

Section 2-18. Dead-End Street. A street with one end open to traffic and the other end terminating without a vehicular turn around.

Section 2-19. Dead-End Street, Temporary. A street with one end open to traffic and the other end terminating at the boundary line of the subdivision but will be required to be extended at a later date to provide access to abutting land.

Section 2-20. Dedication. A grant of land by the owner to the public for public use.

Section 2-21. Easement. A grant by the property owner to the public, a corporation, or persons, of the use of land for specific purposes.

Section 2-22. General Obligation. A debt incurred by the city or an S.I.D. by the issuance of general obligation bonds to finance certain public capital improvements in a subdivision. These improvements are outlined in Section 7-14, 7-15, 7-16, 7-17, 7-18 and 7-19 of this ordinance.

Section 2-23. Improvements. Street grading, street surfacing and paving, curbs and gutters, streetlights, street signs, sidewalks, crosswalks, water mains and lines, fire hydrants, sanitary sewers, storm drainage facilities, culverts, manholes, bridges, public utilities, or other installations as designated by the City Council or its specific approving authority.

Section 2-24. Lot. A portion of land within the subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

Section 2-25. Lot Depth. The mean horizontal distance between the front and rear lot lines.

Section 2-26. Lot, Corner. A lot having a frontage on two intersecting streets.

Section 2-27. Lot, Flag. A lot which is landlocked from public right-of-way, except for a narrow tract of land of less width than required under the assigned zoning.

Section 2-28. Lot Line. The boundary of a lot.

Section 2-29. Lot, Nonconforming. A lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the zoning district space limits now applied. Lots created through a procedure which does or did not conform to the applicable city or county subdivision requirements enforced at that specific time shall also be considered nonconforming.

Section 2-30. Lot of Record. Shall mean an independent lot as shown in the records of and recognized by the Register of Deeds.

Section 2-31. Lot, Sub-. A subordinate and integral part of a lot. The sublot is to be shown on the subdivision plat.

Section 2-32. Lot, Through. A lot extending continuously between two parallel or approximately parallel streets.

Section 2-33. Lot Width. The distance between side lot lines measured at the rear of the required front yard on a line parallel to the street right-of-way.

Section 2-34. Monument. An identification marker established by a land survey and set by a registered land surveyor at each lot corner, angle point, block corner, street centerline, or other point.

Section 2-35. Omaha School District. School District No. 1 of Douglas County, Nebraska.

Section 2-36. Outlot. A lot not designated for building or occupancy.

Section 2-37. Papillion/LaVista School District. School District No. 27 of Sarpy County, Nebraska.

Section 2-38. Permits and Inspections Division. The Permits and Inspections Division of the City of Bellevue.

Section 2-39. Planning Commission. The Planning Commission of the City of Bellevue, Nebraska.

Section 2-40. Planning Department. The Department of Planning of the City of Bellevue, Nebraska.

Section 2-41. Planning Director. The chief administrative officer of the Department of Planning of the City of Bellevue, Nebraska.

Section 2-42. Planning Secretary. Planning staff member responsible for assisting in the efficient operation of the department through the performance of administrative support functions.

Section 2-43. Plat. A map which delineates the subdivision of land. A plat commonly shows lots, blocks, and other information relevant to the development and improvement of the property.

Section 2-44. Plat, Preliminary. The preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

Section 2-45. Plat, Final. The final plan of the plat, subdivision, or dedication prepared for filing or recording in conformance with these regulations.

Section 2-46. Preapplication Meeting. A required meeting with the Planning Department prior to the submission of a preliminary plat application as outlined in Section 3-2 of this ordinance.

Section 2-47. Public Works Department. The Department of Public Works of the City of Bellevue.

Section 2-48. Public Works Director. The chief administrative officer of the Department of Public Works of the City of Bellevue.

Section 2-49. Register of Deeds. The Office of the Register of Deeds of Sarpy County, Nebraska.

Section 2-50. Replat. A map which delineates the subdivision of land which has been previously recorded as a plat in the office of Register of Deeds of Sarpy County, Nebraska.

Section 2-51. Sanitary and Improvement District. A special taxing body created by the District Court for the purpose of constructing, financing, and maintenance of capital improvements such as streets, sewers, sidewalks, utilities, and parks in a subdivision until such time as the subdivision is annexed by the city.

Section 2-52. Special Assessment. A lien assessed on private property on the basis of special benefit for a portion of public capital improvements in a subdivision.

Section 2-53. Springfield-Platteview School District. School District No. 46 of Sarpy County, Nebraska.

Section 2-54. Street. A right-of-way dedicated to public use which provides principal vehicular and pedestrian access to adjacent properties.

Section 2-55. Street, Collector. A street that is used or intended to be used to congregate traffic from several local streets and route such traffic to a major street.

Section 2-56. Street, Frontage (Road). A street dedicated adjacent to and parallel to a major street with limited or controlled access and dedicated to providing frontage access to abutting properties.

Section 2-57. Street, Local. Any public street that is used or intended to be used for the principal purpose of serving as vehicular access to abutting property.

Section 2-58. Street, Arterial. A street, freeway, expressway and arterial, as shown in the comprehensive plan.

Section 2-59. Street, Private. A nonpublic roadway shown as an easement on an approved site plan or approved with a subdivision plat under this ordinance. However, driveways

providing access from a public street or private roadway to a single lot, may be considered as driveways. Such driveways shall be reviewed in accordance with the adopted driveway design standards on file in the Permits and Inspections Division.

Section 2-60. Subdivider. Any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

Section 2-61. Subdivision. The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered a subdivision when the smallest parcel created is more than ten acres in area.

Section 2-62. U.S.G.S. United States Geological Survey.

Section 2-63. Zoning Ordinance. The Zoning Ordinance of the City of Bellevue, as amended.

CHAPTER 3

PRELIMINARY PLATS

Section 3-1. Preliminary Plat Procedures. All preliminary plats shall be prepared in conformance with the provisions of this ordinance and in conformance with the Bellevue Comprehensive Plan. The Subdivider shall be responsible for such conformance.

Section 3-2. Preapplication Meeting. A preapplication meeting between the applicant or their representative, the Planning Department and other city departments will be required prior to the submission of an application for approval of a preliminary plat. No application for preliminary plat will be accepted by the Planning Department until after the preapplication meeting. Preapplication meetings should be scheduled through the Planning Department. The purpose of the preapplication meeting is to review policies, procedures and forms required by the City of Bellevue and to discuss the applicant's request. The applicant shall provide the following minimum information as part of a conceptual review sketch plan:

1. The proposed layout of streets, lots, and utilities in relation to existing streets, utilities, topography, and other conditions;

2. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas, and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions;

3. Existing zoning and land use of the abutting properties and the existing and/or proposed zoning and land use of the subdivision; and

4. Any proposed exceptions to the language of the standard form subdivision or development agreement. The applicant should obtain a copy of the standard form agreement from the Planning Department and submit only those sections proposed for revision.

Section 3-3. Application. An application for a preliminary plat shall be submitted to the Planning Department. The following (with the exception of the fee) shall be submitted in electronic format with the application:

(1) Application fee.

(2) A copy of the plat, drainage plan, grading plan, and street profiles emailed to the Planning Director.

(3) Written statement listing all owners of record of the land being subdivided.

(4) Written statement listing all waivers being sought in accordance with Sections 8-1 through 8-3 of this ordinance as well as a statement of the justification.

(5) A written statement outlining proposed erosion and sedimentation control measures as well as proposed plans for drainage channel stabilization.

(6) Financial data showing the cost of all public improvements within a proposed Sanitary and Improvement District, including a breakdown of the portion to be specially assessed and generally obligated, and an estimate of the total valuation after development. This shall include a tentative schedule for the expenditure of funds.

(7) A traffic impact analysis as may be required at the discretion of the City Engineer.

(8) A phasing schedule for both construction and costs if the project is to be developed in phases. Phase lines shall be delineated on the plat.

(9) One copy of the proposed covenants, if a homeowner's association is to be formed, for the control and maintenance of common facilities or land.

(10) A statement of any proposed exceptions to the language of the standard form subdivision or development agreement.

(11) A statement of estimated costs and financial assumptions for any possible S.I.D. connection fees.

(12) Any other supplemental information as may be deemed necessary by the Planning Director.

(13) Upon approval, a computer automated drafting (CAD) file shall be submitted to the Planning Director.

Section 3-4. Application Acceptance or Refusal. Upon filing the preliminary plat, the Planning Department shall review the plat to ensure all supplemental data as required in Sections 3-3 and 3-13 has been provided. The Planning Department shall have the right to refuse the filing of the plat should the required supplemental data not be shown or presented unless otherwise instructed by the Planning Director.

Section 3-5. Planning Department Review. Upon acceptance of the application for preliminary plat, the Planning Department shall distribute one copy of the preliminary plat, with request for comments to other city departments and other governmental agencies who are directly concerned with the proposed subdivision. These departments or agencies shall, within fifteen days from receipt of a copy of the preliminary plat and accompanying data, file with the Planning Director its approval of said plat or a report indicating in what manner such preliminary plat does not conform to the city's regulations and/or other agencies rules and regulations.

Section 3-6. Planning Department Review. Within thirty days from the filing of the preliminary plat, the Planning shall notify the subdivider in writing of the findings of the review and the recommendations of the various departments and the director's own review of the design of the subdivision and shall designate the revisions which will be required under the provisions of this ordinance before approval of the preliminary plat is to be recommended.

(1) If the recommendation is for disapproval, the Planning Director shall submit to the subdivider a statement of the reasons for such recommendation and indicate the revisions necessary to secure a recommendation of approval.

(2) The recommendation of approval of the preliminary plat by the Planning Director does not constitute an approval of the subdivision.

(3) Following the recommendation of the Planning Director, the subdivider shall file a written response indicating agreement or disagreement with the revisions necessary to secure a recommendation of approval and an electronic copy of the revised plat and requested documents shall be emailed to the Planning Director. The response and preliminary plat are to be submitted in accordance with the Uniform Review Schedule.

Section 3-7. Planning Commission Review. All applications for preliminary plat approval will require the applicant or his/her representative to appear before the Planning Commission for the purpose of explaining the request. The Planning Commission will hold a Public Hearing to consider the application for preliminary plat of which notice is given by mailing a letter of notification to each property owner of record located within 300 feet of the site and by posting a sign on the property at least ten (10) calendar days prior to the meeting. In reviewing the preliminary plat, the Planning Commission shall consider the following:

(1) Conformity with the Comprehensive Plan, Zoning Ordinance, and this ordinance.

(2) Any recommendations of the Planning Director and/or other reviewing agencies in Section 3-5 of this ordinance

(3) Comments received during public hearings.

Section 3-8. Planning Commission Action. The Planning Commission shall, within a reasonable time, act on the plat. Planning Commission action shall be expressed by a recommendation of approval or disapproval made to the City Council. An approval recommendation shall include stated conditions of such approval. A disapproval recommendation shall state the Planning Commission's reason for disapproval. After the Planning Commission recommendation has been made, the preliminary plat shall be forwarded to the City Council by the Planning Department.

Section 3-9. Reasonableness of Time. If the Planning Commission is not prepared to act on the application at the public hearing, the Planning Commission may vote to continue the request to a second public hearing. If the Planning Commission is not prepared to act by the second Public Hearing, the subdivider may request the Planning Commission to approve or deny the application so as to permit a hearing before the City Council at the earliest legal date possible.

Section 3-10. Allowance of Planning Commission Hearing Continuance. Continuances may be authorized by the Planning Commission.

Section 3-11. City Council Action. The preliminary plat presented to the City Council shall be substantially identical to the plat acted upon by the Planning Commission. City Council approval of the preliminary plat shall not constitute an acceptance of the plat but shall be deemed an expression of approval of the layout submitted, and an authorization to proceed with the preparation of the final plat.

Section 3-12. Preliminary Plat Time Limit. Approval of the preliminary plat shall become void one (1) year from the date of City Council approval if a final plat has not been submitted for review on all or part of the subdivision. One (1) year extensions may be granted by the City Council upon receipt by the Planning Department of a written request by the subdivider and upon submittal of the required fee prior to the preliminary plat expiration date.

Section 3-13. Preliminary Plat Information. A preliminary plat shall be based on a legal description of the property as shown by the land records in the office of the Register of Deeds. A preliminary plat shall meet the design standards set forth in these regulations. Plats shall be at an adequate scale to clearly show all necessary information and in no case smaller than one-inch equals two-hundred feet (1" = 200'). A separate site plan prepared under the supervision of, and certified by, a registered State of Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements, or street rights-of-way. The following information shall be included on the preliminary plat:

(1) Name of subdivision.

(2) Name of subdivider, engineer, landscape architect, or surveyor.

(3) Scale specified and bar scale.

(4) North point and date.

(5) Location, widths and names of proposed and abutting streets, alleys, pedestrian ways, and easements, as well as the layout, numbers and approximate dimensions of proposed lots and blocks.

(6) All existing lots and structures upon and within two hundred (200) feet of the tract to be subdivided. Aerial photo data confirmed in the field is sufficient for the describing of off-tract structures.

(7) Existing and proposed sanitary sewers, storm sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto. If water mains and sewers are not on or adjacent to the tract, direction and distance to nearest ones shall be shown, including preliminary invert elevations of sewers, based on U.S.G.S. Datum. Preliminary storm sewer and preliminary sanitary sewer layout and computations shall be provided.

(8) A tabulation of total acreage of the subdivision, number of lots for each zoning classification, and acreages designated to other uses.

(9) Existing and proposed contours, drainage channels, and wooded areas shall be shown on the proposed subdivision with maximum intervals of five (5) feet. When the subdivision exceeds ten (10) acres in area, contains unique conditions or unusual topographical features, closer contour lines may be required by the City of Bellevue. The datum plan for benchmark elevations and contours shall be based on U. S.G.S. Datum.

(10) A vicinity map showing the geographic relationship of the proposed subdivision to the surrounding street system. Vicinity maps shall be prepared at a scale of no smaller than one (1) inch equals two thousand (2,000) feet.

(11) An electronic copy emailed to the Planning Director of centerline profiles of proposed streets showing percentages of grades and length of vertical curves.

(12) Documentation the owner or owners of any downstream sanitary sewer facilities (i) have been notified of the proposed development's intent to connect to the sanitary sewer system, and (ii) have come to an agreement with the proposed development for any required tap in fees.

Section 3-14. Application Termination. At the discretion of the Planning Director, if any case is determined to be inactive due to lack of sufficient progress, the file will be closed and any subsequent action or consideration shall be made as part of a new request.

CHAPTER 4

FINAL PLATS

Section 4-1. Final Plat Procedures. The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

Section 4-2. Application. An application for a final plat shall be submitted to the Planning Department in accordance with the submittal deadline established by the Uniform Review Schedule which is adopted annually by the Planning Commission. The following (with the exception of the fee) shall be submitted in electronic format with the application:

(1) Application fee.

(2) A copy of the plat emailed to the Planning Director.

(3) Written statement listing all owners of record of the land being subdivided.

(4) Written statement listing all waivers being sought in accordance with Sections 8-1 through 8-3 of this ordinance as well as a statement of the justification.

(5) Unless otherwise approved by the City Administrator, a subdivision agreement, approved as to form by the City Attorney, shall be submitted with the final plat application for all subdivisions which include the installation of public improvements. Subdivision agreements will be processed concurrently with the final plat and will require the approval of the City Council prior to the letting of any contracts for the construction of public improvements as provided in Section 7-14 of this ordinance.

(6) Any other supplemental material as specified in this ordinance.

(7) Upon approval, a computer automated drafting (CAD) file shall be submitted to the Planning Director.

Section 4-3. Application Acceptance or Refusal. Upon submittal of the final plat, the Planning Department shall review the plat to ensure all supplemental data required in Sections 4-2 and 4-12 has been provided. The Planning Department shall have the right to refuse the submittal of the plat should the required supplemental data not be shown or presented unless otherwise instructed by the Planning Director.

Section 4-4. Planning Department Review. The Planning Secretary shall distribute one (1) copy of the final plat along with a request for comments, to be returned within seven (7) working days, to each of the following:

(1) Public Works Director

(2) City Engineer

(3) Sarpy County Engineer, only if the plat is to be located outside the city's corporate limits.

(4) The Bellevue School District, except as provided in Section 4-5 of this ordinance.

Section 4-5. School District Notification. If the plat is in territories that are within the Papillion/LaVista School District, Omaha Public School District, or the Springfield/Platteview School District, the Planning Secretary shall notify the appropriate school district and the Bellevue School District of the date of final plat filing. In addition, the Planning Secretary shall forward a copy of the plat to the affected school districts.

Section 4-6. Planning Commission Review. In reviewing the final plat, the Planning Commission shall consider the following:

(1) Conformity with the Zoning Ordinance and the preliminary plat.

(2) Any recommendations of the Planning Director and/or other reviewing agencies

in Section 4-4 of this ordinance.

Section 4-7. Revision Submission Requirements. In the event that the applicant is required by the reviewing staff to revise their final plat prior to action from the Planning Commission, the following shall be submitted:

(1) An electronic copy of the revised plat emailed to the Planning Director.

Section 4-8. Planning Commission Action. The Planning Commission shall, within a reasonable time, act on the plat. Planning Commission action shall be expressed by a recommendation of approval or disapproval to the City Council. If the recommendation is for disapproval, the Planning Commission shall state the reasons. After the Planning Commission recommendation has been made, the final plat shall be forwarded to the City Council by the Planning Department.

Section 4-9. City Council Action. The final plat presented to the City Council shall be identical to the plat acted upon by the Planning Commission. Upon approval of the final plat by the City Council, a certificate of approval by the Planning Commission and by the Mayor and City Council shall be signed by the Chair of the Planning Commission, Mayor, and City Clerk.

Section 4-10. Approved Final Plat Filing. Upon completion of Section 4-9 of this ordinance, the subdivider shall file four (4) reproducible mylars of the plat as follows:

(1) Four (4) reproducible mylars (18" x 24" minimum) to be stamped by the Register of Deeds and routed as follows:

(a) One (1) to the Bellevue Planning Department;

(b) Two (2) to the Sarpy County Register of Deeds (one for their file and one to be routed to the Sarpy County Public Works Department); and

(c) One (1) to remain with the applicant. ***(Ord. No. 3882, September 11, 2017)***

Section 4-11. Final Plat Time Limit. Approval of the final plat shall become null and void ninety (90) days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds as provided in Section 4-10 of this ordinance. It shall be the responsibility of the subdivider to furnish the Planning Department documentation of compliance within the ninety (90) day period. A thirty (30) day extension may be granted by the City Council upon written request of the subdivider and submittal of the required fee.

Section 4-12. Final Plat Information. The subdivider shall prepare and submit a final plat at a scale of not less than one-inch equals one hundred feet (1" = 100'). The plat shall be prepared under the supervision of and certified by a registered State of Nebraska land surveyor. The plat, including all signatures, shall be drawn with permanent black ink on reproducible mylar. Information on the final plat shall include:

(1) Name of subdivision and location by Section, Township, and Range.

(2) North arrow and bar scale.

(3) Descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions and shown by heavy dashed lines, and the location of section and quarter section lines in relation to the plat. Any boundary line along a horizontal curve shall be described by long chord and bearing, as well as by radius, direction (left or right), and arc distance. The exterior boundary traverse closure with a maximum allowable error of closure on any portion of the final plat shall be one (1) foot in ten thousand (10,000) feet.

(4) The exact location and layout of lots, streets, centerlines, rights-of-way, alleys, and other public grounds, with accurate dimensions in feet and decimals of feet, interior angles or azimuth, length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground, together with the names of

the streets, and lots and block numbers.

(5) Location, use, and width of all required easements. Perpetual easements shall be granted to Omaha Public Power District (OPPD), Cox Communications, and CenturyLink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted, and recorded. The subdivider shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair, and renew pipelines, hydrants, and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under, and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

(6) Location and description of monuments.

(7) Certificate signed by a land surveyor registered in the State of Nebraska, which contains the legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. Said certificate shall state that a ground survey has been made and that the monuments have been placed as shown on the plat, or the subdivider shall provide a renewable staking bond on a form approved by the Bellevue City Attorney and filed with the Planning Department to ensure the monuments will be established within one (1) year of the filing of the final plat. The one-year staking bond may be renewed not to exceed three (3) years total.

(8) Dedication form and certificate signed and acknowledged before a Notary Public by all parties having any recorded interest in the land subdivided, consenting to the plat including dedication of all streets, alleys, and public ways and dedication of parks or other public grounds, and granting any necessary or required easements.

(9) Certificate signed by the County Treasurer stating there are no regular or special taxes due or delinquent taxes against the property described in the plat.

(10) Certificate for the submittal of a recommendation by the Planning Commission to be signed by the Chairman or Acting Chairman.

(11) Certificate for the approval of the City Council to be signed by the Mayor or Acting Mayor and attested by the City Clerk. The certificate shall include the ninety (90) day deadline date for final plat filing.

(12) Certificate signed by the County Engineer/Surveyor stating he/she has reviewed the plat.

(13) Data block provided on the plat or a separate submission showing the calculations of square footage per lot, for use by the County Assessor.

CHAPTER 5

SMALL SUBDIVISIONS

Section 5-1. Small Subdivision Defined. For purposes of this chapter the subdivider may be eligible to seek subdivision approval as a Small Subdivision if the following conditions are met:

(1) The subdivision does not contain more than three (3) lots, except as provided for in subparagraph (4) below.

(2) The subdivision fronts on an existing street, does not involve any new street or road, or the extension of municipal facilities or the creation of any public improvements.

(3) The subdivision does not adversely affect the remainder of the parcel or adjoining property.

(4) The subdivision may contain more than three (3) lots if in the opinion of the Planning Director the information listed in Chapter 3, Preliminary Plats, is not required or has been submitted previously.

Section 5-2. Administrative Approval. The Planning Director or designee shall have the right to approve small subdivision plats in compliance with Section 5-1 of this ordinance. The Planning Director or designee may approve a small subdivision plat if the following conditions are met:

(1) The Public Works Director or Engineer has affixed their signature to the plat.

(2) The subdivision is not in conflict with any provisions or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.

(3) The subdivision would not require the vacation of any occupied utility easements.

(4) In the opinion of the Planning Director the subdivision would not require the dedication of additional public right-of-way.

(5) The parcel has not been previously denied replatting by the City Council.

(6) The subdivision would not allow a duplex or multi-family development on land previously platted for single family development.

(7) The subdivision primarily involves a change in interior lot boundaries. Exterior lot boundaries may be changed only by dedication or vacation of a public right-of-way following hearings before the Planning Commission and City Council.

Section 5-3 Small Subdivision Application for Administrative Approval. An application for small subdivision administrative approval shall be submitted to the Planning Department. A separate site plan prepared under the supervision of, and certified by, a registered State of Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements, or street rights-of-way. The following shall be submitted with the application:

(1) Application fee.

(2) An electronic copy of the plat to be emailed to the Planning Director.

(3) Information as required under Section 4-12 and Section 5-6 of this ordinance.

Section 5-4. Administrative Review. Upon filing, the Planning Department shall forward the application, copies of the plat and supplemental information, with a request for comments in seven (7) working days from the following:

(1) Public Works Director or Engineer

(2) Applicable school district in accordance with Section 4-4 (4) and 4-5 of this ordinance.

Section 5-5. Administrative Action. The Planning Director or designee shall approve or disapprove the plat within ten (10) working days of the filing date. In the event of disapproval, the Planning Director shall give the subdivider a written statement of reasons for the disapproval.

Section 5-6. Administrative Certificate of Approval. In lieu of Sections 4-12 (10) and 4- 12 (11) of this ordinance, plats eligible for administrative approval shall include certificates of approval to be signed by the Public Works Director or Engineer, and Planning Director or designee. Upon receiving administrative approval, the plat shall be filed with the Register of Deeds in accordance with Section 4-10 and Section 4-11 of this ordinance.

Section 5-7. Appeal of Administrative Disapproval. The subdivider has the privilege of requesting Planning Commission and City Council review and approval in accordance with Section 5-8 of this ordinance if the Planning Director or designee has disapproved the plat or has not acted within ten (10) working days of filing the plat.

Section 5-8. Planning Commission and City Council Review and Action. If the plat does not qualify for administrative approval or has been disapproved by the Planning Director or designee, an application for Small Subdivision shall be submitted in accordance with Sections 4-2 through 4-12, Final Plats, of this ordinance.

Section 5-9. Small Subdivision Plat Information. The Small Subdivision Plat shall be prepared in accordance with the Final Plat standards in Section 4-12 of this ordinance. A separate site plan prepared under the supervision of, and certified by, a registered State of Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements, or street rights-of-way.

Section 5-10. Approved Small Subdivision Plat Filing. Upon completion of Section 5-6 or 5-8 of this ordinance, the subdivider shall file four (4) reproducible mylars of the plat as follows:

(1) Four (4) reproducible mylars (18" x 24" minimum) to be stamped by the Register of Deeds and routed as follows:

(a) One (1) to the Bellevue Planning Department;

(b) Two (2) to the Sarpy County Register of Deeds (one for their file and one to be routed to the Sarpy County Public Works Department); and

(c) One (1) to remain with the applicant.

(Ord. No. 3848, June 13, 2016)

(Ord. No. 3882, September 11, 2017)

(Ord. No. 4105, August 16, 2022)

CHAPTER 6

MINIMUM DESIGN STANDARDS

Section 6-1. General. No subdivision plat shall be approved unless it conforms to the minimum design standards in this chapter.

Section 6-2. Streets and Alleys.

(1) The arrangements, classification, extent, right-of-way, paving width, grade, and location of all streets shall conform to the Comprehensive Plan and Section 6-4 of this ordinance and shall be designated in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

(2) Any newly constructed street or completely reconstructed street must be designed and constructed to (i) provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and (ii) address the needs of all users both along roadway corridors and crossing the corridors.

(3) Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall:

(a) Provide for the continuation of existing principal streets in surrounding areas.

(b) Conform to a plan for the neighborhood approved or adopted by the City of Bellevue to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(c) Conform to any other plan approved by the city which identifies the street classification system or arrangement of streets.

(4) Local streets shall be so laid out that their use by through traffic will be discouraged.

(5) Where a subdivision abuts or contains an existing or proposed major street or highway, the city may require frontage roads abutting the major street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

(6) Street intersections with centerline offsets of less than one hundred and twenty-five (125) feet shall only be allowed upon the approval of a waiver under Chapter 8 of this ordinance.

(7) When the centerline of the streets extended deflect at any one point with a deflection angle of more than five (5) degrees, they shall be connected by a horizontal curve.

(8) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

(9) Half streets shall be prohibited.

(10) The following values shall be used for the purpose of determining average daily traffic (ADT) for streets associated with different housing types:

(a) Single-family detached homes - 6.0 trips per dwelling unit per day.

(b) Group or Townhouses - 5.0 trips per dwelling unit per day.

(c) Apartments 1 to 4 stories - 4.0 trips per dwelling unit per day.

(d) Apartments over 4 stories - 3.0 trips per dwelling unit per day.

(11) The right-of-way widths, pavement widths (back-to-back of curb), street grades,

and the sight distance for streets and alleys in any subdivision shall conform to Section 6-4 of this ordinance

(12) Street widths in subdivisions with building front yard setbacks less than twenty (20) feet shall provide for parking on both sides of the street.

(13) Cul-de-sac streets shall not exceed six hundred (600) feet in length and shall be provided at the closed end with either an off-set or symmetric circular turnaround having an outside pavement diameter of at least seventy-five (75) feet and a right-of-way diameter of one hundred (100) feet. Cul-de-sac approach and return radii shall not be less than sixty-two and one-half (62½) feet for pavement and fifty (50) feet for rights-of-way.

(14) The horizontal alignment of all streets shall be governed by sight distance and speed but shall not be less than that shown in Section 6-4 of this ordinance.

(15) No street grade shall be less than one-half (½) of one (1) percent, nor greater than ten (10) percent.

(16) Permanent dead-end streets shall be prohibited.

(17) Intersections of more than two (2) streets shall be prohibited.

(18) Alleys shall be prohibited in residential districts. Alleys may be provided in commercial and industrial districts.

Section 6-3. Private Streets.

(1) Connections to Public Streets. The private street system shall provide convenient and reasonable access to each dwelling unit, lot, commercial or community building and adjacent property from the public street system.

(2) Maximum Block Length. Shall comply with Section 6-6 (1) of this ordinance.

(3) Roadway Specifications.

(a) Private streets shall be at least twenty-five (25) feet in width and have either an integral curb or combination curb and gutter.

(b) Private streets shall be surfaced with Portland cement concrete and shall be not less than 7" thick.

(4) Private Street Easements. Private street easements shall be required to be a minimum of five (5) feet wider on each side of the paved surface. The easement shall be granted to the adjoining lot owners and the developer shall demonstrate the mechanism by which its perpetual maintenance shall be the responsibility of the adjoining owners.

(5) Setbacks. Setbacks which are required for any building or structure shall be measured from the nearest edge of the private street easement.

(6) Parking. Where vehicles back out onto the private street, a minimum of twenty (20) feet shall be provided between the nearest edge of the parking stall or garage and the edge of the private street.

(7) Traffic Signs. All traffic signs and pavement markings along the private street shall conform to the City of Bellevue requirements.

(8) Maintenance. Private streets which are granted by an easement to the adjoining lot owners shall be the maintenance responsibility of those owners and shall not become the responsibility of the city upon annexation.

Section 6-4. Street Design Standards.

STREET DESCRIPTION	CUL-DE-SAC	PRIVATE STREET	LOCAL STREET	COLLECTOR	MINOR ARTERIAL	MAJOR ARTERIAL
Service	Very Light Local No Thru Traffic	Very Light Local No Thru Traffic	Light Local	Local Thru	Local Thru	Thru Traffic
ADT	0 - 75	0 - 75	75 - 1000	1000 - 4000	4000 - 8000	8000+
Design Speed	15 mph	15 mph	25 mph	25 mph	25 - 35 mph	35 mph+
Minimum Sight Distance	75'	75'	150	200'	250'	*
Maximum Street Slope	10%	10%	10%	10%	8%	*
Minimum Centerline Radius on Horizontal Curves	100'	100'	150'	300'	500'	*
Right-of-Way	50'	35'**	50'	60'	80'	***
Pavement Width	25'	25'	25'	32'	36'	*
Concrete Pavement Thickness Residential Streets	7"	7"	7"	9"	9"	*

*Standards for major arterial streets will be set by county or state highway officials.
**Easement width
***Additional right-of-way required: 100' for section line roads; 80' for half section line roads.

Section 6-5. Right-of-Way Easements. The width of easements in relation to depth below grade of the sanitary sewer and storm sewer pipes shall be a minimum of two (2) to one (1), but in no event less than fifteen (15) feet, unless otherwise approved by the City Engineer, and shall be provided along the rear and side property lines wherever possible. Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water or drainage easement of such a width to provide adequate water flow and maintenance. Parallel streets, walkways or bridges may be required in connection with such drainage easement.

Section 6-6. Block Width and Length. Subdivision blocks shall conform to the following standards:

(1) Block length shall not exceed 1,320 feet. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured along the center of the block.

(2) Pedestrian walkways not less than ten (10) feet wide may be required at or near the center of blocks longer than five hundred (500) feet where such walkways are deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(3) The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred and forty (240) feet in width.

Section 6-7. Lot Standards. Subdivision lots shall conform to the following minimum standards:

(1) Lot dimensions and area shall conform to the requirements of the zoning ordinance.

(2) Platting of lots for multiple family commercial and industrial purposes shall include adequate space for off-street parking, service areas, service access, or frontage access roads.

(3) Satisfactory access from a public street or recorded access easement shall be provided for all lots. Access driveways shall be positioned in accordance with the Typical Driveway Layout Standards on file in the Public Works Department.

(4) Through lots shall only be allowed upon the approval of a waiver requested under Chapter 8 of this ordinance.

(5) Corner lots shall be of extra width sufficient to maintain building lines of both streets as required in the zoning ordinance.

(6) Side lot lines shall be approximately at right angles or radial to street lines.

(7) Excessive depth in relation to width of lots over three (3) to one (1) shall only be allowed upon approval of a waiver requested under Chapter 8 of this ordinance.

(8) Flag lots shall be avoided except where development cannot be reasonably accomplished without their use.

(9) Larger than normal lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Dedication of easements or public right-of-way for future openings and extensions of such streets may be required.

(10) Residential lots fronting on an arterial street shall only be allowed upon approval of a waiver requested under Chapter 8 of this ordinance. When established, access restrictions shall be noted on the plat.

(11) Slopes altered through cut and/or fill operations shall not exceed a 3:1 ratio unless approved stabilization structures are used.

CHAPTER 7

CAPITAL IMPROVEMENTS

Section 7-1. General. The method and financing by which public improvements are installed in a subdivision is a matter of mutual concern to the subdivider and the city. These improvements become permanent features of the community and could be a great financial burden to the subdivider and a continual excessive maintenance cost to the city. It is the intent of this ordinance to provide for adequately sized, properly located, and properly installed improvements through the prescribed rules and standards of this ordinance. The subdivider shall construct and install the improvements in accordance with the City of Bellevue standards for construction plans and specifications.

Section 7-2. Lot Staking. The following described monuments shall be installed before plat approval, or in lieu thereof a performance bond, in an amount equal to the cost of doing such work, as determined by the City Engineer, shall be furnished to the City of Bellevue:

(1) Lot corners, all points of curvature, points of tangency, and corners of blocks shall be monumented by iron rods not less than one half inch in diameter or iron pipes not less than three-fourths inches in diameter extending at least twenty-four (24) inches below grade.

Section 7-3. Streets.

(1) Street Grading: All full width streets located entirely within the boundary of the subdivision, except major streets as noted, shall be graded to the full width to within six (6) inches of the finished grade. Such grading shall be completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work shall be furnished to the City of Bellevue before the City Engineer certifies to the Council that required improvements have been satisfactorily arranged for.

(2) Street Surfacing: The streets shall be paved including integral curbs in accordance with street paving standards as approved by the city.

(3) Street Lighting: For residential streets, lamps shall be 100-watt high pressure sodium sources or equivalent or higher efficiency sources. Poles shall generally have a 25-foot mounting height and be placed at street intersections and mid-block with normal interval spacing of 240 feet. Reductions to this standard may be required by the Street Superintendent, after consultation with OPPD, when warranted by the layout or design of the subdivision in order to meet Illuminating Engineering Society (IES) standards for street lighting. Subdividers are encouraged to consider installation of higher efficiency or lower cost alternatives to street lighting, such as LED lights, provided such alternatives are approved by the Street Superintendent and OPPD. For all other streets, lighting shall be installed in accordance with standards adopted by OPPD after review and approval by the Street Superintendent.

Section 7-4. Storm Sewers or Drainageways. The subdivider shall be required to provide for adequate drains, inlets, manholes and other facilities to provide for the adequate removal of all surface drainage in conformance with the city's design criteria. Where the subdivision is located within a larger drainage area, the subdivider is required to install the storm drains to adequately handle the additional areas upstream.

Section 7-5. Sidewalks. For subdivisions approved prior to May 9, 2017 or subsequent replats, a concrete sidewalk shall be provided within the dedicated right-of-way in accordance with the regulations in place at the time the subdivision was approved. For subdivisions approved on or after May 9, 2017, a concrete sidewalk shall be provided within the dedicated right-of-way with a minimum width of five (5) feet and located at least 6.5 feet back of the street pavement.

Sidewalks shall be provided at the following locations:

(1) Both sides of a paved street within the subdivision.

(2) Parallel to any streets abutting and/or running along the outer perimeter of the subdivision.

(Ord. No. 3873, April 24, 2017)

Section 7-6. Sanitary Sewers. Where a city approved sanitary sewer is accessible by gravity flow within one thousand (1,000) feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where the trunk line outfall sanitary sewer line along the Papillion Creek is accessible by gravity connection and is within one mile of the subdivision, the developer shall be required to connect thereto and provide an adequate outfall sewer line sized to serve the total drainage area in which the subdivision is located. Where the Papillion Creek trunk line outfall sanitary sewer line is substantially more than one mile, or where any other city approved sanitary sewer is more than one thousand (1,000) feet, or where a city approved sanitary sewer is not accessible by gravity flow, the subdivider shall make provisions for the disposal of sewage as required by law and as approved by the city. Temporary disposal facilities may be approved under the following conditions:

(1) The temporary facility shall only be approved and sized for that subdivision. No further addition or enlargement to the facility may be undertaken to serve any other subdivision or additions to that subdivision without approval of the city.

(2) The subdivider and any Sanitary and Improvement District formed shall, by agreement with the City of Bellevue, agree that if and when a city approved sanitary sewer line is constructed within 1,000 feet of the subdivision and while the subdivision is within a Sanitary and Improvement District, then the Sanitary and Improvement District shall connect to the sewer line and disconnect from the temporary facility which will be discontinued and eliminated by the Sanitary and Improvement District as approved by the city.

(3) Where any City of Bellevue approved sanitary sewer is not readily available for connection, but there are plans for availability requiring connection, the subdivider and/or any Sanitary and Improvement District formed may be required by agreement to pay or prepay, depending upon availability, any sewer connection fee or fees required by the city to be assessed against each property or lot to be served by the sewer prior to the approval of the final plat. The fees paid to the city will be used as the subdivision's share towards the construction of an outfall sewer main and/or towards the necessary improvement or enlargement of any treatment plant.

(4) Whenever the sanitary sewer of a subdivision is connected to the city approved sewer system, the City of Bellevue may collect any applicable rental or use charge or fees from the users in the subdivision or Sanitary and Improvement District and such charge shall be a lien upon the property served. If the city's charge is not paid when due, such sum may be recoverable by the city in a civil action or it may be assessed against the property as special taxes or assessments levied by the city, and upon the deliverance of a certified copy of an ordinance by the city clerk to the county treasurer, the county shall collect the same as provided by law and return same to the City of Bellevue.

(5) Whenever the main collector sewer line serving the subdivision within its boundaries is required to be more than eight (8) inches in diameter because it is designed to serve a greater area than the subdivision, the subdivider shall only be responsible for the cost of an eight (8) inch diameter sewer line.

Section 7-7. Electrical Power, Water, and Gas Mains. The subdivision shall be provided with adequate electrical, gas, and water supply systems. The water mains shall be connected to an approved water supply system. Water, gas, and electrical distribution installation shall meet the standards and specifications of the city or respective utility company.

Section 7-8. Public Facilities and Open Space.

(1) Where a tract of land that is being subdivided includes, land proposed to be used for parks and other public facilities under the duly adopted Comprehensive Plan of

the city, the subdivider shall indicate the location of such areas on the preliminary plat. Such sites may be purchased within two years of the recording date of the subdivision by the city or the Sanitary and Improvement District at a negotiated value or at a value determined in the same manner as required by the power of eminent domain, plus one-half of the cost of grading, utilities, and paving, including curbs of the portion of any streets that are contiguous to the site, plus other approved special assessments. Should such site not be approved and purchased in the time specified, the subdivider may request replatting for the purpose of resale. Said site shall be zoned initially to allow uses comparable with land contiguous to it in case it is not purchased within said two (2) year period.

(2) Where a tract of land is being subdivided includes, land proposed to be used for a future school site under the adopted Comprehensive Plan of the city, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for three (3) years giving the appropriate school district the right to purchase the land at a negotiated value or at a value determined in the same manner as required by the Nebraska State Statutes for proceedings under the power of eminent domain, plus one-half the cost of grading, utilities, and paving, including curbs, of any streets contiguous to the site, plus other approved special assessments. Should the school site not be purchased in the time specified, the subdivider may request replatting for the purpose of resale. Said school site shall be zoned initially to allow uses comparable with land contiguous to it in case it is not purchased for school within said three (3) year period.

Section 7-9. Other Improvements. The installation of other improvements may be required when deemed necessary in the best interest of the community.

Section 7-10. Erosion Control. The subdivider shall construct temporary terraces on slopes, temporary silting basins, swales and spillways, and energy dissipation structures to reduce erosion, sedimentation and damage to adjacent properties and public rights-of-way from surface drainage during subdivision development. The subdivider shall further be required to seed the areas covered by the subdivision to control erosion of areas disturbed by excavation and grading operations, including the installation of utilities.

Section 7-11. Sanitary and Improvement Districts. Where a subdivider plans to create a Sanitary and Improvement District (S.I.D.) to construct improvements in its subdivision, prior to the installation of any improvements, the plans for such improvements, other than for public parks, playgrounds, and recreation facilities, shall be submitted to the city for review and approval. Plans and exact costs for public parks, playgrounds and recreation facilities must be approved by Resolution of the City Council. Such approval shall relate to conformity with the Comprehensive Plan and the construction specifications and standards, if any, theretofore established by the city. In addition, the subdivider, the Sanitary and Improvement District, and the city, acting through its City Council, shall enter into any agreement or agreements necessary for water supply and distribution, sewage treatment or disposal, or other utility services. Such agreement shall also set forth the manner and extent to which public funds may be expended in connection with public improvements to be constructed within the area to be developed or serving the area to be developed and the extent to which the contemplated public improvements specifically benefit property in the area to be specially assessed against the property of the subdivider. All such agreements shall be in substantial conformity to the established policy of the city relating to such items. The purpose of the agreements is to express the intent to develop the area in conformity to the Comprehensive Plan of development for the city.

Section 7-12. Sanitary and Improvement District Recreational Facilities. The Sanitary and Improvement District shall not incur any indebtedness or otherwise involve its credit or expend any of its funds: in construction or other acquisition or improvement of any swimming pool, golf course, park, playground, or other recreational facility, without express approval of the city.

Section 7-13. Subdivision Agreement. No contract for the construction of public improvements involving any subdivision outside of the corporate limits of the City of Bellevue shall be let, awarded, or otherwise consummated by the subdivider unless first

entering into a formal subdivision agreement between the City of Bellevue, the subdivider, and/or the Sanitary and Improvement District concerning land acquisition for public improvements, minimum design for utilities, pavements, open spaces, recreation facilities, erosion and sedimentation control methods, both temporary and permanent, and assessments for the costs to be incurred as a general obligation by the Sanitary and Improvement District, development corporation, or other persons to be involved in the contract. The city will consider Sections 7-13 through 7-19 of this ordinance in entering a contractual agreement covering the assessment of costs for public improvements.

Section 7-14. Street and Sidewalk Financing. The method of financing the costs of streets and sidewalks shall be as follows:

(1) Sidewalks shall be a special assessment against the property benefiting or shall be at the cost of the subdivider or property owner at the time of the development of individual platted lots.
(2) Streets, including curb, of twenty-five (25) feet in width shall be a special assessment to the property benefitting. That portion of the pavement in excess of twenty-five (25) feet, excluding the curb, may be a general obligation.
(3) Street intersections may be a general obligation, except that portion of "T" intersections abutting building lots shall be a special assessment against the property benefiting.
(4) Street signs which conform to city standards may be a general obligation. Decorative, ornamental, or other signs not conforming to city standards, but have been approved by the city for use, shall be a special assessment against the property benefited.
(5) Street lighting which conforms to city standards may be a general obligation. Decorative, ornamental, or other street lighting not conforming to city standards, but which has been approved by the city for use, may be a special assessment against the property benefited.

Section 7-15. Storm Sewer Financing. Storm sewers, including manholes, inlets, and other appurtenances, shall be a general obligation.

Section 7-16. Sanitary Sewer Financing. The method of financing the costs of sanitary sewers shall be as follows:

(1) Sanitary sewers, including manholes and other appurtenances, of eight (8) inches or less in diameter shall be a special assessment of the property benefiting. That portion of the sanitary sewer over eight (8) inches in diameter except manholes and other appurtenances, may be a general obligation.
(2) Outfall sanitary sewer lines located outside the subdivision that are designed to serve a total drainage area larger than the subdivision may be a general obligation.
(3) Sanitary and Improvement District connection charges paid to other S.I.D.s may be a general obligation. Any additional connection charges shall be a special assessment against the property benefiting.
(4) Sewage treatment plants and lift stations designed to accommodate the total drainage area may be a general obligation.
(5) Sewage treatment plants and lift stations designed to accommodate the subdivision only shall be a special assessment against the property benefitting.

Section 7-17. Water System Financing. The method of financing the costs of the water distribution systems shall be as follows:

(1) Water distribution systems installed by an S.I.D. within the Metropolitan Utilities District (MUD) system shall be a special assessment against the property benefiting. That portion of the water distribution system outside the subdivision may be a general obligation.

(2) Water distribution systems not installed by an S.I.D. within the area served by the Metropolitan Utilities District system shall be financed by the subdivider in accordance with MUD policies.

Section 7-18. Gas System Financing. The method of financing the costs of the gas

distribution system shall be as follows:

(1) Gas distribution systems located within a S.I.D. and the MUD or Black Hills Energy system shall be a special assessment against the properties benefiting. That portion of the gas distribution system outside the subdivision may be a general obligation.

(2) Gas distribution systems located within the city's corporate limits shall be financed by the subdivider in accordance with MUD or Black Hills Energy policies.

Section 7-19. Electric System Financing. The entire costs for the installation of the electrical power distribution system, including underground systems, shall be a special assessment against the property benefiting.

Section 7-20. Definitions. Unless the context shall otherwise require, whenever used in Sections 7-20 through 7-25 of these subdivision regulations, the following terms shall have the meaning ascribed to them in this Section 7-20. All other capitalized terms shall have the meaning ascribed to them in Chapter 2 of these subdivision regulations.

Boulevards/Parkways: Boulevards/Parkways are planned to provide pleasant vehicular routes connecting roads to and through parks and natural areas and serving new subdivisions and S.I.D.s, in part, visually unifying those newly developing areas, especially commercial areas, with established neighborhoods and parks and buffering industrial areas from residents and commercial enterprises. The Master Park Plan specifies the location of Boulevards and Parkways. These locations shall guide the general placement of all Boulevard/Parkways; however, minor location adjustments to accommodate traffic issues, topography or development limitations may be approved by the Public Works Department. The Master Park Plan provides standard design criteria for various configurations of Boulevards/Parkways, which shall apply unless otherwise approved by the Public Works Department.

Commercial Recreational Plan: The individual plan for proposed subdivisions approved by the City Council pursuant to Section 7-22, which provides for construction, development and improvement of those Trails/Special Corridors and Boulevards/Parkways that are contemplated by the Master Park Plan and, in some instances, open space, playgrounds, walkways, active/passive use areas and other appropriate recreational facilities and amenities intended to serve or to benefit the contemplated licensees, invitees, occupants, owners and tenants of the subdivision.

Community/Regional/Special Use Parks: Community/Regional Parks serve a broader purpose than Neighborhood Parks. Focus is on meeting recreational needs for a cluster of neighboring communities and perhaps the entire city. These parks may contain neighborhood and community play facilities, extensive active play/sports fields, recreational complexes ("rec-plexes") and aquatic centers as well as natural resource recreation such as hiking trails, equestrian activities, nature interpretation and other passive uses where the park provides an opportunity to preserve and enhance historic or natural resources. Organized sports leagues and teams will use different locations throughout a season, and historic and natural resource-based activities are dependent on unique features. Therefore, the locations of the Community and Regional Parks are not based on specific travel distance service standards. Instead, the city attempts to achieve "equitable accessibility" for area residents throughout the city. Special Use Parks are planned to provide the region with a high amenity open space. They are intended to be primarily passive use with grand open spaces and landscape vistas. They provide for large public gatherings for community events and contain signature features such as civic monuments and may serve as or include city landmarks.

Cultural and Historic Sites: These sites contain features of important historical or cultural value that are desired to be protected and enhanced.

Interlocal Agreement: A written agreement between governmental subdivisions complying with statutory requisites.

Master Park Plan: The Master Park Plan for the city, as amended from time to time. The Planning Commission shall review the Master Park Plan at least once annually.

Natural Areas: These are areas containing significant natural resources such as wetland and native prairies that are desired to be protected and enhanced. These also include certain floodplain and other areas where, because of natural physical characteristics and other limitations that are not easily remediated, development may be restricted, and the area better preserved as natural greenbelts.

Neighborhood Parks: Planned to serve a specific residential neighborhood within an approximate six block (half mile) radius, Neighborhood Parks may be primarily passive in use, contain basic play facilities, landscape enhancements and open space. Some of these parks will contain active use recreational facilities, fields and other amenities that will serve or benefit the recreational requirements of residents of the subdivision. They should be generally located to allow for convenient and equal access by future neighborhood residents. Service standards based on anticipated population and on travel distance should provide the basis for locating park facilities. Future residential neighborhoods generally must allow for pedestrian connections to the park site with permanent easements. On occasion, Neighborhood Parks may serve residents of adjacent subdivisions or developments.

No Recreational Assessment: A written assessment to the City Council made and accepted pursuant to Section 7-21 or 7-22 when a Park Plan or Commercial Recreational Plan is not appropriate for reasons contemplated by these subdivision regulations.

Other appropriate recreational facilities: Those recreational facilities and amenities, including Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors, that have been approved by the City Council in a Park Plan or Commercial Recreational Plan.

Park Development Fund: The Fund established by Section 7-24.

Park Plan: The individual plan for proposed subdivisions approved by the City Council pursuant to Section 7-21 which provides for the construction, development and improvement of parks, Trails/Special Corridors, Boulevards/Parkways and other appropriate recreational facilities and amenities.

Subdivision Agreement: An agreement between the city, the Developer and, if applicable, a duly created Sanitary and Improvement District for the development of land within or without the corporate limits of the city, requiring submission of a plat.

Trails/Special Corridors: The network of trails in a system that serves residents and businesses of Bellevue. The system is planned to emphasize safe travel for pedestrians walking and biking to and from parks and around the community. Focus is as much on transportation as it is on recreation and should therefore endeavor to connect residents and businesses to and through parks and Natural Areas, Cultural Areas and Sites and other points of interest, and to unify them as well with newly developing residential, commercial, and industrial areas. The Master Park Plan specifies the location of Trails/Special Corridors. These locations shall guide the general placement of all Trails; however, minor location adjustments to accommodate traffic issues, topography or development limitations may be approved by the Public Works Department, and with the approval of the City, may be integrated with similar systems developed by or in conjunction with other governmental subdivisions and agencies. The Master Park Plan provides standard design criteria for various configurations of Trails, which shall apply unless otherwise approved by the Public Works Department.

Urban Filter/Wildlife Corridors: These are areas planned along floodplains; they are planned to function as natural filters to urban runoff and serve as linear wildlife corridors.

Section 7-21. Residential Subdivisions; Park Plan; Exceptions. Unless waived by the City Council pursuant to its approval of a No Recreational Assessment submitted pursuant to this Section 7-21, every residential subdivision requiring submission of a preliminary plat shall include land to be designated for use as a Neighborhood Park (or a Community, Regional or Special Use Park, if contemplated by the Master Park Plan) and land to be designated for use as Trails/Special Corridors and Boulevards/Parkways to the extent such use is contemplated by the Master Park Plan. Each Neighborhood Park shall be of a size, location and configuration with open space, parking, playgrounds, walkways, active use and expansion areas and other

appropriate recreational facilities and amenities that will serve or benefit residents of the proposed subdivision, applying sound park planning principles. The subdivider of any land for which a preliminary plat is required in accordance with Section 3 of these subdivision regulations and consisting of lots to be developed as single family or multi-family residential districts, shall at the time of submission of the preliminary plat, submit (a) a proposed Park Plan conforming to the Master Park Plan, or (b) a No Recreational Assessment, duly supported, concluding that a Park Plan is (i) inappropriate for the proposed subdivision because the configuration or other natural characteristics of the land within the subdivision renders the same impractical or cost prohibitive or (ii) unnecessary because the recreational needs of the proposed subdivision can be met by existing, or improvement to existing, neighboring recreational facilities, including City facilities; provided, however, such assessment shall then include the terms of a proposed Interlocal or similar agreement providing for the same, identifying the parties, the nature and location of such existing or proposed facilities, any conditions of use by residents of the new subdivision, the contribution to be made by the new subdivision toward development and maintenance of such facilities and other appropriate information to permit City to determine whether such facilities shall be sufficient to accommodate the recreational needs of the proposed subdivision and the affected neighboring communities. No such agreement shall be executed unless first approved by City Council. The proposed Park Plan and the No Recreational Assessment shall be prepared by a registered landscape architect or engineer.

(1) The proposed Park Plan shall identify the location of land, within or without the boundary of the subdivision, to be developed, dedicated, or acquired for use as: a Neighborhood Park (or other Park contemplated by the Master Park Plan); those Trails/Special Corridors or Boulevards/Parkways contemplated by the Master Park Plan; and other appropriate recreational facilities and amenities intended to be developed. It shall discuss the time, manner, means and nature of the development of the land for such purposes, together with allocated costs estimate for the acquisition and development of the same. It shall endeavor to take into consideration, applying sound park planning principles, the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors located within or adjacent to the subdivision and the presence of nearby existing or proposed Trails/Special Corridors and Boulevards/Parkways.

(2) The proposed Park Plan, or the alternative No Recreational Assessment, shall be reviewed by the City Planning Commission, which shall make its recommendation to the City Council concerning the same. A final Park Plan shall be approved, or the No Recreational Assessment shall be accepted, by the City Council prior to the final plat being presented to the Planning Commission.

(3) The final Park Plan shall be integrated within the Subdivision Agreement and shall be implemented in accordance with the terms of the Subdivision Agreement.

Section 7-22. Commercial/Industrial Subdivisions; Commercial Recreational Plan; Exceptions. Unless waived by the City Council pursuant to its approval of a No Recreational Assessment submitted pursuant to this Section 7-22, every commercial or industrial subdivision requiring submission of a preliminary plat shall include land to be designated for use as Trails/Special Corridors and Boulevards/Parkways to the extent such use is contemplated by the Master Park Plan. The subdivider of any land for which a preliminary plat is required in accordance with Section of these subdivision regulations and consisting of lots to be developed as commercial or industrial districts, shall at the time of submission of the preliminary plat, submit (a) a proposed Commercial Recreational Plan conforming to the Master Park Plan and, to the extent intended to be developed, any other appropriate recreational uses, including those contemplated by Section 7-22 (2), or (b) a No Recreational Assessment, duly supported, concluding that a Commercial Recreational Plan is (i) not required by Section 7-22 and stating that the subdivider has elected not to propose other recreational facilities, including those contemplated by Section 7-22 (2) or (ii) inappropriate for the proposed subdivision because the configuration or other natural characteristics of the land within the subdivision renders the same impractical or cost prohibitive. The proposed Commercial Recreational Plan and the No Recreational Assessment shall be prepared by a registered landscape architect or engineer.

(1) The proposed Commercial Recreational Plan shall identify the location of land, within or without the boundary of the subdivision, to be developed, dedicated, or acquired for use as: Trails/Special Corridors or Boulevards/Parkways contemplated by the Master Park Plan and any other proposed appropriate recreational facilities and amenities intended to be developed. It shall discuss the time, manner, means and nature of the development of the land for such purposes, together with an allocated costs estimate for the acquisition and development of the same.

(2) As part of its Commercial Recreational Plan, the subdivider is encouraged to include: preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors located within or adjacent to the subdivision; acquisition and development of land for other appropriate recreational facilities and amenities that will serve or benefit the contemplated licensees, invitees, occupants, owners and tenants of land within the proposed subdivision and community developments adjacent thereto; and the improvement/connection/extension of nearby existing or proposed Trails/Special Corridors and Boulevards/Parkways, although not then mandated by the Master Park Plan.

(3) The Commercial Recreational Plan, or the alternative No Recreational Assessment, shall be reviewed by the City Planning Commission, which shall make its recommendation concerning the same. A final Commercial Plan shall be approved, or the No Recreational Assessment shall be accepted, by the City Council prior to the final plat being presented to the Planning Commission.

(4) The final Commercial Recreational Plan shall be integrated within the Subdivision Agreement and shall be implemented in accordance with the terms of the Subdivision Agreement.

Section 7-23. Financing for Park Plan/Commercial Recreational Plan. Where the proposed subdivision being platted is to be developed as a Sanitary and Improvement District ("SID"), the method of financing the cost of acquiring and developing land in conformity with the Park Plan or Commercial Recreational Plan shall be a permitted General Obligation of the SID but shall be restricted to the extent set forth in this Section 7-23 unless otherwise approved by the City Council in a Subdivision Agreement. Neither the approval of the Park Plan or the Commercial Recreational Plan nor anything in this Section 7-23 shall be construed to waive the requirement contemplated by Sections 7-11 or 7-12 of these subdivision regulations that the City Council shall expressly approve such expenditures by the SID.

(1) Neighborhood Parks:

(a) Maximum Per Acre Allowance: The allowable maximum cost for acquisition of land proposed for use as a Neighborhood Park shall not exceed the per acre, raw land price paid for the entire area being preliminary platted.

(b) Floodway Property: No expenditure shall be permitted for floodway land to be contained in a Neighborhood Park.

(c) Floodplain Property: The allowable maximum cost of land (other than Floodway Property) within designated floodplain proposed for acquisition as a Neighborhood Park shall not exceed 50% of the full per acre raw land price.

(d) Wetlands: No expenditure shall be permitted for wetlands to be contained within a Neighborhood Park.

(e) Easements: No expenditure shall be permitted for land burdened by easements for sewer lines, gas lines, power lines and other restrictive

(f) Street Frontage: Unless otherwise provided in a Park Plan or Commercial Recreational Plan, all Neighborhood Parks shall have a minimum of 35% of

their perimeter adjoining streets. Expenditures associated with one-half the width of the street pavement, any sidewalk associated with the street frontage of a park and any improvements for water and sewer directly related to recreational facilities shall be a General Obligation of the SID.

(g) Open Drainage Way: No expenditure shall be permitted for open drainage areas to be contained within a Neighborhood Park. Open drainage ways shall mean that area which is three times the depth of the channel plus 20 feet and applies to both sides of the channel or width required to pass the 100-year storm.

(h) Soft Costs: All soft costs associated with the (i) development of the Park Plan, (ii) acquisition of the land for Neighborhood Parks and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes. No other soft costs shall be permitted unless otherwise approved by the City Council.

(i) Other Costs: All other costs approved by the City Council for the development of Neighborhood Parks pursuant to Section 7-11 or 7-12 of these subdivision regulations.

(2) Community/Regional Parks:

(a) Land Costs: Any land required for the construction and development of a Community/Regional Park or Community/Regional Park related amenity may be acquired by the SID under the same restrictions as those applicable to a Neighborhood Park.

(b) Soft Costs: All soft costs associated with the (i) development of the Park Plan, (ii) acquisition of the land for Commercial/Regional Park and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes. No other soft costs shall be permitted unless otherwise approved by the City Council.

(c) Other Costs: All other costs approved by the City Council for the development of a Community/Regional Park pursuant to Section 7-11 or 7-12 of these subdivision regulations.

(3) Trails/Special Corridors:

(a) Land Costs: Any land required for the construction and development of Trails/Special Corridors or related amenities may be acquired by the S.I.D. under the same restrictions as those applicable to a Neighborhood Park; provided, however, land and development costs for Trails/Special Corridors that are designated to adjoining roadways shall be incorporated into the right-of-way and roadway improvement costs and financed accordingly.

(b) Soft Costs: All soft costs associated with the (i) development of the related Park Plan or the Commercial Recreational Plan, (ii) acquisition of the land for Trails/Special Corridors and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes.

(c) Other Costs: All other costs approved by the City Council for the development of Trails/Special Corridors pursuant to Section 7-11 or 7-12

of these subdivision regulations.

(4) Boulevards/Parkways:

(a) Land Costs:

(i) Dedication for Public Streets: Any land required for the construction and development of Boulevards/Parkways exceeding the requirements of these subdivision regulations or public streets.

(ii) Other Limitations: Expenditures associated with the development of Boulevards/Parkways shall be limited to tree planting, landscaping, and associated walks, trails, and trail signage. Sidewalks shall be a general obligation up to 4 feet wide and 4 inches thick; all other sidewalk costs shall be specially assessed to adjacent lots.

(b) Soft Costs: All soft costs associated with the (i) development of the related Park Plan or the Commercial Recreational Plan, (ii) acquisition of the land for Boulevards/Parkways and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes.

(c) Other Costs: All other costs approved by the City Council for the development of Boulevards and Parkways pursuant to Section 7-11 or 7-12 of these subdivision regulations.

(5) Other recreational facilities and amenities:

(a) Land Costs: Any land required for the construction and development of land for recreational purposes and related amenities identified in a Park Plan or a Commercial Recreational Plan may be acquired by the SID under the same restrictions as those applicable to a Neighborhood Park.

(b) Soft Costs: All soft costs associated with the (i) development of the related Park Plan or the Commercial Recreational Plan, (ii) acquisition of the land for other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes.

(c) Other Costs: All other costs approved by the City Council for the development of such recreational facilities pursuant to Section 7-11 or 7-12 of these subdivision regulations.

Section 7-24. Park Development Fund. There is hereby created the Park Development Fund. The purpose of the Park Development Fund is to provide a separate fund for monies to be used solely for the continued development of the Master Park Plan; the purchase of land; the construction, development and improvement of recreational facilities and amenities discussed in these subdivision regulations that are contemplated by the Master Park Plan; and related matters approved by the City Council in its sole discretion. Expenditures from the Park Development Fund shall be limited to the purposes contemplated by this Section 7-24 as authorized by the City Council in its sole discretion.

(1) The Park Development Fund shall consist of three (3) separate and distinct accounts:

(a) Funding for Neighborhood Park purchase and development. This fund will be utilized primarily for expenditures for development, improvement, and

maintenance of Neighborhood Parks.

(b) Funding for the purchase and development of Community/Regional/Special Use Parks. This fund will be utilized primarily for expenditures for development, improvement and maintenance of Community/Regional/Special Use Parks and similarly serviceable recreational facilities, including Cultural and Historical Sites, Natural Areas, and Urban Filter/Wildlife Corridors. Due to the imminent need to purchase the land where it is in the path of foreseeable development, and the significant acquisition costs associated with these larger parks, the City will attempt to initially prioritize and target these funds toward the purchase of specific park sites by a method that, in the long-term, will attempt to provide equitable services through the geographic distribution of Community/Regional/Special Use Parks.

(c) Funding for the purchase and development of Trails/Special Corridors and Boulevards/Parkways. This fund will generally be used for those expenditures for development, improvement and maintenance of Trails/Special Corridors and Boulevards/Parkways contemplated by the Master Park Plan.

(2) The Park Development Fund shall be funded (a) by contributions made by subdividers pursuant to Section 7-24 (3) of these Subdivision Regulations and (b) as otherwise directed or made by the City Council. The city acknowledges development costs of Community/Regional/Special Use Parks, Trails/Special Corridors, Boulevards/Parkways, and certain other recreational facilities necessary to serve an expanding, thriving community will likely require City funding beyond that made by contributions of subdividers and subdivisions. However, in adopting these subdivision regulations, the City Council does not intend that it is encumbering or otherwise allocating any other fund of the City for these purposes or for the purposes of the Master Park Plan, including Community Betterment Funds or Bond Funds. The balance of the Park Development Fund will be invested as other City funds are invested by the City Finance Department. Interest earned from the fund's balance shall accrue to the fund.

(3) In order to fund necessary parks and recreational facilities for development within, and for the expansion the City, these subdivision regulations and the Master Park Plan anticipate that residents and associated development will significantly contribute to the costs associated with providing property and facilities to serve the public park and other burgeoning recreational needs of these developing areas within, and adjacent to, City. Accordingly, except as provided in Section 7-24 (4), there shall be a contribution made to the Park Development Fund in connection with every proposed subdivision of land, to which these subdivision regulations apply, as follows:

(a) Residential Developments: In addition to the amount expended, or to be expended, to implement a Park Plan, (i) a contribution of an amount for facilitating the purchase and development of Community/Regional/Special Use Parks and the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors of $550 per acre of the proposed subdivision, plus (ii) an additional contribution of $300 per acre for facilitating the purchase and development of land for Trails/Special Corridors and Boulevards/Parkways connecting the residents of the contributing subdivision with Community/Regional/Special Use Parks, other Trails/Special Corridors, Cultural and Historical Sites, Natural Areas and Urban Filter/Wildlife Corridors.

(b) Commercial and Industrial Developments: In addition to the amount expended, or to be expended, to implement a Commercial Recreational Plan, (i) a contribution of an amount for facilitating the purchase and development of land Community/Regional/Special the Parks and the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors of $300 per acre of the proposed subdivision, plus (ii) an additional contribution of $750 per acre for facilitating the purchase and development of land for Trails/Special Corridors and Boulevards/Parkways connecting occupants, invitees and

licensees of the contributing subdivision with Community/Regional/Special Use Parks, Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors.

(4) Notwithstanding the provisions of Section 7-24 (3):

(a) Whenever a Park Plan shall provide for the construction, development, or improvement of: Community/Regional/Special Use Parks; the construction, development, improvement or the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors within or adjacent to the boundaries of the proposed subdivision; or, the construction, development or improvement of Trails/Special Corridors and Boulevards/Parkways on land adjacent to the proposed subdivision, the amount of any authorized expenditures made in furtherance of the same shall be credited to the amount of the applicable contribution required to be made by Sections 7-24 (3)(a).

(b) Whenever a Commercial Recreational Plan shall provide for the construction, development or improvement or recreational facilities beyond that contemplated by the Master Park Plan, the amount of any authorized expenditures made in furtherance of the same shall be credited to the amount of the applicable contribution required to be made by Section 7-24 (3)(b).

(5) All contributions to the Park Development Fund shall be paid by the subdivider and shall be payable prior to the filing of the plat. ***(Ord. No. 3777, August 11, 2014)***

Section 7-25. Annexation. Whenever the city studies an area for potential annexation, among other matters, it is common practice to determine the expediency of annexation by evaluating all public improvements and infra-structure in terms of meeting then current city standards and the corresponding costs for bringing them up to city standards. This processshall include an evaluation of each such area's recreational facilities and needs, if any. The cost of annexation shall include an amount equal to (i) the cost constructing and developing recreational facilities appropriate for the area proposed for annexation, (ii) bringing existing recreational facilities up to city standards, (iii) the amount of any contribution remaining to be paid to the Park Development Fund (for those subdivisions or S.I.D.s in existence prior to the adoption of these subdivision regulations, the entire contribution to the Park Development Fund shall be considered to be unpaid), and (iv) the amount of any contribution required to be made by the S.I.D. under an Inter-local or similar agreement entered into pursuant a No Recreational Assessment. To the extent such funds are available from the S.I.D.'s or subdivision's cash balance after allowing for the existing debt services thereof and other capital and service costs determined to apply, an appropriate amount determined by the City Council, lofts discretion, not to exceed the amount determined by application of this Section 7-25 (1) shall be paid into the Park Development Fund for use, at such time as the City Council shall consider appropriate following the effective date of annexation, to construct, improve, and develop recreational facilities, directly or indirectly, serving and benefiting the area. The city shall remain responsible for any outstanding payment obligation under the terms of any existing Inter-local Agreement to which the subdivision is a party, and such payments may be made from the Park Development Fund. Nothing in Section 7-25 shall be construed to limit or otherwise restrict the city from annexing any area, which the city shall deem to be expedient and in the best interest of the city and its residents.

CHAPTER 8
HARDSHIP AND WAIVERS

Section 8-1. Waiver Justification. Where it can be shown in the case of a proposed subdivision that strict compliance with the requirements of this ordinance would result in practical difficulties and/or unnecessary hardship the subdivider may apply for a waiver. When considering the waiver request, it must be shown that:

(1) The requested waiver is due to unusual conditions that are project specific.

(2) The requested waiver will not nullify the intent and purpose of this ordinance or the Comprehensive Plan.

(3) The requested waiver shall not violate the zoning ordinance, and

(4) The requested waiver is in the best interest of the public.

Section 8-2. Application. The subdivider shall prepare a written statement accompanying the application for the proposed subdivision listing all sections of this ordinance in which a waiver is being sought. The statement shall also state the nature of the hardship.

Section 8-3. Waiver. The City Council, after receiving a recommendation from the Planning Commission, may vary, modify, or waive the requirements of this ordinance. Waivers of this ordinance shall not violate the zoning ordinance.

CHAPTER 9
FEES AND ENFORCEMENT

Section 9-1. Fees. In order to cover the cost of advertising, holding public hearings, staff review, and other expenses incidental to the approval of a subdivision, the subdivider shall pay the applicable fees as outlined in the Master Fee Schedule.

All fees shall be paid to the Planning Department and credited to the General Fund of the City. All fees are non-refundable.

Section 9-2. Plan Review Reimbursement. The subdivider or Sanitary and Improvement District shall reimburse the city such costs incurred by the city for Plan Review, Plan Check, and Plan Approval as to conformance with approved city Standards and Specifications, but such costs shall not exceed 1% of the total contracted cost for improvements in the subdivision.

Section 9-3. Enforcement

(1) No building permit shall be issued for any structure or building that is located upon a lot in a subdivision that has not been subdivided in the manner provided for by this ordinance or previously adopted subdivision regulations. No such plat, replat, dedication, or deed shall be filed with the Register of Deeds until approved by the City Council as provided by law.

(2) Section 1 shall not apply to lots of record or subdivisions platted prior to October 14, 1974.

(3) No building permit shall be issued for any building or structure in any platted subdivision within the city zoning jurisdiction without provision for sanitary sewer, per Article II, Building Code, City of Bellevue.

(4) No Certificate of Occupancy shall be issued for any building or structure on any platted lot within the city zoning jurisdiction until all required utilities including sanitary sewers, storm sewers, electrical, gas, water, and streets to the lot are complete, functional, and approved.

(5) The Street Superintendent may compel the subdivider to clean rights-of-way, public easements, streets and storm sewers on the site and adjacent area of debris, sedimentation and wastes due to the development, disturbance, excavation, grading, or improvement of the subdivision. The Street Superintendent will assign a time period in which clean-up operations will be completed that is based on the perceived risk to the public health and safety. Should clean-up operations not be completed within said time frame, the city may execute clean-up operations and may bill the subdivider for the costs.

Section 9-4. Severability. If any section of this ordinance be held unconstitutional or invalid by any court of competent jurisdiction, such section shall be considered separately and apart from the remaining provisions of this ordinance, and such section to be completely severable from the remaining provisions of this ordinance and the remaining provisions of this ordinance shall remain in full force and effect.

Section 9-5. Effective Date. This ordinance shall take effect and be in force from and after its passage, approval, and publication in pamphlet form.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

ADOPTED by the Mayor and City Council this_____ day of _____, 2024.

APPROVED AS TO FORM:

_____
City Attorney

ATTEST

_____ _____
City Clerk Mayor

First Reading: _____
Second Reading: _____
Third Reading: _____

SUBDIVISION ORDINANCE

CHAPTER 1

TITLE AND INTENT

Section 1-1. Title. This ordinance shall be known, referred to, and cited as the "City of Bellevue Subdivision Ordinance."

Section 1-2. Purpose and Intent. This ordinance is to provide for the harmonious development of Bellevue and its environs; to prescribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreations, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

Section 1-3. Jurisdiction. This ordinance shall apply to all land located within the zoning jurisdiction of the city of Bellevue, as designated in Section 26-38 through 26-40 of the Bellevue City Code. (Section 16-901 Revised Statutes of Nebraska)

Section 1-4. Applicability. The owner or owners of any land located within the jurisdiction of these regulations subdividing land into two or more lots and blocks or tracts or parcels when the smallest parcel created is less than ten acres in area, for the purpose of laying out a subdivision, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made in accordance with these regulations. (Section 19- 921 Revised Statutes of Nebraska)

CHAPTER 2

DEFINITIONS

Section 2-1. Definitions. For the purpose of regulations, certain words used herein are defined as follows:

Section 2-2. Alley. A public right-of-way not designed to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

Section 2-3. Assistant Planning ~~Manager~~ Director. The city staff person with responsibility for advising the Planning Commission and City Council on land use development, zoning, and platting matters.

Section 2-4. Average Daily, Traffic (ADT). The vehicular traffic generated on a particular street over a twenty-four-hour period by the development on the street plus any through traffic.

Section 2-5. Bellevue School District. School District No. 1 of Sarpy County, Nebraska.

Section 2-6. Block. A tract or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way, or parks, or a combination thereof

Section 2-7. City. The City of Bellevue, Nebraska, a municipal corporation.

Section 2-8. City Administrator. The principal administrative officer of the City of Bellevue, Nebraska.

Section 2-9. City Clerk. City Clerk of the City of Bellevue, Nebraska.

Section 2-10. City Council. City Council of the City of Bellevue, Nebraska.

Section 2-11. City Engineer. The city engineer of the City of Bellevue retained by the City Council for the recommendation, advice, and implementation of engineering work as requested by the city.

Section 2-12. Common Open Space. That undivided land in a subdivision which is jointly owned by all property owners of the subdivision, for the enjoyment and benefit of the owners and occupants of the individual building sites of the said development.

Section 2-13. Comprehensive Plan. The plan for the improvement and development of the City of Bellevue, Nebraska, as adopted by the city's Planning Commission and City Council in accordance with the laws of the State of Nebraska and the Ordinances of the City of Bellevue.

Section 2-14. County Engineer. The engineer of Sarpy County, Nebraska.

Section 2-15. County Surveyor. The surveyor of Sarpy County, Nebraska.

Section 2-16. County Treasurer. The treasurer of Sarpy County, Nebraska.

Section 2-17. Cul-De-Sac. A short street with one end open to traffic and the other end terminated by a vehicular turn around.

Section 2-18. Dead-End Street. A street with one end open to traffic and the other end terminating without a vehicular turn around.

Section 2-19. Dead-End Street, Temporary. A street with one end open to traffic and the other end terminating at the boundary line of the subdivision but will be required to be extended at a later date to provide access to abutting land.

Section 2-20. Dedication. A grant of land by the owner to the public for public use.

Section 2-21. Easement. A grant by the property owner to the public, a corporation, or persons, of the use of land for specific purposes.

Section 2-22. General Obligation. A debt incurred by the city or an S.I.D. by the issuance of general obligation bonds to finance certain public capital improvements in a subdivision. These improvements are outlined in Section 7-14, 7-15, 7-16, 7-17, 7-18 and 7-19 of this ordinance.

Section 2-23. Improvements. Street grading, street surfacing and paving, curbs and gutters, streetlights, street signs, sidewalks, crosswalks, water mains and lines, fire hydrants, sanitary sewers, storm drainage facilities, culverts, manholes, bridges, public utilities, or other installations as designated by the City Council or its specific approving authority.

Section 2-24. Lot. A portion of land within the subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

Section 2-25. Lot Depth. The mean horizontal distance between the front and rear lot lines.

Section 2-26. Lot, Corner. A lot having a frontage on two intersecting streets.

Section 2-27. Lot, Flag. A lot which is landlocked from public right-of-way, except for a narrow tract of land of less width than required under the assigned zoning.

Section 2-28. Lot Line. The boundary of a lot.

Section 2-29. Lot, Nonconforming. A lot which was lawfully created under prior zoning when lesser area or dimension requirements were enforced and does not currently conform to the zoning district space limits now applied. Lots created through a procedure which does or did not conform to the applicable city or county subdivision requirements enforced at that specific time shall also be considered nonconforming.

Section 2-30. Lot of Record. Shall mean an independent lot as shown in the records of and recognized by the Register of Deeds.

Section 2-31. Lot, Sub-. A subordinate and integral part of a lot. The sublot is to be shown on the subdivision plat.

Section 2-32. Lot, Through. A lot extending continuously between two parallel or approximately parallel streets.

Section 2-33. Lot Width. The distance between side lot lines measured at the rear of the required front yard on a line parallel to the street right-of-way.

Section 2-34. Monument. An identification marker established by a land survey and set by a registered land surveyor at each lot corner, angle point, block corner, street centerline, or other point.

Section 2-35. Omaha School District. School District No. 1 of Douglas County, Nebraska.

Section 2-36. Outlot. A lot not designated for building or occupancy.

Section 2-37. Papillion/LaVista School District. School District No. 27 of Sarpy County, Nebraska.

Section 2-38. Permits and Inspections Division. The Permits and Inspections Division of the City of Bellevue.

Section 2-39. Planning Commission. The Planning Commission of the City of Bellevue, Nebraska.

Section 2-40. Planning Department. The Department of Planning of the City of Bellevue, Nebraska.

Section 2-41. Planning ~~Manager~~ Director. The chief administrative officer of the Department of Planning of the City of Bellevue, Nebraska.

Section 2-42. Planning Secretary. Planning staff member responsible for assisting in the efficient operation of the department through the performance of administrative support functions.

Section 2-43. Plat. A map which delineates the subdivision of land. A plat commonly shows lots, blocks, and other information relevant to the development and improvement of the property.

Section 2-44. Plat, Preliminary. The preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

Section 2-45. Plat, Final. The final plan of the plat, subdivision, or dedication prepared for filing or recording in conformance with these regulations.

Section 2-46. Preapplication Meeting. A required meeting with the Planning Department prior to

the submission of a preliminary plat application as outlined in Section 3-2 of this ordinance.

Section 2-47. Public Works Department. The Department of Public Works of the City of Bellevue.

Section 2-48. Public Works Director. The chief administrative officer of the Department of Public Works of the City of Bellevue.

Section 2-49. Register of Deeds. The Office of the Register of Deeds of Sarpy County, Nebraska.

Section 2-50. Replat. A map which delineates the subdivision of land which has been previously recorded as a plat in the office of Register of Deeds of Sarpy County, Nebraska.

Section 2-51. Sanitary and Improvement District. A special taxing body created by the District Court for the purpose of constructing, financing, and maintenance of capital improvements such as streets, sewers, sidewalks, utilities, and parks in a subdivision until such time as the subdivision is annexed by the city.

Section 2-52. Special Assessment. A lien assessed on private property on the basis of special benefit for a portion of public capital improvements in a subdivision.

Section 2-53. Springfield-Platteview School District. School District No. 46 of Sarpy County, Nebraska.

Section 2-54. Street. A right-of-way dedicated to public use which provides principal vehicular and pedestrian access to adjacent properties.

Section 2-55. Street, Collector. A street that is used or intended to be used to congregate traffic from several local streets and route such traffic to a major street.

Section 2-56. Street, Frontage (Road). A street dedicated adjacent to and parallel to a major street with limited or controlled access and dedicated to providing frontage access to abutting properties.

Section 2-57. Street, Local. Any public street that is used or intended to be used for the principal purpose of serving as vehicular access to abutting property.

Section 2-58. Street, Arterial. A street, freeway, expressway and arterial, as shown in the comprehensive plan.

Section 2-59. Street, Private. A nonpublic roadway shown as an easement on an approved site plan or approved with a subdivision plat under this ordinance. However, driveways providing access from a public street or private roadway to a single lot, may be considered as driveways. Such driveways shall be reviewed in accordance with the adopted driveway design standards on file in the Permits and Inspections Division.

Section 2-60. Subdivider. Any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

Section 2-61. Subdivision. The division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered a subdivision when the smallest parcel created is more than ten acres in area.

Section 2-62. U.S.G.S. United States Geological Survey.

Section 2-63. Zoning Ordinance. The Zoning Ordinance of the City of Bellevue, as amended.

CHAPTER 3

PRELIMINARY PLATS

Section 3-1. Preliminary Plat Procedures. All preliminary plats shall be prepared in conformance with the provisions of this ordinance and in conformance with the Bellevue Comprehensive Plan. The Subdivider shall be responsible for such conformance.

Section 3-2. Preapplication Meeting. A preapplication meeting between the applicant or their representative, the Planning Department and other city departments will be required prior to the submission of an application for approval of a preliminary plat. No application for preliminary plat will be accepted by the Planning Department until after the preapplication meeting. Preapplication meetings should be scheduled through the Planning Department. The purpose of the preapplication meeting is to review policies, procedures and forms required by the City of Bellevue and to discuss the applicant's request. The applicant shall provide the following minimum information as part of a conceptual review sketch plan:

1. The proposed layout of streets, lots, and utilities in relation to existing streets, utilities, topography, and other conditions;

2. A general location map showing the proposed subdivision and its relationship to existing abutting subdivisions and community facilities in the area, such as streets, alleys, schools, parks, commercial areas, and other data supplementing the plans which outline or describe all of the proposed development as it relates to existing conditions;

3. Existing zoning and land use of the abutting properties and the existing and/or proposed zoning and land use of the subdivision; and

4. Any proposed exceptions to the language of the standard form subdivision or development agreement. The applicant should obtain a copy of the standard form agreement from the Planning Department and submit only those sections proposed for revision.

Section 3-3. Application. An application for a preliminary plat shall be submitted to the Planning Department. The following (with the exception of the fee) shall be submitted in electronic format with the application:

(1) Application fee.

(2) A copy of the plat, drainage plan, grading plan, and street profiles emailed to the Planning ~~Manager~~ Director.

(3) Written statement listing all owners of record of the land being subdivided.

(4) Written statement listing all waivers being sought in accordance with Sections 8-1 through 8-3 of this ordinance as well as a statement of the justification.

(5) A written statement outlining proposed erosion and sedimentation control measures

as well as proposed plans for drainage channel stabilization.

(6) Financial data showing the cost of all public improvements within a proposed Sanitary and Improvement District, including a breakdown of the portion to be specially assessed and generally obligated, and an estimate of the total valuation after development. This shall include a tentative schedule for the expenditure of funds.

(7) A traffic impact analysis as may be required at the discretion of the City Engineer.

(8) A phasing schedule for both construction and costs if the project is to be developed in phases. Phase lines shall be delineated on the plat.

(9) One copy of the proposed covenants, if a homeowner's association is to be formed, for the control and maintenance of common facilities or land.

(10) A statement of any proposed exceptions to the language of the standard form subdivision or development agreement.

(11) A statement of estimated costs and financial assumptions for any possible S.I.D. connection fees.

(12) Any other supplemental information as may be deemed necessary by the Planning ~~Manager~~ Director.

(13) Upon approval, a computer automated drafting (CAD) file shall be submitted to the Planning ~~Manager~~ Director.

Section 3-4. Application Acceptance or Refusal. Upon filing the preliminary plat, the Planning Department shall review the plat to ensure all supplemental data as required in Sections 3-3 and 3-13 has been provided. The Planning Department shall have the right to refuse the filing of the plat should the required supplemental data not be shown or presented unless otherwise instructed by the Planning ~~Manager~~ Director.

Section 3-5. Planning Department Review. Upon acceptance of the application for preliminary plat, the Planning Department shall distribute one copy of the preliminary plat, with request for comments to other city departments and other governmental agencies who are directly concerned with the proposed subdivision. These departments or agencies shall, within fifteen days from receipt of a copy of the preliminary plat and accompanying data, file with the Planning ~~Manager~~ Director its approval of said plat or a report indicating in what manner such preliminary plat does not conform to the city's regulations and/or other agencies rules and regulations.

Section 3-6. Planning Department Review. Within thirty days from the filing of the preliminary plat, the Planning ~~Manager~~ Director shall notify the subdivider in writing of the findings of the review and the recommendations of the various departments and the ~~manager's~~ director's own review of the design of the subdivision and shall designate the revisions which will be required under the provisions of this ordinance before approval of the

preliminary plat is to be recommended.

(1) If the recommendation is for disapproval, the Planning ~~Manager~~ Director shall submit to the subdivider a statement of the reasons for such recommendation and indicate the revisions necessary to secure a recommendation of approval.

(2) The recommendation of approval of the preliminary plat by the Planning ~~Manager~~ Director does not constitute an approval of the subdivision.

(3) Following the recommendation of the Planning ~~Manager~~ Director, the subdivider shall file a written response indicating agreement or disagreement with the revisions necessary to secure a recommendation of approval and an electronic copy of the revised plat and requested documents shall be emailed to the Planning ~~Manager~~ Director. The response and preliminary plat are to be submitted in accordance with the Uniform Review Schedule.

Section 3-7. Planning Commission Review. All applications for preliminary plat approval will require the applicant or his/her representative to appear before the Planning Commission for the purpose of explaining the request. The Planning Commission will hold a Public Hearing to consider the application for preliminary plat of which notice is given by mailing a letter of notification to each property owner of record located within 300 feet of the site and by posting a sign on the property at least ten (10) calendar days prior to the meeting. In reviewing the preliminary plat, the Planning Commission shall consider the following:

(1) Conformity with the Comprehensive Plan, Zoning Ordinance, and this ordinance.

(2) Any recommendations of the Planning ~~Manager~~ Director and/or other reviewing agencies in Section 3-5 of this ordinance

(3) Comments received during public hearings.

Section 3-8. Planning Commission Action. The Planning Commission shall, within a reasonable time, act on the plat. Planning Commission action shall be expressed by a recommendation of approval or disapproval made to the City Council. An approval recommendation shall include stated conditions of such approval. A disapproval recommendation shall state the Planning Commission's reason for disapproval. After the Planning Commission recommendation has been made, the preliminary plat shall be forwarded to the City Council by the Planning Department.

Section 3-9. Reasonableness of Time. If the Planning Commission is not prepared to act on the application at the public hearing, the Planning Commission may vote to continue the request to a second public hearing. If the Planning Commission is not prepared to act by the second Public Hearing, the subdivider may request the Planning Commission to approve or deny the application so as to permit a hearing before the City Council at the earliest legal date possible.

Section 3-10. Allowance of Planning Commission Hearing Continuance. Continuances may be authorized by the Planning Commission.

Section 3-11. City Council Action. The preliminary plat presented to the City Council shall be substantially identical to the plat acted upon by the Planning Commission. City Council approval of the preliminary plat shall not constitute an acceptance of the plat but shall be deemed an expression of approval of the layout submitted, and an authorization to proceed with the preparation of the final plat.

Section 3-12. Preliminary Plat Time Limit. Approval of the preliminary plat shall become void one (1) year from the date of City Council approval if a final plat has not been submitted for review on all or part of the subdivision. One (1) year extensions may be granted by the City Council upon receipt by the Planning Department of a written request by the subdivider and upon submittal of the required fee prior to the preliminary plat expiration date.

Section 3-13. Preliminary Plat Information. A preliminary plat shall be based on a legal description of the property as shown by the land records in the office of the Register of Deeds. A preliminary plat shall meet the design standards set forth in these regulations. Plats shall be at an adequate scale to clearly show all necessary information and in no case smaller than one-inch equals two-hundred feet (1" = 200'). A separate site plan prepared under the supervision of, and certified by, a registered State of Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements, or street rights-of-way. The following information shall be included on the preliminary plat:

(1) Name of subdivision.

(2) Name of subdivider, engineer, landscape architect, or surveyor.

(3) Scale specified and bar scale.

(4) North point and date.

(5) Location, widths and names of proposed and abutting streets, alleys, pedestrian ways, and easements, as well as the layout, numbers and approximate dimensions of proposed lots and blocks.

(6) All existing lots and structures upon and within two hundred (200) feet of the tract to be subdivided. Aerial photo data confirmed in the field is sufficient for the describing of off-tract structures.

(7) Existing and proposed sanitary sewers, storm sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto. If water mains and sewers are not on or adjacent to the tract, direction and distance to nearest ones shall be shown, including preliminary invert elevations of sewers, based on U.S.G.S. Datum. Preliminary storm sewer and preliminary sanitary sewer layout and computations shall be provided.

(8) A tabulation of total acreage of the subdivision, number of lots for each zoning classification, and acreages designated to other uses.

(9) Existing and proposed contours, drainage channels, and wooded areas shall be shown on the proposed subdivision with maximum intervals of five (5) feet. When the

subdivision exceeds ten (10) acres in area, contains unique conditions or unusual topographical features, closer contour lines may be required by the City of Bellevue. The datum plan for benchmark elevations and contours shall be based on U. S.G.S. Datum.

(10) A vicinity map showing the geographic relationship of the proposed subdivision to the surrounding street system. Vicinity maps shall be prepared at a scale of no smaller than one (1) inch equals two thousand (2,000) feet.

(11) An electronic copy emailed to the Planning ~~Manager~~ Director of centerline profiles of proposed streets showing percentages of grades and length of vertical curves.

(12) Documentation the owner or owners of any downstream sanitary sewer facilities (i) have been notified of the proposed development's intent to connect to the sanitary sewer system, and (ii) have come to an agreement with the proposed development for any required tap in fees.

Section 3-14. Application Termination. At the discretion of the Planning ~~Manager~~ Director, if any case is determined to be inactive due to lack of sufficient progress, the file will be closed and any subsequent action or consideration shall be made as part of a new request.

CHAPTER 4

FINAL PLATS

Section 4-1. Final Plat Procedures. The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time.

Section 4-2. Application. An application for a final plat shall be submitted to the Planning Department in accordance with the submittal deadline established by the Uniform Review Schedule which is adopted annually by the Planning Commission. The following (with the exception of the fee) shall be submitted in electronic format with the application:

(1) Application fee.

(2) A copy of the plat emailed to the Planning ~~Manager~~ Director.

(3) Written statement listing all owners of record of the land being subdivided.

(4) Written statement listing all waivers being sought in accordance with Sections 8-1 through 8-3 of this ordinance as well as a statement of the justification.

(5) Unless otherwise approved by the City Administrator, a subdivision agreement, approved as to form by the City Attorney, shall be submitted with the final plat application for all subdivisions which include the installation of public improvements. Subdivision agreements will be processed concurrently with the final plat and will require the approval of the City Council prior to the letting of any contracts for the construction of public improvements as provided in Section 7-14 of this ordinance.

(6) Any other supplemental material as specified in this ordinance.

(7) Upon approval, a computer automated drafting (CAD) file shall be submitted to the Planning ~~Manager~~ Director.

Section 4-3. Application Acceptance or Refusal. Upon submittal of the final plat, the Planning Department shall review the plat to ensure all supplemental data required in Sections 4-2 and 4-12 has been provided. The Planning Department shall have the right to refuse the submittal of the plat should the required supplemental data not be shown or presented unless otherwise instructed by the Planning ~~Manager~~ Director.

Section 4-4. Planning Department Review. The Planning Secretary shall distribute one (1) copy of the final plat along with a request for comments, to be returned within seven (7) working days, to each of the following:

(1) Public Works Director

(2) City Engineer

(3) Sarpy County Engineer, only if the plat is to be located outside the city's corporate

limits.

(4) The Bellevue School District, except as provided in Section 4-5 of this ordinance.

Section 4-5. School District Notification. If the plat is in territories that are within the Papillion/LaVista School District, Omaha Public School District, or the Springfield/Platteview School District, the Planning Secretary shall notify the appropriate school district and the Bellevue School District of the date of final plat filing. In addition, the Planning Secretary shall forward a copy of the plat to the affected school districts.

Section 4-6. Planning Commission Review. In reviewing the final plat, the Planning Commission shall consider the following:

(1) Conformity with the Zoning Ordinance and the preliminary plat.

(2) Any recommendations of the Planning ~~Manager~~ Director and/or other reviewing agencies in Section 4-4 of this ordinance.

Section 4-7. Revision Submission Requirements. In the event that the applicant is required by the reviewing staff to revise their final plat prior to action from the Planning Commission, the following shall be submitted:

(1) An electronic copy of the revised plat emailed to the Planning ~~Manager~~ Director.

Section 4-8. Planning Commission Action. The Planning Commission shall, within a reasonable time, act on the plat. Planning Commission action shall be expressed by a recommendation of approval or disapproval to the City Council. If the recommendation is for disapproval, the Planning Commission shall state the reasons. After the Planning Commission recommendation has been made, the final plat shall be forwarded to the City Council by the Planning Department.

Section 4-9. City Council Action. The final plat presented to the City Council shall be identical to the plat acted upon by the Planning Commission. Upon approval of the final plat by the City Council, a certificate of approval by the Planning Commission and by the Mayor and City Council shall be signed by the Chair of the Planning Commission, Mayor, and City Clerk.

Section 4-10. Approved Final Plat Filing. Upon completion of Section 4-9 of this ordinance, the subdivider shall file four (4) reproducible mylars of the plat as follows:

(1) Four (4) reproducible mylars (18" x 24" minimum) to be stamped by the Register of Deeds and routed as follows:

(a) One (1) to the Bellevue Planning Department;

(b) Two (2) to the Sarpy County Register of Deeds (one for their file and one to be routed to the Sarpy County Public Works Department); and

(c) One (1) to remain with the applicant. ***(Ord. No. 3882, September 11, 2017)***

Section 4-11. Final Plat Time Limit. Approval of the final plat shall become null and void ninety (90) days from the date of City Council approval if the subdivider does not file the final plat with the Register of Deeds as provided in Section 4-10 of this ordinance. It shall be the responsibility of the subdivider to furnish the Planning Department documentation of compliance within the ninety (90) day period. A thirty (30) day extension may be granted by the City Council upon written request of the subdivider and submittal of the required fee.

Section 4-12. Final Plat Information. The subdivider shall prepare and submit a final plat at a scale of not less than one-inch equals one hundred feet (1" = 100'). The plat shall be prepared under the supervision of and certified by a registered State of Nebraska land surveyor. The plat, including all signatures, shall be drawn with permanent black ink on reproducible mylar. Information on the final plat shall include:

(1) Name of subdivision and location by Section, Township, and Range.

(2) North arrow and bar scale.

(3) Descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions and shown by heavy dashed lines, and the location of section and quarter section lines in relation to the plat. Any boundary line along a horizontal curve shall be described by long chord and bearing, as well as by radius, direction (left or right), and arc distance. The exterior boundary traverse closure with a maximum allowable error of closure on any portion of the final plat shall be one (1) foot in ten thousand (10,000) feet.

(4) The exact location and layout of lots, streets, centerlines, rights-of-way, alleys, and other public grounds, with accurate dimensions in feet and decimals of feet, interior angles or azimuth, length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground, together with the names of the streets, and lots and block numbers.

(5) Location, use, and width of all required easements. Perpetual easements shall be granted to Omaha Public Power District (OPPD), Cox Communications, and CenturyLink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above-described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted, and recorded. The subdivider shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair, and renew pipelines, hydrants, and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under, and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

(6) Location and description of monuments.

(7) Certificate signed by a land surveyor registered in the State of Nebraska, which contains the legal description of the land included in the plat and all necessary explanations of dimensions and references to monuments to supplement the figures on the plat itself. Said certificate shall state that a ground survey has been made and that the monuments have been placed as shown on the plat, or the subdivider shall provide a renewable staking bond on a form approved by the Bellevue City Attorney and filed with the Planning Department to ensure the monuments will be established within one (1) year of the filing of the final plat. The one-year staking bond may be renewed not to exceed three (3) years total.

(8) Dedication form and certificate signed and acknowledged before a Notary Public by all parties having any recorded interest in the land subdivided, consenting to the plat including dedication of all streets, alleys, and public ways and dedication of parks or other public grounds, and granting any necessary or required easements.

(9) Certificate signed by the County Treasurer stating there are no regular or special taxes due or delinquent taxes against the property described in the plat.

(10) Certificate for the submittal of a recommendation by the Planning Commission to be signed by the Chairman or Acting Chairman.

(11) Certificate for the approval of the City Council to be signed by the Mayor or Acting Mayor and attested by the City Clerk. The certificate shall include the ninety (90) day deadline date for final plat filing.

(12) Certificate signed by the County Engineer/Surveyor stating he/she has reviewed the plat.

(13) Data block provided on the plat or a separate submission showing the calculations of square footage per lot, for use by the County Assessor.

CHAPTER 5

SMALL SUBDIVISIONS

Section 5-1. Small Subdivision Defined. For purposes of this chapter the subdivider may be eligible to seek subdivision approval as a Small Subdivision if the following conditions are met:

(1) The subdivision does not contain more than three (3) lots, except as provided for in subparagraph (4) below.

(2) The subdivision fronts on an existing street, does not involve any new street or road, or the extension of municipal facilities or the creation of any public improvements.

(3) The subdivision does not adversely affect the remainder of the parcel or adjoining property.

(4) The subdivision may contain more than three (3) lots if in the opinion of the Planning ~~Manager~~ Director the information listed in Chapter 3, Preliminary Plats, is not required or has been submitted previously.

Section 5-2. Administrative Approval. The Planning ~~Manager~~ Director or designee shall have the right to approve small subdivision plats in compliance with Section 5-1 of this ordinance. The Planning ~~Manager~~ Director or designee may approve a small subdivision plat if the following conditions are met:

(1) The Public Works Director or Engineer has affixed their signature to the plat.

(2) The subdivision is not in conflict with any provisions or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.

(3) The subdivision would not require the vacation of any occupied utility easements.

(4) In the opinion of the Planning ~~Manager~~ Director the subdivision would not require the dedication of additional public right-of-way.

(5) The parcel has not been previously denied replatting by the City Council.

(6) The subdivision would not allow a duplex or multi-family development on land previously platted for single family development.

(7) The subdivision primarily involves a change in interior lot boundaries. Exterior lot boundaries may be changed only by dedication or vacation of a public right-of-way following hearings before the Planning Commission and City Council.

Section 5-3 Small Subdivision Application for Administrative Approval. An application for small subdivision administrative approval shall be submitted to the Planning Department. A separate site plan prepared under the supervision of, and certified by, a registered State of

Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements, or street rights-of-way. The following shall be submitted with the application:

(1) Application fee.

(2) An electronic copy of the plat to be emailed to the Planning ~~Manager~~ Director.

(3) Information as required under Section 4-12 and Section 5-6 of this ordinance.

Section 5-4. Administrative Review. Upon filing, the Planning Department shall forward the application, copies of the plat and supplemental information, with a request for comments in seven (7) working days from the following:

(1) Public Works Director or Engineer

(2) Applicable school district in accordance with Section 4-4 (4) and 4-5 of this ordinance.

Section 5-5. Administrative Action. The Planning ~~Manager~~ Director or designee shall approve or disapprove the plat within ten (10) working days of the filing date. In the event of disapproval, the Planning ~~Manager~~ Director shall give the subdivider a written statement of reasons for the disapproval.

Section 5-6. Administrative Certificate of Approval. In lieu of Sections 4-12 (10) and 4- 12 (11) of this ordinance, plats eligible for administrative approval shall include certificates of approval to be signed by the Public Works Director or Engineer, and Planning ~~Manager~~ Director or designee. Upon receiving administrative approval, the plat shall be filed with the Register of Deeds in accordance with Section 4-10 and Section 4-11 of this ordinance.

Section 5-7. Appeal of Administrative Disapproval. The subdivider has the privilege of requesting Planning Commission and City Council review and approval in accordance with Section 5-8 of this ordinance if the Planning ~~Manager~~ Director or designee has disapproved the plat or has not acted within ten (10) working days of filing the plat.

Section 5-8. Planning Commission and City Council Review and Action. If the plat does not qualify for administrative approval or has been disapproved by the Planning ~~Manager~~ Director or designee, an application for Small Subdivision shall be submitted in accordance with Sections 4-2 through 4-12, Final Plats, of this ordinance.

Section 5-9. Small Subdivision Plat Information. The Small Subdivision Plat shall be prepared in accordance with the Final Plat standards in Section 4-12 of this ordinance. A separate site plan prepared under the supervision of, and certified by, a registered State of Nebraska Land Surveyor may be required for plats with existing structures to determine their location in relation to proposed lot lines, easements, or street rights-of-way.

Section 5-10. Approved Small Subdivision Plat Filing. Upon completion of Section 5-6 or 5-8 of this ordinance, the subdivider shall file four (4) reproducible mylars of the plat as follows:

(1) Four (4) reproducible mylars (18" x 24" minimum) to be stamped by the Register of Deeds and routed as follows:

(a) One (1) to the Bellevue Planning Department;

(b) Two (2) to the Sarpy County Register of Deeds (one for their file and one to be routed to the Sarpy County Public Works Department); and

(c) One (1) to remain with the applicant.

(Ord. No. 3848, June 13, 2016)

(Ord. No. 3882, September 11, 2017)

(Ord. No. 4105, August 16, 2022)

CHAPTER 6

MINIMUM DESIGN STANDARDS

Section 6-1. General. No subdivision plat shall be approved unless it conforms to the minimum design standards in this chapter.

Section 6-2. Streets and Alleys.

(1) The arrangements, classification, extent, right-of-way, paving width, grade, and location of all streets shall conform to the Comprehensive Plan and Section 6-4 of this ordinance and shall be designated in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.

(2) Any newly constructed street or completely reconstructed street must be designed and constructed to (i) provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and (ii) address the needs of all users both along roadway corridors and crossing the corridors.

(3) Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall:

(a) Provide for the continuation of existing principal streets in surrounding areas.

(b) Conform to a plan for the neighborhood approved or adopted by the City of Bellevue to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(c) Conform to any other plan approved by the city which identifies the street classification system or arrangement of streets.

(4) Local streets shall be so laid out that their use by through traffic will be discouraged.

(5) Where a subdivision abuts or contains an existing or proposed major street or highway, the city may require frontage roads abutting the major street or highway, or such other treatment as may be necessary for adequate protection of residential properties and for separation of through and local traffic.

(6) Street intersections with centerline offsets of less than one hundred and twenty-five (125) feet shall only be allowed upon the approval of a waiver under Chapter 8 of this ordinance.

(7) When the centerline of the streets extended deflect at any one point with a deflection angle of more than five (5) degrees, they shall be connected by a horizontal curve.

(8) Streets shall be laid out so as to intersect as nearly as possible at right angles and no

street shall intersect any other street at less than sixty (60) degrees.

(9) Half streets shall be prohibited.

(10) The following values shall be used for the purpose of determining average daily traffic (ADT) for streets associated with different housing types:

(a) Single-family detached homes - 6.0 trips per dwelling unit per day.

(b) Group or Townhouses - 5.0 trips per dwelling unit per day.

(c) Apartments 1 to 4 stories - 4.0 trips per dwelling unit per day.

(d) Apartments over 4 stories - 3.0 trips per dwelling unit per day.

(11) The right-of-way widths, pavement widths (back-to-back of curb), street grades, and the sight distance for streets and alleys in any subdivision shall conform to Section 6-4 of this ordinance

(12) Street widths in subdivisions with building front yard setbacks less than twenty (20) feet shall provide for parking on both sides of the street.

(13) Cul-de-sac streets shall not exceed six hundred (600) feet in length and shall be provided at the closed end with either an off-set or symmetric circular turnaround having an outside pavement diameter of at least seventy-five (75) feet and a right-of-way diameter of one hundred (100) feet. Cul-de-sac approach and return radii shall not be less than sixty-two and one-half (62½) feet for pavement and fifty (50) feet for rights-of-way.

(14) The horizontal alignment of all streets shall be governed by sight distance and speed but shall not be less than that shown in Section 6-4 of this ordinance.

(15) No street grade shall be less than one-half (½) of one (1) percent, nor greater than ten (10) percent.

(16) Permanent dead-end streets shall be prohibited.

(17) Intersections of more than two (2) streets shall be prohibited.

(18) Alleys shall be prohibited in residential districts. Alleys may be provided in commercial and industrial districts.

Section 6-3. Private Streets.

(1) Connections to Public Streets. The private street system shall provide convenient and reasonable access to each dwelling unit, lot, commercial or community building and adjacent property from the public street system.

(2) Maximum Block Length. Shall comply with Section 6-6 (1) of this ordinance.

(3) Roadway Specifications.

(a) Private streets shall be at least twenty-five (25) feet in width and have either an integral curb or combination curb and gutter.

(b) Private streets shall be surfaced with Portland cement concrete and shall be not less than 7" thick.

(4) Private Street Easements. Private street easements shall be required to be a minimum of five (5) feet wider on each side of the paved surface. The easement shall be granted to the adjoining lot owners and the developer shall demonstrate the mechanism by which its perpetual maintenance shall be the responsibility of the adjoining owners.

(5) Setbacks. Setbacks which are required for any building or structure shall be measured from the nearest edge of the private street easement.

(6) Parking. Where vehicles back out onto the private street, a minimum of twenty (20) feet shall be provided between the nearest edge of the parking stall or garage and the edge of the private street.

(7) Traffic Signs. All traffic signs and pavement markings along the private street shall conform to the City of Bellevue requirements.

(8) Maintenance. Private streets which are granted by an easement to the adjoining lot owners shall be the maintenance responsibility of those owners and shall not become the responsibility of the city upon annexation.

Section 6-4. Street Design Standards.

STREET DESCRIPTION	CUL-DE-SAC	PRIVATE STREET	LOCAL STREET	COLLECTOR	MINOR ARTERIAL	MAJOR ARTERIAL
Service	Very Light Local No Thru Traffic	Very Light Local No Thru Traffic	Light Local	Local Thru	Local Thru	Thru Traffic
ADT	0 - 75	0 - 75	75 - 1000	1000 - 4000	4000 - 8000	8000+
Design Speed	15 mph	15 mph	25 mph	25 mph	25 - 35 mph	35 mph+
Minimum Sight Distance	75'	75'	150	200'	250'	*
Maximum Street Slope	10%	10%	10%	10%	8%	*
Minimum Centerline Radius on Horizontal Curves	100'	100'	150'	300'	500'	*
Right-of-Way	50'	35'**	50'	60'	80'	***
Pavement Width	25'	25'	25'	32'	36'	*
Concrete Pavement Thickness Residential Streets	7"	7"	7"	9"	9"	*

*Standards for major arterial streets will be set by county or state highway officials.
**Easement width
***Additional right-of-way required: 100' for section line roads; 80' for half section line roads.

Section 6-5. Right-of-Way Easements. The width of easements in relation to depth below grade of the sanitary sewer and storm sewer pipes shall be a minimum of two (2) to one (1), but in no event less than fifteen (15) feet, unless otherwise approved by the City Engineer, and shall be provided along the rear and side property lines wherever possible. Where a subdivision is traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water or drainage easement of such a width to provide adequate water flow and maintenance. Parallel streets, walkways or bridges may be required in connection with such drainage easement.

Section 6-6. Block Width and Length. Subdivision blocks shall conform to the following standards:

(1) Block length shall not exceed 1,320 feet. The length of blocks shall be considered to be the distance from street centerline to opposite street centerline and shall be measured along the center of the block.

(2) Pedestrian walkways not less than ten (10) feet wide may be required at or near the center of blocks longer than five hundred (500) feet where such walkways are deemed to be essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(3) The width of blocks shall generally be sufficient to allow two (2) tiers of lots and be at least two hundred and forty (240) feet in width.

Section 6-7. Lot Standards. Subdivision lots shall conform to the following minimum standards:

(1) Lot dimensions and area shall conform to the requirements of the zoning ordinance.

(2) Platting of lots for multiple family commercial and industrial purposes shall include adequate space for off-street parking, service areas, service access, or frontage access roads.

(3) Satisfactory access from a public street or recorded access easement shall be provided for all lots. Access driveways shall be positioned in accordance with the Typical Driveway Layout Standards on file in the Public Works Department.

(4) Through lots shall only be allowed upon the approval of a waiver requested under Chapter 8 of this ordinance.

(5) Corner lots shall be of extra width sufficient to maintain building lines of both streets as required in the zoning ordinance.

(6) Side lot lines shall be approximately at right angles or radial to street lines.

(7) Excessive depth in relation to width of lots over three (3) to one (1) shall only be allowed upon approval of a waiver requested under Chapter 8 of this ordinance.

(8) Flag lots shall be avoided except where development cannot be reasonably accomplished without their use.

(9) Larger than normal lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Dedication of easements or public right-of-way for future openings and extensions of such streets may be required.

(10) Residential lots fronting on an arterial street shall only be allowed upon approval of a waiver requested under Chapter 8 of this ordinance. When established, access restrictions shall be noted on the plat.

(11) Slopes altered through cut and/or fill operations shall not exceed a 3:1 ratio unless approved stabilization structures are used.

CHAPTER 7

CAPITAL IMPROVEMENTS

Section 7-1. General. The method and financing by which public improvements are installed in a subdivision is a matter of mutual concern to the subdivider and the city. These improvements become permanent features of the community and could be a great financial burden to the subdivider and a continual excessive maintenance cost to the city. It is the intent of this ordinance to provide for adequately sized, properly located, and properly installed improvements through the prescribed rules and standards of this ordinance. The subdivider shall construct and install the improvements in accordance with the City of Bellevue standards for construction plans and specifications.

Section 7-2. Lot Staking. The following described monuments shall be installed before plat approval, or in lieu thereof a performance bond, in an amount equal to the cost of doing such work, as determined by the City Engineer, shall be furnished to the City of Bellevue:

(1) Lot corners, all points of curvature, points of tangency, and corners of blocks shall be monumented by iron rods not less than one half inch in diameter or iron pipes not less than three-fourths inches in diameter extending at least twenty-four (24) inches below grade.

Section 7-3. Streets.

(1) Street Grading: All full width streets located entirely within the boundary of the subdivision, except major streets as noted, shall be graded to the full width to within six (6) inches of the finished grade. Such grading shall be completed or in lieu thereof a performance bond in an amount equal to the cost of doing such work shall be furnished to the City of Bellevue before the City Engineer certifies to the Council that required improvements have been satisfactorily arranged for.

(2) Street Surfacing: The streets shall be paved including integral curbs in accordance with street paving standards as approved by the city.

(3) Street Lighting: For residential streets, lamps shall be 100-watt high pressure sodium sources or equivalent or higher efficiency sources. Poles shall generally have a 25-foot mounting height and be placed at street intersections and mid-block with normal interval spacing of 240 feet. Reductions to this standard may be required by the Street Superintendent, after consultation with OPPD, when warranted by the layout or design of the subdivision in order to meet Illuminating Engineering Society (IES) standards for street lighting. Subdividers are encouraged to consider installation of higher efficiency or lower cost alternatives to street lighting, such as LED lights, provided such alternatives are approved by the Street Superintendent and OPPD. For all other streets, lighting shall be installed in accordance with standards adopted by OPPD after review and approval by the Street Superintendent.

Section 7-4. Storm Sewers or Drainageways. The subdivider shall be required to provide for adequate drains, inlets, manholes and other facilities to provide for the adequate removal of all

surface drainage in conformance with the city's design criteria. Where the subdivision is located within a larger drainage area, the subdivider is required to install the storm drains to adequately handle the additional areas upstream.

Section 7-5. Sidewalks. For subdivisions approved prior to May 9, 2017 or subsequent replats, a concrete sidewalk shall be provided within the dedicated right-of-way in accordance with the regulations in place at the time the subdivision was approved. For subdivisions approved on or after May 9, 2017, a concrete sidewalk shall be provided within the dedicated right-of-way with a minimum width of five (5) feet and located at least 6.5 feet back of the street pavement.

Sidewalks shall be provided at the following locations:

(1) Both sides of a paved street within the subdivision.

(2) Parallel to any streets abutting and/or running along the outer perimeter of the subdivision.

(Ord. No. 3873, April 24, 2017)

Section 7-6. Sanitary Sewers. Where a city approved sanitary sewer is accessible by gravity flow within one thousand (1,000) feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where the trunk line outfall sanitary sewer line along the Papillion Creek is accessible by gravity connection and is within one mile of the subdivision, the developer shall be required to connect thereto and provide an adequate outfall sewer line sized to serve the total drainage area in which the subdivision is located. Where the Papillion Creek trunk line outfall sanitary sewer line is substantially more than one mile, or where any other city approved sanitary sewer is more than one thousand (1,000) feet, or where a city approved sanitary sewer is not accessible by gravity flow, the subdivider shall make provisions for the disposal of sewage as required by law and as approved by the city. Temporary disposal facilities may be approved under the following conditions:

(1) The temporary facility shall only be approved and sized for that subdivision. No further addition or enlargement to the facility may be undertaken to serve any other subdivision or additions to that subdivision without approval of the city.

(2) The subdivider and any Sanitary and Improvement District formed shall, by agreement with the City of Bellevue, agree that if and when a city approved sanitary sewer line is constructed within 1,000 feet of the subdivision and while the subdivision is within a Sanitary and Improvement District, then the Sanitary and Improvement District shall connect to the sewer line and disconnect from the temporary facility which will be discontinued and eliminated by the Sanitary and Improvement District as approved by the city.

(3) Where any City of Bellevue approved sanitary sewer is not readily available for connection, but there are plans for availability requiring connection, the subdivider and/or any Sanitary and Improvement District formed may be required by agreement to

pay or prepay, depending upon availability, any sewer connection fee or fees required by the city to be assessed against each property or lot to be served by the sewer prior to the approval of the final plat. The fees paid to the city will be used as the subdivision's share towards the construction of an outfall sewer main and/or towards the necessary improvement or enlargement of any treatment plant.

(4) Whenever the sanitary sewer of a subdivision is connected to the city approved sewer system, the City of Bellevue may collect any applicable rental or use charge or fees from the users in the subdivision or Sanitary and Improvement District and such charge shall be a lien upon the property served. If the city's charge is not paid when due, such sum may be recoverable by the city in a civil action or it may be assessed against the property as special taxes or assessments levied by the city, and upon the deliverance of a certified copy of an ordinance by the city clerk to the county treasurer, the county shall collect the same as provided by law and return same to the City of Bellevue.

(5) Whenever the main collector sewer line serving the subdivision within its boundaries is required to be more than eight (8) inches in diameter because it is designed to serve a greater area than the subdivision, the subdivider shall only be responsible for the cost of an eight (8) inch diameter sewer line.

Section 7-7. Electrical Power, Water, and Gas Mains. The subdivision shall be provided with adequate electrical, gas, and water supply systems. The water mains shall be connected to an approved water supply system. Water, gas, and electrical distribution installation shall meet the standards and specifications of the city or respective utility company.

Section 7-8. Public Facilities and Open Space.

(1) Where a tract of land that is being subdivided includes, land proposed to be used for parks and other public facilities under the duly adopted Comprehensive Plan of the city, the subdivider shall indicate the location of such areas on the preliminary plat. Such sites may be purchased within two years of the recording date of the subdivision by the city or the Sanitary and Improvement District at a negotiated value or at a value determined in the same manner as required by the power of eminent domain, plus one-half of the cost of grading, utilities, and paving, including curbs of the portion of any streets that are contiguous to the site, plus other approved special assessments. Should such site not be approved and purchased in the time specified, the subdivider may request replatting for the purpose of resale. Said site shall be zoned initially to allow uses comparable with land contiguous to it in case it is not purchased within said two (2) year period.

(2) Where a tract of land is being subdivided includes, land proposed to be used for a future school site under the adopted Comprehensive Plan of the city, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for three (3) years giving the appropriate school district the right to purchase the land at a negotiated value or at a value determined in the same manner as required by the Nebraska State Statutes for proceedings under the power of eminent domain, plus one-half the cost of grading, utilities, and paving, including curbs, of any streets contiguous to the site, plus other approved special assessments. Should the

school site not be purchased in the time specified, the subdivider may request replatting for the purpose of resale. Said school site shall be zoned initially to allow uscs comparable with land contiguous to it in case it is not purchased for school within said three (3) year period.

Section 7-9. Other Improvements. The installation of other improvements may be required when deemed necessary in the best interest of the community.

Section 7-10. Erosion Control. The subdivider shall construct temporary terraces on slopes, temporary silting basins, swales and spillways, and energy dissipation structures to reduce erosion, sedimentation and damage to adjacent properties and public rights-of-way from surface drainage during subdivision development. The subdivider shall further be required to seed the areas covered by the subdivision to control erosion of areas disturbed by excavation and grading operations, including the installation of utilities.

Section 7-11. Sanitary and Improvement Districts. Where a subdivider plans to create a Sanitary and Improvement District (S.I.D.) to construct improvements in its subdivision, prior to the installation of any improvements, the plans for such improvements, other than for public parks, playgrounds, and recreation facilities, shall be submitted to the city for review and approval. Plans and exact costs for public parks, playgrounds and recreation facilities must be approved by Resolution of the City Council. Such approval shall relate to conformity with the Comprehensive Plan and the construction specifications and standards, if any, theretofore established by the city. In addition, the subdivider, the Sanitary and Improvement District, and the city, acting through its City Council, shall enter into any agreement or agreements necessary for water supply and distribution, sewage treatment or disposal, or other utility services. Such agreement shall also set forth the manner and extent to which public funds may be expended in connection with public improvements to be constructed within the area to be developed or serving the area to be developed and the extent to which the contemplated public improvements specifically benefit property in the area to be specially assessed against the property of the subdivider. All such agreements shall be in substantial conformity to the established policy of the city relating to such items. The purpose of the agreements is to express the intent to develop the area in conformity to the Comprehensive Plan of development for the city.

Section 7-12. Sanitary and Improvement District Recreational Facilities. The Sanitary and Improvement District shall not incur any indebtedness or otherwise involve its credit or expend any of its funds: in construction or other acquisition or improvement of any swimming pool, golf course, park, playground, or other recreational facility, without express approval of the city.

Section 7-13. Subdivision Agreement. No contract for the construction of public improvements involving any subdivision outside of the corporate limits of the City of Bellevue shall be let, awarded, or otherwise consummated by the subdivider unless first entering into a formal subdivision agreement between the City of Bellevue, the subdivider, and/or the Sanitary and Improvement District concerning land acquisition for public improvements, minimum design for utilities, pavements, open spaces, recreation facilities, erosion and sedimentation control methods, both temporary and permanent, and assessments for the costs to be incurred as a

general obligation by the Sanitary and Improvement District, development corporation, or other persons to be involved in the contract. The city will consider Sections 7-13 through 7-19 of this ordinance in entering a contractual agreement covering the assessment of costs for public improvements.

Section 7-14. Street and Sidewalk Financing. The method of financing the costs of streets and sidewalks shall be as follows:

(1) Sidewalks shall be a special assessment against the property benefiting or shall be at the cost of the subdivider or property owner at the time of the development of individual platted lots.

(2) Streets, including curb, of twenty-five (25) feet in width shall be a special assessment to the property benefitting. That portion of the pavement in excess of twenty-five (25) feet, excluding the curb, may be a general obligation.

(3) Street intersections may be a general obligation, except that portion of "T" intersections abutting building lots shall be a special assessment against the property benefiting.

(4) Street signs which conform to city standards may be a general obligation. Decorative, ornamental, or other signs not conforming to city standards, but have been approved by the city for use, shall be a special assessment against the property benefited.

(5) Street lighting which conforms to city standards may be a general obligation. Decorative, ornamental, or other street lighting not conforming to city standards, but which has been approved by the city for use, may be a special assessment against the property benefited.

Section 7-15. Storm Sewer Financing. Storm sewers, including manholes, inlets, and other appurtenances, shall be a general obligation.

Section 7-16. Sanitary Sewer Financing. The method of financing the costs of sanitary sewers shall be as follows:

(1) Sanitary sewers, including manholes and other appurtenances, of eight (8) inches or less in diameter shall be a special assessment of the property benefiting. That portion of the sanitary sewer over eight (8) inches in diameter except manholes and other appurtenances, may be a general obligation.

(2) Outfall sanitary sewer lines located outside the subdivision that are designed to serve a total drainage area larger than the subdivision may be a general obligation.

(3) Sanitary and Improvement District connection charges paid to other S.I.D.s may be a general obligation. Any additional connection charges shall be a special assessment against the property benefiting.

(4) Sewage treatment plants and lift stations designed to accommodate the total drainage area may be a general obligation.

(5) Sewage treatment plants and lift stations designed to accommodate the subdivision only shall be a special assessment against the property benefitting.

Section 7-17. Water System Financing. The method of financing the costs of the water distribution systems shall be as follows:

(1) Water distribution systems installed by an S.I.D. within the Metropolitan Utilities District (MUD) system shall be a special assessment against the property benefiting. That portion of the water distribution system outside the subdivision may be a general obligation.

(2) Water distribution systems not installed by an S.I.D. within the area served by the Metropolitan Utilities District system shall be financed by the subdivider in accordance with MUD policies.

Section 7-18. Gas System Financing. The method of financing the costs of the gas distribution system shall be as follows:

(1) Gas distribution systems located within a S.I.D. and the MUD or Black Hills Energy system shall be a special assessment against the properties benefiting. That portion of the gas distribution system outside the subdivision may be a general obligation.

(2) Gas distribution systems located within the city's corporate limits shall be financed by the subdivider in accordance with MUD or Black Hills Energy policies.

Section 7-19. Electric System Financing. The entire costs for the installation of the electrical power distribution system, including underground systems, shall be a special assessment against the property benefiting.

Section 7-20. Definitions. Unless the context shall otherwise require, whenever used in Sections 7-20 through 7-25 of these subdivision regulations, the following terms shall have the meaning ascribed to them in this Section 7-20. All other capitalized terms shall have the meaning ascribed to them in Chapter 2 of these subdivision regulations.

Boulevards/Parkways: Boulevards/Parkways are planned to provide pleasant vehicular routes connecting roads to and through parks and natural areas and serving new subdivisions and S.I.D.s, in part, visually unifying those newly developing areas, especially commercial areas, with established neighborhoods and parks and buffering industrial areas from residents and commercial enterprises. The Master Park Plan specifies the location of Boulevards and Parkways. These locations shall guide the general placement of all Boulevard/Parkways; however, minor location adjustments to accommodate traffic issues, topography or development limitations may be approved by the Public Works Department. The Master Park Plan provides standard design criteria for various configurations of Boulevards/Parkways, which shall apply unless otherwise approved by the Public Works Department.

Commercial Recreational Plan: The individual plan for proposed subdivisions approved by the City Council pursuant to Section 7-22, which provides for construction, development and improvement of those Trails/Special Corridors and Boulevards/Parkways that are contemplated by the Master Park Plan and, in some instances, open space, playgrounds, walkways, active/passive use areas and other appropriate recreational facilities and amenities intended to serve or to benefit

the contemplated licensees, invitees, occupants, owners and tenants of the subdivision.

Community/Regional/Special Use Parks: Community/Regional Parks serve a broader purpose than Neighborhood Parks. Focus is on meeting recreational needs for a cluster of neighboring communities and perhaps the entire city. These parks may contain neighborhood and community play facilities, extensive active play/sports fields, recreational complexes ("rec-plexes") and aquatic centers as well as natural resource recreation such as hiking trails, equestrian activities, nature interpretation and other passive uses where the park provides an opportunity to preserve and enhance historic or natural resources. Organized sports leagues and teams will use different locations throughout a season, and historic and natural resource-based activities are dependent on unique features. Therefore, the locations of the Community and Regional Parks are not based on specific travel distance service standards. Instead, the city attempts to achieve "equitable accessibility" for area residents throughout the city. Special Use Parks are planned to provide the region with a high amenity open space. They are intended to be primarily passive use with grand open spaces and landscape vistas. They provide for large public gatherings for community events and contain signature features such as civic monuments and may serve as or include city landmarks.

Cultural and Historic Sites: These sites contain features of important historical or cultural value that are desired to be protected and enhanced.

Interlocal Agreement: A written agreement between governmental subdivisions complying with statutory requisites.

Master Park Plan: The Master Park Plan for the city, as amended from time to time. The Planning Commission shall review the Master Park Plan at least once annually.

Natural Areas: These are areas containing significant natural resources such as wetland and native prairies that are desired to be protected and enhanced. These also include certain floodplain and other areas where, because of natural physical characteristics and other limitations that are not easily remediated, development may be restricted, and the area better preserved as natural greenbelts.

Neighborhood Parks: Planned to serve a specific residential neighborhood within an approximate six block (half mile) radius, Neighborhood Parks may be primarily passive in use, contain basic play facilities, landscape enhancements and open space. Some of these parks will contain active use recreational facilities, fields and other amenities that will serve or benefit the recreational requirements of residents of the subdivision. They should be generally located to allow for convenient and equal access by future neighborhood residents. Service standards based on anticipated population and on travel distance should provide the basis for locating park facilities. Future residential neighborhoods generally must allow for pedestrian connections to the park site with permanent easements. On occasion, Neighborhood Parks may serve residents of adjacent subdivisions or developments.

No Recreational Assessment: A written assessment to the City Council made and accepted pursuant to Section 7-21 or 7-22 when a Park Plan or Commercial Recreational Plan is not

appropriate for reasons contemplated by these subdivision regulations.

Other appropriate recreational facilities: Those recreational facilities and amenities, including Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors, that have been approved by the City Council in a Park Plan or Commercial Recreational Plan.

Park Development Fund: The Fund established by Section 7-24.

Park Plan: The individual plan for proposed subdivisions approved by the City Council pursuant to Section 7-21 which provides for the construction, development and improvement of parks, Trails/Special Corridors, Boulevards/Parkways and other appropriate recreational facilities and amenities.

Subdivision Agreement: An agreement between the city, the Developer and, if applicable, a duly created Sanitary and Improvement District for the development of land within or without the corporate limits of the city, requiring submission of a plat.

Trails/Special Corridors: The network of trails in a system that serves residents and businesses of Bellevue. The system is planned to emphasize safe travel for pedestrians walking and biking to and from parks and around the community. Focus is as much on transportation as it is on recreation and should therefore endeavor to connect residents and businesses to and through parks and Natural Areas, Cultural Areas and Sites and other points of interest, and to unify them as well with newly developing residential, commercial, and industrial areas. The Master Park Plan specifies the location of Trails/Special Corridors. These locations shall guide the general placement of all Trails; however, minor location adjustments to accommodate traffic issues, topography or development limitations may be approved by the Public Works Department, and with the approval of the City, may be integrated with similar systems developed by or in conjunction with other governmental subdivisions and agencies. The Master Park Plan provides standard design criteria for various configurations of Trails, which shall apply unless otherwise approved by the Public Works Department.

Urban Filter/Wildlife Corridors: These are areas planned along floodplains; they are planned to function as natural filters to urban runoff and serve as linear wildlife corridors.

Section 7-21. Residential Subdivisions; Park Plan; Exceptions. Unless waived by the City Council pursuant to its approval of a No Recreational Assessment submitted pursuant to this Section 7-21, every residential subdivision requiring submission of a preliminary plat shall include land to be designated for use as a Neighborhood Park (or a Community, Regional or Special Use Park, if contemplated by the Master Park Plan) and land to be designated for use as Trails/Special Corridors and Boulevards/Parkways to the extent such use is contemplated by the Master Park Plan. Each Neighborhood Park shall be of a size, location and configuration with open space, parking, playgrounds, walkways, active use and expansion areas and other appropriate recreational facilities and amenities that will serve or benefit residents of the proposed subdivision, applying sound park planning principles. The subdivider of any land for which a preliminary plat is required in accordance with Section 3 of these subdivision regulations and consisting of lots to be developed as single family or multi-family residential districts, shall at the time of submission of the

preliminary plat, submit (a) a proposed Park Plan conforming to the Master Park Plan, or (b) a No Recreational Assessment, duly supported, concluding that a Park Plan is (i) inappropriate for the proposed subdivision because the configuration or other natural characteristics of the land within the subdivision renders the same impractical or cost prohibitive or (ii) unnecessary because the recreational needs of the proposed subdivision can be met by existing, or improvement to existing, neighboring recreational facilities, including City facilities; provided, however, such assessment shall then include the terms of a proposed Interlocal or similar agreement providing for the same, identifying the parties, the nature and location of such existing or proposed facilities, any conditions of use by residents of the new subdivision, the contribution to be made by the new subdivision toward development and maintenance of such facilities and other appropriate information to permit City to determine whether such facilities shall be sufficient to accommodate the recreational needs of the proposed subdivision and the affected neighboring communities. No such agreement shall be executed unless first approved by City Council. The proposed Park Plan and the No Recreational Assessment shall be prepared by a registered landscape architect or engineer.

(1) The proposed Park Plan shall identify the location of land, within or without the boundary of the subdivision, to be developed, dedicated, or acquired for use as: a Neighborhood Park (or other Park contemplated by the Master Park Plan); those Trails/Special Corridors or Boulevards/Parkways contemplated by the Master Park Plan; and other appropriate recreational facilities and amenities intended to be developed. It shall discuss the time, manner, means and nature of the development of the land for such purposes, together with allocated costs estimate for the acquisition and development of the same. It shall endeavor to take into consideration, applying sound park planning principles, the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors located within or adjacent to the subdivision and the presence of nearby existing or proposed Trails/Special Corridors and Boulevards/Parkways.

(2) The proposed Park Plan, or the alternative No Recreational Assessment, shall be reviewed by the City Planning Commission, which shall make its recommendation to the City Council concerning the same. A final Park Plan shall be approved, or the No Recreational Assessment shall be accepted, by the City Council prior to the final plat being presented to the Planning Commission.

(3) The final Park Plan shall be integrated within the Subdivision Agreement and shall be implemented in accordance with the terms of the Subdivision Agreement.

Section 7-22. Commercial/Industrial Subdivisions; Commercial Recreational Plan; Exceptions. Unless waived by the City Council pursuant to its approval of a No Recreational Assessment submitted pursuant to this Section 7-22, every commercial or industrial subdivision requiring submission of a preliminary plat shall include land to be designated for use as Trails/Special Corridors and Boulevards/Parkways to the extent such use is contemplated by the Master Park Plan. The subdivider of any land for which a preliminary plat is required in accordance with Section of these subdivision regulations and consisting of lots to be developed as commercial or industrial districts, shall at the time of submission of the preliminary plat, submit (a) a proposed Commercial Recreational Plan conforming to the Master Park Plan and, to the extent intended to

be developed, any other appropriate recreational uses, including those contemplated by Section 7-22 (2), or (b) a No Recreational Assessment, duly supported, concluding that a Commercial Recreational Plan is (i) not required by Section 7-22 and stating that the subdivider has elected not to propose other recreational facilities, including those contemplated by Section 7-22 (2) or (ii) inappropriate for the proposed subdivision because the configuration or other natural characteristics of the land within the subdivision renders the same impractical or cost prohibitive. The proposed Commercial Recreational Plan and the No Recreational Assessment shall be prepared by a registered landscape architect or engineer.

(1) The proposed Commercial Recreational Plan shall identify the location of land, within or without the boundary of the subdivision, to be developed, dedicated, or acquired for use as: Trails/Special Corridors or Boulevards/Parkways contemplated by the Master Park Plan and any other proposed appropriate recreational facilities and amenities intended to be developed. It shall discuss the time, manner, means and nature of the development of the land for such purposes, together with an allocated costs estimate for the acquisition and development of the same.

(2) As part of its Commercial Recreational Plan, the subdivider is encouraged to include: preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors located within or adjacent to the subdivision; acquisition and development of land for other appropriate recreational facilities and amenities that will serve or benefit the contemplated licensees, invitees, occupants, owners and tenants of land within the proposed subdivision and community developments adjacent thereto; and the improvement/connection/extension of nearby existing or proposed Trails/Special Corridors and Boulevards/Parkways, although not then mandated by the Master Park Plan.

(3) The Commercial Recreational Plan, or the alternative No Recreational Assessment, shall be reviewed by the City Planning Commission, which shall make its recommendation concerning the same. A final Commercial Plan shall be approved, or the No Recreational Assessment shall be accepted, by the City Council prior to the final plat being presented to the Planning Commission.

(4) The final Commercial Recreational Plan shall be integrated within the Subdivision Agreement and shall be implemented in accordance with the terms of the Subdivision Agreement.

Section 7-23. Financing for Park Plan/Commercial Recreational Plan. Where the proposed subdivision being platted is to be developed as a Sanitary and Improvement District ("SID"), the method of financing the cost of acquiring and developing land in conformity with the Park Plan or Commercial Recreational Plan shall be a permitted General Obligation of the SID but shall be restricted to the extent set forth in this Section 7-23 unless otherwise approved by the City Council in a Subdivision Agreement. Neither the approval of the Park Plan or the Commercial Recreational Plan nor anything in this Section 7-23 shall be construed to waive the requirement contemplated by Sections 7-11 or 7-12 of these subdivision regulations that the City Council shall expressly approve such expenditures by the SID.

(1) Neighborhood Parks:

(a) Maximum Per Acre Allowance: The allowable maximum cost for acquisition of land proposed for use as a Neighborhood Park shall not exceed the per acre, raw land price paid for the entire area being preliminary platted.

(b) Floodway Property: No expenditure shall be permitted for floodway land to be contained in a Neighborhood Park.

(c) Floodplain Property: The allowable maximum cost of land (other than Floodway Property) within designated floodplain proposed for acquisition as a Neighborhood Park shall not exceed 50% of the full per acre raw land price.

(d) Wetlands: No expenditure shall be permitted for wetlands to be contained within a Neighborhood Park.

(c) Easements: No expenditure shall be permitted for land burdened by easements for sewer lines, gas lines, power lines and other restrictive

(f) Street Frontage: Unless otherwise provided in a Park Plan or Commercial Recreational Plan, all Neighborhood Parks shall have a minimum of 35% of their perimeter adjoining streets. Expenditures associated with one-half the width of the street pavement, any sidewalk associated with the street frontage of a park and any improvements for water and sewer directly related to recreational facilities shall be a General Obligation of the SID.

(g) Open Drainage Way: No expenditure shall be permitted for open drainage areas to be contained within a Neighborhood Park. Open drainage ways shall mean that area which is three times the depth of the channel plus 20 feet and applies to both sides of the channel or width required to pass the 100-year storm.

(h) Soft Costs: All soft costs associated with the (i) development of the Park Plan, (ii) acquisition of the land for Neighborhood Parks and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes. No other soft costs shall be permitted unless otherwise approved by the City Council.

(i) Other Costs: All other costs approved by the City Council for the development of Neighborhood Parks pursuant to Section 7-11 or 7-12 of these subdivision regulations.

(2) Community/Regional Parks:

(a) Land Costs: Any land required for the construction and development of a Community/Regional Park or Community/Regional Park related amenity may be acquired by the SID under the same restrictions as those applicable to a Neighborhood Park.

(b) Soft Costs: All soft costs associated with the (i) development of the Park Plan, (ii) acquisition of the land for Commercial/Regional Park and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes. No other soft costs shall be permitted unless otherwise approved by the City Council.

(c) Other Costs: All other costs approved by the City Council for the development of a Community/Regional Park pursuant to Section 7 11 or 7 12 of these subdivision regulations.

(3) Trails/Special Corridors:

(a) Land Costs: Any land required for the construction and development of Trails/Special Corridors or related amenities may be acquired by the S.I.D. under the same restrictions as those applicable to a Neighborhood Park; provided, however, land and development costs for Trails/Special Corridors that are designated to adjoining roadways shall be incorporated into the right-of-way and roadway improvement costs and financed accordingly.

(b) Soft Costs: All soft costs associated with the (i) development of the related Park Plan or the Commercial Recreational Plan, (ii) acquisition of the land for Trails/Special Corridors and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes.

(c) Other Costs: All other costs approved by the City Council for the development of Trails/Special Corridors pursuant to Section 7-11 or 7-12 of these subdivision regulations.

(4) Boulevards/Parkways:

(a) Land Costs:

(i) Dedication for Public Streets: Any land required for the construction and development of Boulevards/Parkways exceeding the requirements of these subdivision regulations or public streets.

(ii) Other Limitations: Expenditures associated with the development of Boulevards/Parkways shall be limited to tree planting, landscaping, and associated walks, trails, and trail signage. Sidewalks shall be a general obligation up to 4 feet wide and 4 inches thick; all other sidewalk costs shall be specially assessed to adjacent lots.

(b) Soft Costs: All soft costs associated with the (i) development of the related Park Plan or the Commercial Recreational Plan, (ii) acquisition of the land for Boulevards/Parkways and other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes.

(c) Other Costs: All other costs approved by the City Council for the development of Boulevards and Parkways pursuant to Section 7-11 or 7-12 of these subdivision regulations.

(5) Other recreational facilities and amenities:

(a) Land Costs: Any land required for the construction and development of land for recreational purposes and related amenities identified in a Park Plan or a Commercial Recreational Plan may be acquired by the SID under the same restrictions as those applicable to a Neighborhood Park.

(b) Soft Costs: All soft costs associated with the (i) development of the related Park Plan or the Commercial Recreational Plan, (ii) acquisition of the land for other approved recreational facilities and amenities, not to exceed 15% of the permitted cost of the land, and (iii) the development of the land in accordance with the Park Plan not to exceed 35% of the aggregate of expenditures approved by the City Council for the improvement of land for recreational purposes.

(c) Other Costs: All other costs approved by the City Council for the development of such recreational facilities pursuant to Section 7-11 or 7-12 of these subdivision regulations.

Section 7-24. Park Development Fund. There is hereby created the Park Development Fund. The purpose of the Park Development Fund is to provide a separate fund for monies to be used solely for the continued development of the Master Park Plan; the purchase of land; the construction, development and improvement of recreational facilities and amenities discussed in these subdivision regulations that are contemplated by the Master Park Plan; and related matters approved by the City Council in its sole discretion. Expenditures from the Park Development Fund shall be limited to the purposes contemplated by this Section 7-24 as authorized by the City Council in its sole discretion.

(1) The Park Development Fund shall consist of three (3) separate and distinct accounts:

(a) Funding for Neighborhood Park purchase and development. This fund will be utilized primarily for expenditures for development, improvement, and maintenance of Neighborhood Parks.

(b) Funding for the purchase and development of Community/Regional/Special Use Parks. This fund will be utilized primarily for expenditures for development, improvement and maintenance of Community/Regional/Special Use Parks and similarly serviceable recreational facilities, including Cultural and Historical Sites, Natural Areas, and Urban Filter/Wildlife Corridors. Due to the imminent need to purchase the land where it is in the path of foreseeable development, and the significant acquisition costs associated with these larger parks, the City will attempt to initially prioritize and target these funds toward the purchase of specific park sites by a method that, in the long-term, will attempt to provide equitable services through
the geographic distribution of Community/Regional/Special Use Parks.

(c) Funding for the purchase and development of Trails/Special Corridors and Boulevards/Parkways. This fund will generally be used for those expenditures for development, improvement and maintenance of Trails/Special Corridors and Boulevards/Parkways contemplated by the Master Park Plan.

(2) The Park Development Fund shall be funded (a) by contributions made by subdividers pursuant to Section 7-24 (3) of these Subdivision Regulations and (b) as otherwise directed or made by the City Council. The city acknowledges development costs of Community/Regional/Special Use Parks, Trails/Special Corridors, Boulevards/Parkways, and certain other recreational facilities necessary to serve an expanding, thriving community will likely require City funding beyond that made by contributions of subdividers and subdivisions. However, in adopting these subdivision regulations, the City Council does not intend that it is encumbering or otherwise allocating any other fund of the City for these purposes or for the purposes of the Master Park Plan, including Community Betterment Funds or Bond Funds. The balance of the Park Development Fund will be invested as other City funds are invested by the City Finance Department. Interest earned from the fund's balance shall accrue to the fund.

(3) In order to fund necessary parks and recreational facilities for development within, and for the expansion the City, these subdivision regulations and the Master Park Plan anticipate that residents and associated development will significantly contribute to the costs associated with providing property and facilities to serve the public park and other burgeoning recreational needs of these developing areas within, and adjacent to, City. Accordingly, except as provided in Section 7-24 (4), there shall be a contribution made to the Park Development Fund in connection with every proposed subdivision of land, to which these subdivision regulations apply, as follows:

(a) Residential Developments: In addition to the amount expended, or to be expended, to implement a Park Plan, (i) a contribution of an amount for facilitating

the purchase and development of Community/Regional/Special Use Parks and the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors of $550 per acre of the proposed subdivision, plus (ii) an additional contribution of $300 per acre for facilitating the purchase and development of land for Trails/Special Corridors and Boulevards/Parkways connecting the residents of the contributing subdivision with Community/Regional/Special Use Parks, other Trails/Special Corridors, Cultural and Historical Sites, Natural Areas and Urban Filter/Wildlife Corridors.

(b) Commercial and Industrial Developments: In addition to the amount expended, or to be expended, to implement a Commercial Recreational Plan, (i) a contribution of an amount for facilitating the purchase and development of land Community/Regional/Special the Parks and the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors of $300 per acre of the proposed subdivision, plus (ii) an additional contribution of $750 per acre for facilitating the purchase and development of land for Trails/Special Corridors and Boulevards/Parkways connecting occupants, invitees and licensees of the contributing subdivision with Community/Regional/Special Use Parks, Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors.

(4) Notwithstanding the provisions of Section 7-24 (3):

(a) Whenever a Park Plan shall provide for the construction, development, or improvement of: Community/Regional/Special Use Parks; the construction, development, improvement or the preservation of any Cultural and Historical Sites, Natural Areas, Urban Filter/Wildlife Corridors within or adjacent to the boundaries of the proposed subdivision; or, the construction, development or improvement of Trails/Special Corridors and Boulevards/Parkways on land adjacent to the proposed subdivision, the amount of any authorized expenditures made in furtherance of the same shall be credited to the amount of the applicable contribution required to be made by Sections 7-24 (3)(a).

(b) Whenever a Commercial Recreational Plan shall provide for the construction, development or improvement or recreational facilities beyond that contemplated by the Master Park Plan, the amount of any authorized expenditures made in furtherance of the same shall be credited to the amount of the applicable contribution required to be made by Section 7-24 (3)(b).

(5) All contributions to the Park Development Fund shall be paid by the subdivider and shall be payable prior to the filing of the plat. ***(Ord. No. 3777, August 11, 2014)***

Section 7-25. Annexation. Whenever the city studies an area for potential annexation, among other matters, it is common practice to determine the expediency of annexation by evaluating all public improvements and infra-structure in terms of meeting then current city standards and the corresponding costs for bringing them up to city standards. This processshall include an

evaluation of each such area's recreational facilities and needs, if any. The cost of annexation shall include an amount equal to (i) the cost constructing and developing recreational facilities appropriate for the area proposed for annexation, (ii) bringing existing recreational facilities up to city standards, (iii) the amount of any contribution remaining to be paid to the Park Development Fund (for those subdivisions or S.I.D.s in existence prior to the adoption of these subdivision regulations, the entire contribution to the Park Development Fund shall be considered to be unpaid), and (iv) the amount of any contribution required to be made by the S.I.D. under an Inter-local or similar agreement entered into pursuant a No Recreational Assessment. To the extent such funds are available from the S.I.D.'s or subdivision's cash balance after allowing for the existing debt services thereof and other capital and service costs determined to apply, an appropriate amount determined by the City Council, lofts discretion, not to exceed the amount determined by application of this Section 7-25 (1) shall be paid into the Park Development Fund for use, at such time as the City Council shall consider appropriate following the effective date of annexation, to construct, improve, and develop recreational facilities, directly or indirectly, serving and benefiting the area. The city shall remain responsible for any outstanding payment obligation under the terms of any existing Inter-local Agreement to which the subdivision is a party, and such payments may be made from the Park Development Fund. Nothing in Section 7-25 shall be construed to limit or otherwise restrict the city from annexing any area, which the city shall deem to be expedient and in the best interest of the city and its residents.

CHAPTER 8
HARDSHIP AND WAIVERS

Section 8-1. Waiver Justification. Where it can be shown in the case of a proposed subdivision that strict compliance with the requirements of this ordinance would result in practical difficulties and/or unnecessary hardship the subdivider may apply for a waiver. When considering the waiver request, it must be shown that:

(1) The requested waiver is due to unusual conditions that are project specific.

(2) The requested waiver will not nullify the intent and purpose of this ordinance or the Comprehensive Plan.

(3) The requested waiver shall not violate the zoning ordinance, and

(4) The requested waiver is in the best interest of the public.

Section 8-2. Application. The subdivider shall prepare a written statement accompanying the application for the proposed subdivision listing all sections of this ordinance in which a waiver is being sought. The statement shall also state the nature of the hardship.

Section 8-3. Waiver. The City Council, after receiving a recommendation from the Planning Commission, may vary, modify, or waive the requirements of this ordinance. Waivers of this ordinance shall not violate the zoning ordinance.

CHAPTER 9
FEES AND ENFORCEMENT

Section 9-1. Fees. In order to cover the cost of advertising, holding public hearings, staff review, and other expenses incidental to the approval of a subdivision, the subdivider shall pay the applicable fees as outlined in the Master Fee Schedule.

All fees shall be paid to the Planning Department and credited to the General Fund of the City. All fees are non-refundable.

Section 9-2. Plan Review Reimbursement. The subdivider or Sanitary and Improvement District shall reimburse the city such costs incurred by the city for Plan Review, Plan Check, and Plan Approval as to conformance with approved city Standards and Specifications, but such costs shall not exceed 1% of the total contracted cost for improvements in the subdivision.

Section 9-3. Enforcement

(1) No building permit shall be issued for any structure or building that is located upon a lot in a subdivision that has not been subdivided in the manner provided for by this ordinance or previously adopted subdivision regulations. No such plat, replat, dedication, or deed shall be filed with the Register of Deeds until approved by the City Council as provided by law.

(2) Section 1 shall not apply to lots of record or subdivisions platted prior to October 14, 1974.

(3) No building permit shall be issued for any building or structure in any platted subdivision within the city zoning jurisdiction without provision for sanitary sewer, per Article II, Building Code, City of Bellevue.

(4) No Certificate of Occupancy shall be issued for any building or structure on any platted lot within the city zoning jurisdiction until all required utilities including sanitary sewers, storm sewers, electrical, gas, water, and streets to the lot are complete, functional, and approved.

(5) The Street Superintendent may compel the subdivider to clean rights-of-way, public easements, streets and storm sewers on the site and adjacent area of debris, sedimentation and wastes due to the development, disturbance, excavation, grading, or improvement of the subdivision. The Street Superintendent will assign a time period in which clean-up operations will be completed that is based on the perceived risk to the public health and safety. Should clean-up operations not be completed within said time frame, the city may execute clean-up operations and may bill the subdivider for the costs.

Section 9-4. Severability. If any section of this ordinance be held unconstitutional or invalid by any court of competent jurisdiction, such section shall be considered separately and apart from the remaining provisions of this ordinance, and such section to be completely severable from the remaining provisions of this ordinance and the remaining provisions of this ordinance shall remain in full force and effect.

Section 9-5. Effective Date. This ordinance shall take effect and be in force from and after its passage, approval, and publication in pamphlet form.

16a.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: February 20, 2024			SUBMITTED BY: David Goedeken - Public Works Director		
AGENDA ITEM:		CONSENT AGENDA		SPECIAL PRESENTATION	
LIQUOR LICENSE		ORDINANCE		PUBLIC HEARING	
RESOLUTION		CURRENT BUSINESS	✓	OTHER	

SUBJECT:

2024 Trail Renovation award of contract

SYNOPSIS/BACKGROUND:

The City of Bellevue Public Works Department issued a Notice for Bids for the 2024 Trail Renovations (BPW#240106). After review of the bids received, the low, responsive responsible bidder, Earnest Construction Group Inc. has been recommended for the project.

FISCAL IMPACT:: $348,011.95 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES COUNTER-PARTY: Earnest Construction Group, Inc INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION: BPW#240106 - 2024 Trail Renovations

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME: 2024 Trail Renovation

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED:

CIP PROJECT NAME: 2024 Bike-Hike Trail Renovation CIP PROJECT NUMBER: CIPPK23(01)

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER: 10-11-7040

RECOMMENDATION:

City Council to approve and authorize the Mayor to sign the agreement between the City of Bellevue and Earnest Construction Group, Inc. in the amount of $316,374.50. plus a 10% contingency of $31,637.45 for a total project cost of $348,011.95 for the 2024 Trail Renovations.

ATTACHMENTS:

1. Contract
2. Proposal
3. Bid Sheet
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 1/2024

CONTRACT

THIS CONTRACT (the "Contract") is made and entered into this 20th day February 2024 by and between the City of Bellevue Nebraska, a municipal corporation of the first class and a political subdivision of ofhe State of Nebraska ("City"), and Earnest Construction Group, Inc ("Contractor"). Whenever used in this Contract, the term "Party" shall mean City or Contractor, individually, and the term "Parties" shall mean the City and Contractor, collectively.

WHEREAS, Contractor submitted a bid proposal ("Proposal") to City in response to the solicitation or invitation to perform certain work for certain project(s), (as the work and project(s) are more particularly identified in Paragraph 2 of this Contract); and

WHEREAS, Contractor was selected to perform such work subject to the terms, conditions and other provisions of this Contract.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Contract/Contract Documents. Whenever used in this Contract, the term "Contract Documents" shall mean and include this Contract, and (i) the published notice inviting or soliciting bids or proposals in connection with the Work or Projects; (ii) City's request or solicitation for bids or proposals together with all addenda, drawings, schedules, exhibits, manuals, materials and documents attached or relevant to or referenced in such request or solicitation, including all Instructions, Plans, Specifications, Provisions, General or Special Conditions; (iii) Contractor's Bid or Proposal, together with all addenda, drawings, schedules, exhibits, materials and documents attached or relevant to or referenced in such Bid or Proposal; (iv) all payment, performance, labor, materials, maintenance or other bonds or Contract security; and (v) all written change orders, modifications or supplementary terms, conditions or instructions from City pursuant to paragraph 14(g) of this Contract. All Contract Documents shall be considered to be an integral part of this Contract whether or not attached to this written Contract; provided that in the event there shall be any conflict between this written Contract and any of the other Contract Documents, the provisions of this written Contract shall prevail.

2. Contractor's Work. Except to the extent expressly undertaken by City pursuant to the Contract Documents, (i) Contractor shall perform all site preparation and security, labor, supervision, direction, testing, and other services or work ("Work") necessary or appropriate for completion of the 2024 Trail Renovations ("Project") in accordance with the requirements of the Contract Documents; (ii) Contractor shall furnish at its sole cost and expense all bonds, barricades, materials, supplies, equipment, tools, power, water, light, heat, utilities, transportation and all other services, facilities (whether permanent or temporary) and resources required for the Work; (iii) except to the extent otherwise expressly stated in the Contract Documents, Contractor shall be responsible for all means, methods, techniques, sequences and procedures, including coordination of all Work. Whenever used in this Contract, the term "Work" shall include all Corrective Work, unless the context otherwise requires. Contractor shall commence the Work within ten (10) days ("Commencement Date") after

receiving a Written Notice to Proceed from City. Contractor shall notify City in writing of the Commencement Date prior to undertaking any work.

3. Quality of Work. Contractor shall perform all Work in a good and workmanlike manner using qualified personnel and any equipment and materials required by the Contract Documents.

4. Site Inspection. Contractor acknowledges that it has inspected the Project site. Contractor waives any claim for additional time, costs, expenses, compensation or other amounts in connection with any condition (known, apparent, or concealed), which it may encounter at the Project site.

5. Contractor's Warranties. All Work is warranted by Contractor to be of highest quality, to be free from any faults or defects and to conform in all respects with the requirements of the Contract Documents.

6. Time of Essence/Liquidated Damages. Time schedules, limits or requirements specified in the Contract Documents are of the essence to this Contract. All Work shall be completed in accordance with the "Specifications", as attached hereto as Exhibit "A" and incorporated herein by this reference, unless (i) extended by City, in its sole discretion, or (ii) prevented (assuming, in all such events, Contractor's use of its best efforts to timely complete such Work) by the act or neglect of City or by an act of God or for other reasons beyond the control of Contractor, in which event time shall be extended for such reasonable time as City may determine. Whenever any Work shall not be so completed, then as liquidated damages and not as a penalty, Contractor shall pay City, within five (5) days of demand, the sum of Five Hundred and no/100ths Dollars ($500.00) per day for each and every calendar day that the Work shall remain uncompleted.

7. Contractor's Compensation/Retainage. City shall pay the Contractor in current U.S. funds for the Contractor's performance of the Work. All Work, including any unit cost shall be undertaken at and performed in accordance with Contractor's Bid or Proposal. Subject to additions and deductions as provided in the Contract Documents, the aggregate cost of the Work shall not exceed three hundred sixteen thousand three hundred seventy-four dollars and 50/100 Dollars ($316,374.50) ("Contract Sum").

Upon completion of Work at the Project site, Contractor shall submit an invoice requesting payment ("Application for Payment") based upon the amount of Work actually completed at the Project site and Contractor shall set forth in detail the Work performed at the rate specified on Contractor's Bid or Proposal. Unless withheld by city because the Project Site Work does not comply with the Contract Documents or because the Contractor's failure to otherwise comply with the requirements of this contract as they may apply to any of the Work, City shall pay contractor ninety percent (90%) of the invoice within thirty (30) days of its receipt. Final payment constituting the entire unpaid balance of the Contract Sum shall be made by City to Contractor when the Contract has been fully performed and accepted, including Contractor's responsibility to correct nonconforming Work and to satisfy other requirements, if any, which necessarily survive final payment. Prior to final payment, Contractor shall provide evidence that

all employees, subcontractors, material suppliers and other persons or entities have been paid in full for any labor, materials, supplies or equipment used in connection with the Work; such evidence shall consist of receipts, releases, and waivers of liens, claims, security interests, or encumbrances arising out of the Work, to the extent and in such form as may be designated by City. At any time Contractor submits an Application for Payment, it shall constitute a representation by Contractor that all Work is completed as warranted by paragraph 5 of this Contract.

8. Corrective Work. Whenever discovered prior to the expiration of the Warranty Period, Contractor shall promptly correct any Work ("Corrective Work"), which is found to be substandard, defective or otherwise not in accordance with this Contract whether or not such Work or Corrective Work has been completed, installed or constructed. Contractor shall bear all costs and expense of Corrective Work, including all professional, testing, removal or inspection costs.

9. Risk of Loss. Contractor shall bear all risk of loss of or damage to all Work until (i) all Work has been satisfactorily completed and accepted; and (ii) in the case of Corrective Work, until the Corrective Work has been completed to the satisfaction of the City.

10. Contractor's Indemnity. Contractor shall defend, indemnify and hold City, its agents and employees harmless from and against any claims, damages (including damages for any personal injury, bodily injury, including death, or property damages), losses and expenses, including any reasonable attorney fees, of any person or entity arising or resulting from or out of (i) Contractor's performance under this Contract; (ii) any breach or default in or any violation or nonperformance of any covenant, term, provision, condition or agreement ("Default") in this Contract to be kept, observed, satisfied or performed by Contractor; (iii) any alleged act, error, omission or negligence of Contractor, its employees, subcontractors, agents, or any other person acting on behalf of Contractor; (iv) any material misrepresentation by Contractor; or (v) Contractor's operations in or about any Project site while Contractor is performing Work on such Project site except to the extent such claims result or arise from or out of, solely and proximately, from City's negligence, unlawful conduct or material breach of this Contract.

11. Termination for Default. In addition to any other remedies at law or in equity, City may terminate this Contract whenever Contractor (i) repeatedly refuses to materially comply with any reasonable requirement of City; (ii) fails to timely make any payment required by this Contract; or (iii) fails or refuses to cure any other Default within seven (7) days from written notice from City specifying such Default. Termination shall be effective immediately upon notice from City; provided, however, City may, without prejudice to any of its other rights or remedies under this Contract or otherwise, correct such Default in which event Contractor shall reimburse City for all costs and expenses incurred in undertaking such cure or to collect such reimbursement from Contractor.

12. Survival of City's Rights. All indemnity obligations of Contractor under this Contract and the Contractor's obligations under Paragraphs 5, 8 and 10 of this Contract shall survive the completion of all Work and the expiration or termination of this Contract.

13. Bonds and Insurance. Contractor shall furnish to the Department of Public Works for City at least five days prior to commencing any Work under this Contract a Performance Bond in an amount equal to 100% of the Contract Sum and a 100% Labor and Material Bond and all other Contract security and all policies or certificates of insurance which are required by the Contract Documents.

Contractor will maintain and provide evidence of the following insurance coverages from insurance companies acceptable to the city:

- Commercial General Liability $1,000,000 per occurrence, $2,000,000 aggregate, City of Bellevue named as an Additional Insured including completed operations, Waiver of Subrogation in favor of City of Bellevue.
- Commercial Auto Liability - $500,000 combined single limit.
- Workers Compensation/Employers Liability – Statutory limits $100,000, $500,000, $100,000 limits, Waiver of Subrogation in favor of City of Bellevue.
- Commercial Umbrella Liability - $2,000,000 minimum limit, City of Bellevue named as Additional Insured.
- Builders Risk/Installation Floater – Limit equal to completed value of project. Coverage must apply to City's and all subcontractors interests in property and project.

14. Miscellaneous.

a. Contractor shall promptly pay all persons or entities that have furnished any services, labor, material, equipment or supplies in connection with any of the Work.

b. Contractor shall secure and pay for all permits, fees, and licenses for execution and completion of the Work.

c. Contractor shall perform all Work in compliance with applicable federal, state and local laws, rules and regulations applicable to such performance. Contractor shall comply at all times with the Fair Employment Practices Act (Nebraska Revised Statutes, Sections 48-1101 *et seq.*). Contractor shall pay the Unemployment Compensation Fund of the State of Nebraska any unemployment contributions and interest due under provisions of the Nebraska Revised Statutes (Sections 48-601 *et seq.*).

d. Contractor shall provide City or its representatives access to all Work (including Work in progress) for inspection or other appropriate purposes during all reasonable times. Contractor shall uncover any Work which has not been inspected at its sole cost and expense unless due to the neglect of City.

e. Contractor shall keep the Project site(s) free from accumulation of rubbish, debris and hazards. Upon completion of Work at each Project site, Contractor shall remove all surplus materials, all tools, equipment, machinery, waste, rubbish and other items not constituting a part of the completed Work.

f. Contractor shall be responsible for all acts, errors, omissions or neglect of Contractor's agents and employees, including Contractor's subcontractors and its agents or employees.

g. City shall have the right to make minor changes in the Work, including Drawings, Plans, and Specifications, at no additional compensation or consideration to Contractor by notice in writing to Contractor. All other changes in Work shall be by written Change Order executed by the Project representative of each Party. City and Contractor each represents that its Project representative is authorized to execute such Change Order and shall be bound by the same; provided, however, that prior approval of the Bellevue City Council shall be required for (i) any Change Order resulting in an adjustment to the Contractor's compensation of more than $10,000, or (ii) any Change Order or series of Change Orders which in the aggregate increase Contractor's compensation by ten percent (10%) or more of the original compensation.

h. Neither (i) City's payment of any invoice, nor (ii) the presence of City or its representatives on any Project site, nor (iii) the inspection or approval of any Work shall constitute acceptance of such Work as compliant or otherwise being in accordance with the Contract Documents and shall not be construed to waive any right to indemnity or any other right or remedy of City for any Default of Contractor.

i. Contractor may not assign or subcontract all or any portion of the Work, except as specified in the Bid or Proposal, without City's prior written consent, which may be withheld in City's absolute discretion.

j. Contractor shall not assign any moneys due or to become due under this Contract without the prior written consent of City, which may be withheld in City's absolute discretion.

k. Contractor warrants that Contractor has not employed or retained any company or person, other than a bona fide employee working for the Contractor, to solicit or secure this Contract, and that he has not paid or agreed to pay any company or person, fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award or making of this Contract.

l. Contractor shall take reasonable precautions for safety of, and shall provide reasonable protection and warnings to prevent damage, injury or loss to employees, subcontractors and any other persons, such as pedestrians or motorists, who may be present upon or within the vicinity of a Project site while Work is being performed or in progress.

m. Any approval, notice or communication to a Party required or permitted by this Contract shall be sufficient only if made in writing.

(i) Any notice which may be permitted or required to be given pursuant to this Contract shall be delivered personally or shall be sent by United States certified mail, postage prepaid addressed as set forth below:

If to City:

City of Bellevue
Public Works Director
Attn: David Goedeken
1510 Wall Street
Bellevue, NE 68005
Fax No.: (402) 293-3173

With a copy to:

Aimee Bataillon
Bellevue City Attorney
1500 Wall Street
Bellevue, NE 68005

If to Contractor:

Earnest Construction Group, INC
11507 South 42nd Street, Suite 109
Bellevue, NE 68123
Fax No.: 402-614-4440

With a copy to:

_____
_____
_____
Fax No.: _____

(ii) Each Party may from time to time change its address for receipt of notices by sending a notice in the manner provided to the others specifying the new address.

(iii) Each notice given by certified mail shall be deemed delivered on the date of delivery as shown on the return receipt, or if delivery is attempted at the last address specified and if the notice is returned, notice shall be deemed delivered on the date the notice was originally sent. Each notice delivered in any other manner shall be deemed delivered as of the time of actual receipt thereof. In the event the Parties utilize "facsimile" transmitted signed documents, the Parties hereby agree to accept and to rely upon such documents as if they bore original signatures. Each Party acknowledges and agrees to provide to the other Party, within 72 hours of transmission, such documents bearing the original signatures.

n. City's Project representative shall be the Public Works Director, or his designee.

o. A failure by a Party to enforce any of its rights under this Contract shall not at any time constitute a waiver of such right or any other right, and shall not modify any rights, remedies or obligations of such Party under this Contract or otherwise.

p. The Contract Documents form the entire agreement of the Parties and supersede any prior oral or written agreements of the Parties in connection with the subject matter of this Contract. Neither this Contract, nor any of the Contract Documents, shall be modified or amended except in a writing duly executed by City.

q. Contractor shall comply with: (i) the provisions of Executive Order 11246 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 and as supplemented by Department of Labor regulation (41 C.F.R., Part 60); (ii) the Copeland "Anti-kickback" Act (18 U.S.C. 874), as supplemented in Department of Labor regulations (20 C.F.R., Part 3); and (iii) all applicable provisions of the Regulations of the U.S. Department of Commerce (Part 8 of Subtitle 15 of the C.F.R.) issued pursuant to the Civil Rights Act of 1964 and all applicable federal, state and local laws.

r. The Contractor represents that no gratuities (in the form of entertainment, gifts or otherwise) were offered or given to any officer, agent, employee or representative of the City with a view towards securing a contract or securing favorable treatment with respect to the wording, amending or the making of any determination with respect to the performance of this Agreement.

s. Contractor shall not discriminate against any employee, or applicant for employment, to be employed in the performance of the Work, because of race, color, religion, sex, disability, or national origin, with respect to the hire, tenure, terms, conditions, privileges or employment of such employee or applicant.

t. Within thirty (30) days of the date of this Contract, Contractor shall adopt an affirmative action policy and program for equal employment opportunity similar to but not limited to the Equal Employment Action Program of City. Further, within ninety (90) days of the date of this Contract, assuming this Contract is of a duration of at least ninety (90) days, and annually thereafter for the duration of this Contract, Contractor shall submit an affirmative action report to City. By executing this Contract, Contractor acknowledges and agrees to comply with City's Affirmative Action Equal Opportunity Policy Statement, as attached hereto as Exhibit "B" and incorporated herein by this reference.

u. References to any document or other instrument includes all amendments and replacements thereof and supplements thereto. References to provisions of law shall be construed as references to those provisions as respectively amended, extended, consolidated or reenacted or as their application is modified by other provisions from time to time and shall include any provisions of which they are reenactments (whether with or without modification), any orders, regulations, instruments, or other subordinate legislation made under the relevant statute.

v. Each Party agrees that it has been given the opportunity to thoroughly discuss all aspects of this Contract with an attorney of its choosing and that each Party has carefully read and fully understands all of the provisions of this Contract. Each Party further represents and acknowledges that in executing this Contract it has not relied upon any representation or statement of the other Party or the other Party's officers, directors, employees, agents, council members or attorneys with regard to the subject matter, basis or effect of this Contract outside of the content of this Contract.

w. The provisions of this Contract are intended to be performed in accordance with, and only to the extent permitted by, all applicable requirements of law. If any provision of this Contract or the application of the Contract to any person or circumstance shall, for any reason and to any extent, be held invalid or unenforceable, neither the remainder of this Contract nor the application of this Contract or such provision to any other person or circumstance or other instruments referred to in this Contract or affected provision shall be affected thereby but, rather, the same shall be enforced to the fullest extent permitted by law. In the event that any provision of this Contract, or the application thereof, is held by any court of competent jurisdiction to be illegal or unenforceable, the Parties shall attempt in good faith to agree upon an equitable adjustment in order to overcome to the greatest extent possible the effect of such illegality or unenforceability.

x. The failure of any Party to insist upon the strict observance and performance of the terms, provisions or conditions of this Contract shall not be deemed a waiver of other obligations hereunder, nor shall it be considered a future or continuing waiver of the same terms, provisions or conditions.

y. This Contract may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument.

z. If there occurs a conflict between or among this Contract, the Specifications and General Conditions, the Bid Schedules and a part hereof or any Addenda, the prevailing provisions, as between the Parties, shall be: first, those contained in this Contract; second, those contained in the applicable Specifications and General Conditions and Bid Schedules to the extent not inconsistent with this Contract; and third, those continued in any applicable Addenda to the extent not inconsistent with this Contract or such Specifications and General Provisions and Bid Schedules. Thereafter, if further interpretation is needed, the Parties acknowledge Contractor having bid for this Contract via the Bid Documents prepared by City Engineer, City of Bellevue.

aa. Contractor shall not be entitled to terminate this Contract or suspend any of the Work for any reason whatsoever, including any breach of this Contract by City.

bb. E-Verify The Contractor is required and hereby agrees to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department

of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee.

If the Contractor is an individual or sole proprietorship, the following applies:

1. The Contractor must complete the United States Citizenship Attestation Form, available on the Department of Administrative Services website at www.das.state.ne.us

2. If the Contractor indicates on such attestation form that he or she is a qualified alien, the Contractor agrees to provide the US Citizenship and Immigration Services documentation required to verify the Contractor's lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program.

3. The Contractor understands and agrees that lawful presence in the United States is required and the Contractor may be disqualified or the contract terminated if such lawful presence cannot be verified as required by Neb. Rev. Stat. §4-108.

IN WITNESS THEREOF, the parties have duly authorized the execution and delivery of this Contract.

CITY OF BELLEVUE, NEBRASKA

ATTEST:

BY: _____
Mayor

BY: _____
City Clerk

_____

ATTEST:

BY: _____

_____

TITLE: _____

EXHIBIT "A"

SPECIFICATIONS

The Work shall consist of furnishing of labor, materials, usage of contractor's equipment, plant, and all else necessary to complete **"BPW-240106 2024 TRAIL RENOVATIONS"**, as specified in this Contract and in the plans and specifications in the City's request for proposals and Notice to Bidders.

The current City of Omaha Standard Specifications for Public Works Construction, 2020 Edition, and any current revisions or amendments thereto shall apply to this construction and the contractor shall perform in accordance therewith.

EXHIBIT "B"

COPY OF THE CITY OF BELLEVUE'S AFFIRMATIVE ACTION EQUAL OPPORTUNITY POLICY STATEMENT

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of the City of Bellevue that equal employment opportunity will be extended to all employees of the City of Bellevue and to all applicants for employment, and that all employees and applicants for employment will be considered without discrimination on the bases of race, religion, color, sex, disability, national origin or political affiliation.

All recruitment, hiring, and employment practices will be conducted without discrimination because of race, religion, color, sex, disability, national origin or political affiliation, and an affirmative action program will be developed and implemented for recruiting, hiring, and employing personnel of the City of Bellevue with equal treatment with respect to compensation and opportunities for advancement, including upgrading, promotion and transfer.

We realize the inequities associated with employment, upgrading, contracting and subcontracting for minorities and will direct our efforts to correcting any deficiencies to the maximum extent possible. The same will be required of our contractors, subcontractors and our or their suppliers.

The City assures compliance with Titles VI and VII of the Civil Rights Act of 1964, Executive Order 11246, as amended by Executive Order 11375 and/or other subsequent orders that may pertain to equal employment opportunity and merit employment policies.

This policy statement will be posted in the Bellevue City Hall in a place accessible to employees and applicants for employment. This policy will also be stated in all City contracts. Signed acknowledgments of the City's affirmative action policy and assurance of cooperation will be required of all contractors and subcontractors.

EQUAL EMPLOYMENT OFFICER

The Bellevue City Administrator will serve as the Equal Employment Officer for the City of Bellevue and, with his/her staff, will be responsible for the implementation and coordination of the City's affirmative action program, will document and report on compliance with the program's objectives and process complaints concerning the program.

NON-DISCRIMINATORY RECRUITING

Advertising. Job openings with the City of Bellevue will be advertised and will include the following statement:

"An Equal Opportunity Employer"

Employment advertising will be placed with the goal of achieving equal exposure to all persons in the area. Communications including but not limited to such media as local newspapers, radio, television, minority publications and radio.

Schools. Recruitment will be accomplished by any feasible means available in local schools, colleges, and other educational institutions. Qualified members of minority groups will be encouraged to apply for employment opportunities with the City of Bellevue.

CONTRACTS AND CONTRACTORS

Contracts. A copy of the City of Bellevue's affirmative action equal employment opportunity policy statement will accompany all contracts awarded by the City of Bellevue and signed acknowledgments of this policy will be required of all contractors engaged by the City. All contracts awarded by the City shall include the following clauses:

"Non-discrimination. All recruitment, hiring and employment practices by the Contractor shall be conducted without discrimination because of race, religion, color, sex, disability, national origin or political affiliation. The Contractor shall insert a similar provision in all subcontracts for goods or services that are to be provided under this Contract."

"Affirmative Action. Within thirty (30) days of the day of this contract, the Contractor shall adopt an affirmative action policy and program for equal employment opportunity similar to but not limited to the Equal Employment Opportunity Action Program of the City of Bellevue. Further, within ninety (90) days of the date of this contract and annually thereafter for the duration of this contract, the Contractor shall submit an affirmative action report to the City."

Contractors. The City of Bellevue, in seeking contractors for provision of goods and services totaling Two Thousand Five Hundred Dollars ($2,500) or more shall seek firms demonstrating non-discriminatory practices in its recruitment, hiring, and employment. The City may reject contract proposals from firms that demonstrate discriminatory personnel practices because of race, religion, color, sex, disability national origin or political affiliation.

BIDDER: EARNEST CONSTRUCTION GROUP/NE

Project: City of Bellevue
BPW-240106 2024 TRAIL RENOVATIONS

PROPOSAL

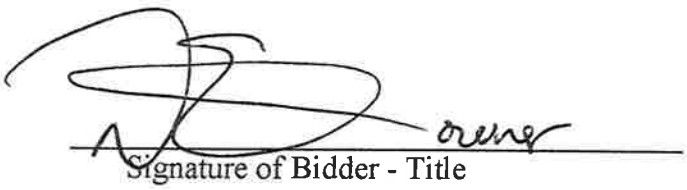
To: Mayor and City Council
City of Bellevue
Bellevue, Nebraska 68005

I/We the undersigned have carefully examined the Plans, Specifications, and all addenda thereto and other Contract Documents prepared by the City of Bellevue for "**BPW-240106 2024 TRAIL RENOVATIONS**" and have carefully examined the site of work and become familiar with all local conditions including labor affecting the cost thereof. I/We do hereby propose to furnish all services, coverage's, labor, mechanics, superintendence, tools, materials, equipment, and all utilities and transportation services necessary to perform and complete said work (effectively hereinafter called "Work") and Work incidental thereto in a workmanlike manner in strict accordance with said Plans, Specifications, and other Contract Documents including Addenda No.(s)_thereto. The undersigned further certifies that I/We personally inspected the actual location of the Work, together with the local sources of supply; that I/We understand the conditions under which the Work is to be performed, and that I/We waive all right to plead any mistake or misunderstanding regarding the extent of or location of the Work or the conditions peculiar to the area.

The undersigned agrees to furnish the required bonds and to sign the Contract within ten (10) days from and after the acceptance of the Proposal and further agrees to begin Work within ten (10) days after receipt of written Notice to Proceed, and to complete the Work within **(see Construction Schedule)** The undersigned understands that the quantities mentioned are subject to increase and/or decrease and hereby proposes to perform all quantities of Work as increased or decreased in accordance with the provisions of the Contract Document and at the unit price bid.

Accompanying this Proposal, as a guaranty that the undersigned will execute the Contract and furnish a satisfactory bond in accordance with the terms and requirements of the Specifications, is a bid bond or a certified check made payable to the Treasurer, City of Bellevue, Nebraska, in the amount of **5% (five percent) of the bid price**. It is hereby agreed that in case of failure of the undersigned either to execute the Contract or to furnish satisfactory Contract Bond within ten (10) days after receipt of Notice of Award, the amount of this proposal guaranty will be retained by the City of Bellevue, Nebraska, as liquidated damages arising out of failure of the undersigned either to execute the Contract or to furnish bond as proposed. It is understood that in case the undersigned is not awarded the Work, the proposal guaranty will be returned as provided in the Specifications.

Respectfully submitted:



owner

Signature of Bidder - Title

DOUGLAS EARNEST

Typed or Printed Name

EARNEST CONSTRUCTION GROUP, INC.

Name of Company

11507 S. 42nd ST.

Business Address

SUITE 109

City of Bellevue Contractor's License #/or approved equivalent

402-614-4440 / 402 812-7016

Phone Number

BELLEVUE PUBLIC WORKS DEPARTMENT

PROJECT: 2024 Trail Renovation BPW# 240106
DATE: Wednesday February 7, 2024
TIME: 2:00 PM

CONTRACTORS	TOTAL BID	BID BOND	ADDENDUMS
Burrell Enterprises	Base $256,327.00 Add $85,254.76	Yes	None
NL&L	Base $277,298.50 Add $87,228.50	Yes	None
Bayshore Contractors	Base $259,611.15 Add $83,305.00	Yes	None
Earnest Construction Group	Base $235,461.50 Add $80,913.00	Yes	None
Spencer Management	Base $315,429.25 Add $102,201.75	Yes	None
Midwest DCM	Base $286,043.00 Add $90,342.50	Yes	None
Tab Construction	Base $343,724.84 Add $110,112.96	Yes	None
Swain Construction	Base $265,349.32 Add $85,906.74	Yes	None
Bluffs Paving & Utility	Base $399,617.62 Add $126,045.71	Yes	None

16b.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: February 20, 2024			SUBMITTED BY: Dave Goedeken-Public Works Director		
AGENDA ITEM:		CONSENT AGENDA		SPECIAL PRESENTATION	
LIQUOR LICENSE		ORDINANCE		PUBLIC HEARING	
RESOLUTION		CURRENT BUSINESS	✓	OTHER	

SUBJECT:

Closing of Project: 36th St & Bline Ave Traffic Signal & ADA Modifications (BPW#220712)

SYNOPSIS/BACKGROUND:

On April 4, 2023 the City Council approved the contract with Commonwealth Electric for the traffic signal improvements at 36th Street and Bline. The original contract amount was $139,594.26. The final cost of the project after construction is $150,519.15, Which is an change in contract quanties of $10,924.89.

FISCAL IMPACT:: $150,519.15 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: N/A

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES COUNTER-PARTY: Commonwealth Electric Co INTERLOCAL AGREEMENT: N/A

CONTRACT DESCRIPTION: BPW#220712 36th St & Bline Ave Traffic Signal & ADA Modifications

CONTRACT EFFECTIVE DATE: 4/4/2023 CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME: BPW#220712 36th St & Bline Ave Traffic Signal & ADA Modifications

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED: YES

CIP PROJECT NAME: CIPST24(10) CIP PROJECT NAME: Signal Improvements

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRUBUTION CODE: 7130 ACCOUNT NUMBER: 10-15-7130

RECOMMENDATION:

Approve final payment application with Commonwealth Electric in the amount of $4,932.72. Approve and authorize Mayor to sign Change Order No. 1 in the amount of $10,924.89.. Approve project and authorize Mayor to sign Certificate of Substantial Completion, and accept final project quantities.

ATTACHMENTS:

1. Final progress estimate
2. Change Order No. 1 (Final)
3. Certificate of Substantial Compl
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 11/2022

Commonwealth Electric Company of the Midwest

P2023-6165
BPW-220712



SOLD TO

Attn: City of Bellevue
matt.knight@bellevue.net

PLEASE REMIT TO:

Commonwealth Electric Company
PO Box 30239
Omaha, NE 68103
PHONE: (402) 331-1414

www.commonwealthelectric.com

TERMS: NET 30 DAYS

Customer#	Book Date	Invoice #	Invoice Date	Project #	Contra G/L #
25690	1/10/2024	70364	1/10/2024	257036-	2505000

Invoice Amount	Retained In	Retained Out	Invoice Net	State Sales Tax	Local Sales Tax
$4,932.72		< $0.00 >	$4,932.72	$0.00 2411/928	$0.00

Customer Purchase Order No.	Project and Location
	36th & Bline project

36th & Bline – Final Billing

Work this period: $4,932.72

TOTAL AMOUNT DUE THIS INVOICE: $4,932.72

Thank you for choosing Commonwealth Electric Company for your electric needs.

Prepared for Commonwealth Electric Company of the Midwest

by: Jody Boeckman
Contract Administrator

PLEASE REFER TO INVOICE NUMBER WHEN REMITTING

A FINANCE CHARGE OF 1.3% PER MONTH WILL BE CHARGED ON ALL 30 DAY PAST DUE ACCOUNTS. THIS IS AN ANNUAL PERCENTAGE RATE OF 16%

WORK CHANGE DIRECTIVE

No. 1 (Final)

DATE OF ISSUANCE 2/20/2024 EFFECTIVE DATE 2/20/2024

OWNER	City of Bellevue
CONTRACTOR	Commonwealth Electric Co.
Contract:	April 4, 2023
Project:	36th St & Bline Ave Traffic Signal Modification
OWNER'S Contract No.	N/A
ENGINEER's Project No.	BPW-220712

You are directed to proceed promptly with the following change(s):

Description: **Work is to be completed in a manner consistent with the contract and as directed by the engineer in the field.**

Purpose of Work Change Directive: **The purpose of this change order is to balance final quantity overruns and underruns for this contract. The additional amount listed below is necessary to balance the contract based on actual quantities as field measured. Traffic signal improvements and related repairs were performed as deemed necessary based on conditions observed in the field by the engineer.**

Attachments: (List documents supporting change) **n/a**

If OWNER or CONTRACTOR believe that the above change has affected Contract Price any Claim for a Change Order based thereon will involve one or more of the following methods as defined it the Contract Documents.

Method of determining change in Contract Price:

☐ Unit Prices

☒ Lump Sum

☐ Cost of the Work _____

Estimated increase ~~(decrease)~~ in Contract Price: **$10,924.89**	Estimated increase (decrease) in Contract Times:
If the change involves an increase, the estimated amount is not to be exceeded without further authorization.	Substantial Completion: 0 days;
	Ready for final payment: ___ days.

ISSUED TO:	RECOMMENDED AND AUTHORIZED:
Commonwealth Electric Co.	City of Bellevue
CONTRACTOR	OWNER
By:	By:

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.

Certificate of Substantial Completion

Project: 36th St & Bline Ave Traffic Signal	Owner: City of Bellevue	Owner's Contract No.:
Contract:		Date of Contract: April 4, 2023
Contractor: Commonwealth Electric Co.		Engineer's Project No.: BPW-220712

This [tentative] [definitive] Certificate of Substantial Completion applies to:

☒ All Work under the Contract Documents: ☐ The following specified portions:

January 3, 2024
Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Project or portion thereof designated above is hereby declared and is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below.

A [tentative] [revised tentative] [definitive] list of items to be completed or corrected, is attached hereto. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:

☐ Amended Responsibilities ☒ Not Amended

Owner's Amended Responsibilities:

None

Contractor's Amended Responsibilities:

None

The following documents are attached to and made part of this Certificate:

None

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

Executed by Engineer — Date: 2/7/2024

Accepted by Contractor — Date

Accepted by Owner — Date

CONTRACT MODIFICATION SCHEDULE

36TH & BLINE AVE TRAFFIC SIGNAL AND ADA MODIFICATIONS

PROJECT NO. BPW-220712

Item #	Description	Unit	Unit Price	Bid		Change Order #1 (Final)	
				Quantity	Price	Quantity	Price
1	MOBILIZATION	LS	$4,190.74	1	$4,190.74		
2	TEMPORARY TRAFFIC CONTROL	LS	$1,378.23	1	$1,378.23		
3	REMOVE TRAFFIC SIGNAL CONTROLLER	EA	$995.97	1	$995.97		
4	REMOVE TRAFFIC SIGNAL, TYPE TS-1	EA	$166.00	2	$332.00		
5	REMOVE TRAFFIC SIGNAL, TYPE TS-1LL	EA	$186.75	2	$373.50		
6	REMOVE PEDESTRIAN SIGNAL, TYPE PS-1	EA	$95.45	8	$763.60		
7	REMOVE VIDEO DETECTION SYSTEM	EA	$663.98	1	$663.98		
8	REMOVE PREEMPTION CONTROL SYSTEM	EA	$331.99	1	$331.99		
9	TRAFFIC SIGNAL CONTROLLER, TYPE TC-2070 (336L CABINET)	EA	$30,058.07	1	$30,058.07		
10	TRAFFIC SIGNAL, TYPE TS-1LF	EA	$1,071.75	2	$2,143.50		
11	TRAFFIC SIGNAL, TYPE TS-1LFF	EA	$1,383.28	2	$2,766.56		
12	PEDESTRIAN SIGNAL, TYPE PS-1 (COUNTDOWN)	EA	$710.29	8	$5,682.32		
13	PROVIDE AND INSTALL RADAR VEHICLE DETECTOR SYSTEM, 4 APPROACH	LS	$34,515.84	1	$34,515.84		
14	PROVIDE AND INSTALL PREEMPTION CONTROL SYSTEM	LS	$11,697.74	1	$11,697.74		
15	TERMINATED FIBER CONNECTOR	EA	$140.80	4	$563.20		
16	FIBER TESTING	LS	$3,173.13	1	$3,173.13		
17	CONNECTOR ADAPTER PANEL	EA	$261.02	1	$261.02		
18	FIBER CONNECTOR HOUSING	EA	$845.61	1	$845.61		
19	PAVEMENT MARKING REMOVAL	LF	$2.04	82	$167.28		
20	REMOVE PAVEMENT	SY	$19.71	37	$729.27		
21	SAWING PAVEMENT	LF	$8.65	223	$1,928.95		
22	REMOVE WALK	SY	$18.88	67	$1,264.96		
23	REMOVE CONCRETE MEDIAN SURFACING	SY	$25.72	11	$282.92		
24	TIE BARS	EA	$11.66	81	$944.46		
25	COMBINATION CONCRETE CURB AND GUTTER (47B-3500)	LF	$40.17	109	$4,378.53		
26	6" CONCRETE CLASS 47B-3500 IMPRINTED SIDEWALK	SY	$109.92	40	$4,396.80		
27	DETECTABLE WARNING PANEL	SF	$31.32	56	$1,753.92		
28	4" CONCRETE CLASS 47B-3500 SIDEWALK	SY	$89.50	6	$537.00		
29	6" CONCRETE CLASS 47B-3500 SIDEWALK	SY	$96.10	69	$6,630.90		
30	6" CONCRETE MEDIAN SURFACING, CLASS 47B-3500	SY	$126.24	2	$252.48		
31	10" CONCRETE PAVEMENT, CLASS 47B-3500	SY	$127.39	19	$2,420.41		
32	CONSTRUCT PCC CURB RAMP	SF	$18.88	576	$10,874.88		
33	RELOCATE SIGN	EA	$549.71	1	$549.71		
34	ADJUST PULL BOX TO GRADE	EA	$331.99	1	$331.99		
35	RENTAL OF DUMP TRUCK, FULLY OPERATED	HR	$128.71	5	$643.55		
36	RENTAL OF SKID LOADER, FULLY OPERATED	HR	$153.85	5	$769.25		
37	PEDESTAL POLE, TYPE PP-10	EA	$2,713.07			1	$2,713.07
38	PEDESTAL POLE, TYPE PP-10 (INSTALL ON EXIST FOUNDATION)	EA	$1,425.00			1	$1,425.00
39	PEDESTRIAN PUSH BUTTON, TYPE PPB	EA	$448.58			1	$448.58
40	2/C #16 PEDESTRIAN PUSH BUTTON LEAD IN CABLE	LF	$2.33			155	$361.15
41	FINAL CONTRACT ADJUSTMENTS FOR OVERRUNS/UNDERRUNS	LS	$5,977.09			1	$5,977.09
			CONTRACT TOTAL		**$139,594.26**		**$4,947.80**

Total Change Orders: **$4,947.80**

Total Amended Contract Amount: **$144,542.06**

16c.
2/20/204

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: February 20th, 2024			SUBMITTED BY: Chief Ken Clary		
AGENDA ITEM:		CONSENT AGENDA	☐	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	✔	OTHER	☐

SUBJECT:

Purchase of a river rescue/police boat to be used jointly by police and fire

SYNOPSIS/BACKGROUND:

Bellevue police and fire currently do not have a boat that can be operated safely for any type of emergency responses that occur on the Missouri river. The purchase of this boat will enable both police and fire to train and respond to swift water emergency events on the river. Clark boat company is asking for no money down just a purchase order from the City of Bellevue. Completion in 90 to 120 days from order date.

FISCAL IMPACT:: $85,600.00 BUDGETED FUNDS?: no GRANT/MATCHING FUNDS?: police forfeiture funded

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: No COUNTER-PARTY: INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME:

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED:

CIP PROJECT NAME: CIP PROJECT NUMBER:

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Recommending city council approval purchase from Clark Boat Company on the February 20th, 2024 council meeting.

ATTACHMENTS:

1. Email quote
2.
3.
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 1/2024

Clark Boat Co Inc

1600 State Street

Bellevue, Ia 52031

(800) 781-2628

cell (563) 357-3030

Here is a quote for a 22' Clark Dura sport that will have 24" sides a 6 degree vee bottom and a coast guard vee nose that will be cut off to make a large work deck. It will be 69" on the bottom and 96" on the beam. This boat will have top access on the deck and rear platform to make it easy to store and get at things, It will have a large radar bar with hand holds and ladder to get up to the top. It will have a center council with driver's seat, a windshield with a grab bar, horn, bilge button, running lights, floor lights, 12 volt receptacle, usb port, and gauges. It will also have railing on the sides of the boat, a rear platform, built in fuel tank, batteries, battery charger, as well as storage boxes on each side, side drains on the deck, fuse panel, 2 tone paint, spray lined floor for non skid and glare and a splash well. This boat will run....46255.00

a tandem axle trailer custom fit to the boat with ez lube spindles, composite bunks, led lights, heavy duty winch and jack, electric brakes, and steps to get on the front easier will run....8625.00

Twin Mercury 75 four strokes with binnacle control, 2 key harness, hydraulic tilt steering, tie bar, kill switch, smart craft gauges, speed sensor, water pressure sensor, paddle wheel, 2 junction box, 2 al props, 4 cables, and rigged will run.....23925.00

SS props are an additional...620.00
Jack plates if wanted will run...3200.00

emergency light bar and telescoping go light will run...2975.00

Total Package is.....85600.00

Thank You

Kristy

Kristy Clark Carrier
President
CLARK BOAT COMPANY
563-357-3030 Mobile

16d.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 02/20/24			SUBMITTED BY: Ashley Decker, HR Director		
AGENDA ITEM:		CONSENT AGENDA		SPECIAL PRESENTATION	
LIQUOR LICENSE		ORDINANCE		PUBLIC HEARING	
RESOLUTION		CURRENT BUSINESS	✓	OTHER	

SUBJECT:

Approval and ratification of Memorandum of Understanding (MOU) between the City of Bellevue and the Bellevue Professional Management Association (BPMA) to include a recently replaced position in to the Collective Bargaining Agreement.

SYNOPSIS/BACKGROUND:

The Fire department has recently revised the Communications Systems Coordinator position that was outdated and non-inclusive of the actual duties of the position. As such, the attached Memorandum of Understanding is to formally add the revised position and wage range (Communications and IT Administrator), and remove the outdated position (Communications System Coordinator), from the current Collective Bargaining Agreement.

FISCAL IMPACT:: 85,000 approx. BUDGETED FUNDS?: Yes GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: Yes COUNTER-PARTY: BPMA INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION: CBA between the City and BPMA

CONTRACT EFFECTIVE DATE: 10/01/2021 CONTRACT TERM: 4 CONTRACT END DATE: 09/30/2025

PROJECT NAME:

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED:

CIP PROJECT NAME: CIP PROJECT NUMBER:

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Approve the MOU with the Bellevue Professional Management Association (BPMA) for the term October 1, 2021 through September 30, 2025.

ATTACHMENTS:

1. MOU between City and BPMA
2.
3.
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 1/2024

MEMORANDUM OF UNDERSTANDING

The City of Bellevue, Nebraska ("City") and the Bellevue Professional Management Association ("BPMA") are parties to a collective bargaining agreement effective October 1, 2021 to September 30, 2025 ("Agreement").

The City and the BPMA have identified for areas of the Agreement that are required to be revised to accurately reflect the job classifications listed in Appendix B of the Agreement due to a newly replaced position that has been agreed upon for inclusion. The parties agree that the current Agreement does not accurately reflect current job classifications listed in Appendix B nor the wage scale listed in Appendix C of the Agreement and therefore, enter into the following Memorandum of Understanding ("MOU") to correct those inaccuracies.

1. Unless otherwise agreed upon herein, this MOU is effective for the term of the Agreement.

2. Article 1 (Union Recognition), Section 1 of the Agreement states: "The City recognizes the Union as the exclusive collective bargaining representative of those employees who occupy the job classifications listed in Appendix B of this Agreement."

3. Article 1 (Union Recognition), Section 3 of the Agreement states: "Placement in the bargaining unit shall occur immediately upon reinstatement of the position if the position was previously covered under the bargaining unit. Newly created positions may be considered for inclusion in the bargaining unit, but such inclusion will not constitute re-opening of this agreement."

4. As written, Appendix B, Job Classification and Grade Assignment of the Agreement, does not accurately reflect the job classifications of the employees due to the recent newly created position. The City agrees to add the position of Communications and IT Administrator for BPMA inclusion, replacing the Communications Systems Coordinator position.

5. The parties agree that Appendix B, Job Classification of the Agreement, shall incorporate the following job classifications:

APPENDIX B
JOB CLASSIFICATION

Administrative Assistant/Secretary
Assistant Library Director
Assistant Planning Manager
Assistant Recreation Superintendent
Assistant Street Superintendent
Business Manager
Chief Building Official
Civilian Community Policing/Community Relations Coordinator
Community Relations/Social Media Manager
Code Enforcement Supervisor
~~Communications Systems Coordinator~~
Communications and IT Administrator
Deputy City Clerk
Fabrication Supervisor
Facility Maintenance Superintendent
Fleet Maintenance Foreman
Fleet Maintenance Superintendent
Foreman II - Facility Maintenance
Foreman II - Parks
Foreman II - Streets
Foreman II - Wastewater
Human Services Manager
Intelligence Analyst
Librarian II
Permits and Inspections Office Manager
Public Works Engineer I
Purchasing Agent
Records Unit Supervisor
Streets Superintendent
Technical Support Specialist
Traffic Sign/Signal Supervisor
Wastewater and Solid Waste Superintendent

6. The parties hereby agree that Appendix C, Wage Scale of the Agreement, shall incorporate the following job classifications and pay ranges:

Job Title	Steps->	1	2	3	4	5	6	7	8	9	10
Administrative Assistant/Secretary		20.41	21.20	22.03	22.88	23.76	24.69	25.65	26.64	27.69	28.77
Assistant Library Director		30.87	32.00	33.18	34.40	35.65	36.96	38.31	39.71	41.17	42.67
Assistant Planning Manager		31.20	32.41	33.66	34.96	36.30	37.69	39.15	40.66	42.23	43.84
Assistant Recreation Superintendent		27.50	28.49	29.51	30.57	31.66	32.79	33.97	35.19	36.45	37.74
Assistant Street Superintendent		30.26	31.30	32.37	33.49	34.64	35.83	37.07	38.34	39.66	41.00
Business Manager		26.92	28.03	29.18	30.39	31.64	32.94	34.29	35.71	37.17	38.70
Chief Building Official		36.59	37.90	39.25	40.66	42.12	43.62	45.18	46.80	48.47	50.20
Civilian Community Policing/Community Relations Coordinator		22.98	23.96	24.98	26.05	27.16	28.33	29.54	30.80	32.11	33.49
Community Relations/Social Media Manager		26.96	27.93	28.93	29.97	31.04	32.15	33.30	34.50	35.73	37.00
Code Enforcement Supervisor		31.61	32.76	33.96	35.20	36.49	37.82	39.20	40.64	42.13	43.66
~~Communications Systems Coordinator~~		~~28.69~~	~~29.82~~	~~30.99~~	~~32.21~~	~~33.48~~	~~34.79~~	~~36.15~~	~~37.57~~	~~39.05~~	~~40.59~~
Communications and IT Administrator		32.58	33.79	35.04	36.34	37.69	39.09	40.54	42.04	43.60	45.21
Deputy City Clerk		24.33	25.33	26.37	27.46	28.59	29.77	30.99	32.27	33.60	35.00
Fabrication Supervisor		17.04	18.01	19.04	20.12	21.27	22.48	23.76	25.12	26.55	28.08
Facility Maintenance Superintendent		33.96	35.28	36.65	38.08	39.56	41.10	42.69	44.34	46.07	47.86
Fleet Maintenance Foreman		29.41	30.58	31.80	33.08	34.40	35.78	37.21	38.70	40.25	41.86
Fleet Maintenance Superintendent		33.79	35.09	36.43	37.83	39.29	40.79	42.37	43.99	45.67	47.43
Foreman II - Facility Maintenance		26.60	27.65	28.75	29.88	31.07	32.29	33.57	34.91	36.29	37.74
Foreman II - Parks		28.91	30.03	31.19	32.40	33.65	34.96	36.31	37.72	39.18	40.70
Foreman II - Streets		28.98	30.03	31.12	32.25	33.43	34.65	35.90	37.22	38.57	39.97
Foreman II - Wastewater		27.46	28.65	29.90	31.20	32.55	33.97	35.45	36.99	38.59	40.24
Human Services Manager		27.78	28.92	30.11	31.35	32.64	33.98	35.37	36.83	38.34	39.90
Intelligence Analyst		28.35	29.36	30.41	31.49	32.62	33.78	34.99	36.24	37.53	38.88
Librarian II		28.49	29.61	30.78	31.99	33.25	34.56	35.93	37.34	38.81	40.34
Permits and Inspections Office Manager		28.59	29.57	30.58	31.63	32.71	33.83	34.99	36.19	37.42	38.70
Public Works Engineer I		30.81	31.96	33.16	34.40	35.69	37.02	38.40	39.84	41.32	42.85
Purchasing Agent		29.78	30.91	32.09	33.31	34.58	35.90	37.28	38.70	40.18	41.71
Records Unit Supervisor		22.73	23.67	24.64	25.65	26.70	27.79	28.93	30.12	31.36	32.66
Streets Superintendent		35.30	36.77	38.30	39.89	41.55	43.29	45.09	46.97	48.93	50.95
Technical Support Specialist		27.92	29.01	30.14	31.31	32.53	33.80	35.12	36.49	37.91	39.37
Traffic Sign/Signal Supervisor		26.16	27.13	28.14	29.19	30.29	31.42	32.60	33.81	35.07	36.36
Wastewater and Solid Waste Superintendent		39.12	40.52	41.98	43.49	45.06	46.68	48.37	50.11	51.91	53.79

City of Bellevue, Nebraska

By: _____
Mayor Rusty Hike

Bellevue Professional Management Association

By: _____
President

Approved by the Bellevue City Council on this ____ day of _____, 2024.

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

16e.
2/20/2024

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: February 20, 2024			SUBMITTED BY: Economic & Community Development		
AGENDA ITEM:	CONSENT AGENDA			SPECIAL PRESENTATION	
LIQUOR LICENSE		ORDINANCE		PUBLIC HEARING	
RESOLUTION		CURRENT BUSINESS	✓	OTHER	

SUBJECT:

Agreement and Lease with Prairie Hill Farm Area Development Authority

SYNOPSIS/BACKGROUND:

The City seeks to enter into a public-private partnership with Prairie Hill Farm Area Development Authority ("PHFADA"), a non-profit corporation. Under the Agreement and Lease, PHFADA will lease from the City approximately 43.33 acres of property in the Highway 34 Corridor District known as the Prairie Hill Farm. PHFADA will plan, develop, construct, manage and operate improvements to the property to facilitate the City's economic and community development goals. The Authority will pay net proceeds to the City, which will allow the City to recoup the purchase price of the land and thereafter provide the City with proceeds to further develop the community.

FISCAL IMPACT:: N/A BUDGETED FUNDS?: N/A GRANT/MATCHING FUNDS?: N/A

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES COUNTER-PARTY: PHFADA INTERLOCAL AGREEMENT: NO

CONTRACT DESCRIPTION: Agreement and Lease with Prairie Hill Farm Area Development Authority

CONTRACT EFFECTIVE DATE: February 20, 2024 CONTRACT TERM: 30 years CONTRACT END DATE: September 30, 2053

PROJECT NAME:

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED:

CIP PROJECT NAME: CIP PROJECT NUMBER:

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Approve and authorize the Mayor to sign the Agreement and Lease with Prairie Hill Farm Area Development Authority

ATTACHMENTS:

1. Agreement and Lease	2.	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 1/2024

AGREEMENT AND LEASE

BETWEEN

PRAIRIE HILL FARM AREA DEVELOPMENT AUTHORITY

AND

CITY OF BELLEVUE, NEBRASKA

This AGREEMENT AND LEASE ("Agreement") is hereby made and entered into by and between the City of Bellevue, a municipal corporation organized and existing under the laws of the State of Nebraska ("City") and Prairie Hill Farm Area Development Authority, a non-profit corporation organized and existing under the laws of the State of Nebraska ("Authority"), collectively referred to as the Parties.

WHEREAS, the City adopted a Redevelopment Plan on or about May 1, 2015 ("Plan") covering the area of the Highway 34 Corridor District; and

WHEREAS, the Plan designates the Highway 34 Corridor District as an "Activity Center." According to the Plan, the "primary purpose of an activity center is to create a pedestrian-scale village that allows community members to work, shop, live, worship, congregate, and enjoy the outdoors—all within close proximity (ideally walking distance) from their homes." The land use is designed to be mixed to include medium-density residential, retail and commercial centers, office space, and other public and civic areas while incorporating in green space, public facilities, and other standards to emphasize compacted development with quality landscape design. The City has planned for a Regional Activity Center, as the area is expected to see significant population growth and be the new southern gateway for the community; and

WHEREAS, the City purchased approximately 43.33 acres of property in the Highway 34 Corridor District known as the Prairie Hill Farm and legally described as *Part of Tax Lots 14A and 14B, 23-13-13, lying North of Highway 34 ROW and East of Highway 75 ROW* ("Property") on or about May 6, 2022 for economic development and related purposes consistent with the Plan and the City's Comprehensive Plan; and

WHEREAS, the City desires to work with the Authority to facilitate the economic development of the Property and understands that the Authority incorporated as a non-profit entity with the State of Nebraska on or about June 30, 2022. The Authority was created to function as an independent entity to plan, develop, design, finance, lease, acquire, construct, equip, own, maintain, operate, repair, remodel, expand, or promote Improvements (as hereinafter defined) to the Property; and

WHEREAS, consistent with the Plan, the City's strategy involves maintaining a good quality of life, building a strong workforce, developing community resources, attracting new capital investments, broadening the community's tax base and ensuring economic stability and viability for the City; and

WHEREAS, the Parties enter into this Agreement to further and assist the City's economic and quality of life strategy goals; and

WHEREAS, nonprofit organizations like the Authority have been used for decades in Nebraska to deliver projects of this nature to relieve cities of their governmental burden of economic development and to relieve cities of the related management and other obligations; and

WHEREAS, the Authority is willing to assume significant risk and will undertake the planning, developing, constructing, managing, and operating of all aspects of the Improvements on the Property to the benefit of the Parties and in furtherance of the City's community development goals; and

WHEREAS, the City will have representation but not control of the Authority; and

WHEREAS, the Authority will provide an organizational structure and means to facilitate and coordinate the optimal development, application and utilization of Improvements to the Property in collaboration with both the public and private sector to further the City's community development goals; and

WHEREAS, the City has determined that the construction, operation and management of the Improvements to the Property is best handled by the Authority, which will also facilitate the flow of substantial funds from private sector sources; and

WHEREAS, any Net Proceeds (as hereinafter defined) obtained by the Authority shall first be applied to the City's Purchase Price (as hereinafter defined) of the Property, and then may be used at the City's sole discretion for the benefit of the Property, including by providing further community development opportunities at the Property; and

WHEREAS, the Parties desire to enter into this Agreement to delineate and record their specific rights and obligations; and

WHEREAS, the Parties desire that upon approval and execution of this Agreement, the Authority shall, plan, develop, construct, manage and operate all aspects of Improvements to the Property.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the Parties do hereby mutually undertake, promise, agree and contract each for itself and its successors and assigns as follows:

I. Purpose

1.1 The purpose of this Agreement is to provide for the Authority's planning, development, construction, equipping, operation, management, and maintenance of the Improvements to the Property.

1.2 The City and the Authority intend by this Agreement to shift entirely from the City to the Authority the substantial administrative, personnel and financial burdens of planning, constructing, developing, operating and managing the Improvements to the Property.

1.3 The Authority shall have effective operational control over the Property for the Term of this Agreement.

II. Definitions

2.1 In addition to the terms defined elsewhere in this Agreement, the following terms are defined for the purposes of this Agreement:

Development Fees includes, but is not limited to, planning and marketing of all or any portion of the Property for lease, ground lease or sale, and establishment of adequate reserves for capital improvement construction or renewal.

Effective Date means the date the City approves this Agreement.

Fiscal Year means the period of time from October 1 through September 30 of any given year.

Impositions means any and all expenses and costs for taxes, charges, assessments or other exactions or withholdings of any nature whatsoever, including: (a) real property taxes, general and special assessments, and payments in lieu of taxes, (b) personal property taxes, (c) mortgages, foreclosures, deed of trust enforcement, discharge of indebtedness or discharge of other secured interests and any related expenses, (d) water, water meter and sewer rents, rates and charges, and (e) one-time recovery fees and charges required by the City in connection with initial site development leases for Central Utilities Infrastructure as described in Section 11.3.

Improvements includes, but is not limited to, all physical structures of any kind upon the Property, landscaping, fixtures, amenities, streets and walks, service lines for all kinds of utilities and other tangible property affixed to the Property. It also includes platting, replatting, locating and relocating any wastewater system(s) and any public power district infrastructure. The Authority, as tenant, has authority to enter subleases, "ground leases" and other grants of interests to enable the financing, construction, operation and maintenance of Improvements as provided under the terms and conditions of this Agreement such that a security interest or Impositions may apply to such Improvements and not to the underlying Property.

Net Proceeds means the gross revenues received by the Authority, less the total amounts authorized by the Authority to be retained for expenses of operations, improvements, and development as herein defined in Sections 6.3, 6.4 and 6.5.

Purchase Price means the sum of $3,196,191.00 paid by the City to acquire the Property on or about May 6, 2022.

Requirements means all applicable laws, rules, regulations or dues, ordinances, statutes, codes, executive orders and requirements of all governmental authorities applicable to the Property or any street, road, avenue or sidewalk comprising a part of, or in front of, the Property or any vault in, or under the Property (including, without

limitation, local building codes and the laws, rules, regulations, orders, ordinances, statutes, codes and requirements of any applicable Fire Rating Bureau or other body exercising similar functions).

III. Agents

3.1 **City Agent.** The Finance Director of the City of Bellevue or his or her designee shall act as agent for the City for the purpose of exercising any rights, enforcing any duties or executing any documents pursuant to this Agreement; provided that all confidential material shall be preserved as such.

3.2 **Authority Agent.** The Chair of the Authority Board of Directors or his or her designee shall act as agent for the Authority for the purpose of exercising any rights, enforcing any duties or executing any documents pursuant to this Agreement.

IV. Term

4.1 Unless sooner terminated as herein provided, this Agreement shall continue and remain in full force and effect for a term ("Term") commencing on the Effective Date of this Agreement and expiring at midnight on September 30, 2053. This Agreement shall automatically renew for successive thirty (30) year periods upon the same terms and conditions contained herein unless either party provides written notice of its desire to end the Agreement at least six (6) months prior to the expiration of the term then in effect ("Expiration Date").

V. Lease and Right to Build and Operate

5.1 **Lease.** The City hereby demises and leases the Property to the Authority and the Authority hereby leases the Property from the City. The Authority shall have and hold the Property together with all rights, privileges and appurtenances thereto attaching, exclusively unto the Authority, its successors and assigns, for the Term set forth herein, subject to this Agreement.

5.2 **Legal Title.** Nothing in this Agreement shall be construed to provide Authority with legal ownership (title) to the underlying real property of any portion of the Property. Upon termination of this Agreement, all rights of the Authority to the Property and any property acquired as part of this Agreement shall inure to the City. At the expiration or termination of this Agreement, the Authority shall cooperate with the City in maintaining and transferring operation and management of the Property. Unless otherwise agreed in writing between the Parties, the Authority shall continue to be bound by all of the terms and conditions hereof during any transitional period not to exceed one hundred eighty (180) days after the Expiration Date of this Agreement.

5.3 **Development.** The City hereby grants to the Authority, and the Authority hereby assumes, the right and obligation of developing, planning, constructing, managing, maintaining, operating and subleasing the Property and related Improvements. The Authority agrees to develop, maintain and operate Improvements to the Property at the highest standard of care with the utmost regard to the special relationship of trust that the Authority enjoys with the City. The Authority shall use its best efforts to efficiently and effectively develop, maintain and operate the Improvements to the Property consistent with industry and commercially accepted standards. The Authority shall have the right to subdivide the Property and the City agrees not to unreasonably delay or withhold approval in connection therewith, including but not limited to final plats and subdivision agreements; provided, however, that to the fullest extent permitted by law, the Authority shall assume all obligations in connection with such plat or subdivision of the Property. The Authority shall develop covenants and restrictions for the Property that shall run with the land and be effective after any purchase of the Property to ensure the development retains the goals and character as envisioned herein.

5.4 **Limitation of Rights.** The Authority's occupancy rights to the Property shall be as a tenant, and nothing in this Agreement shall be construed to provide the Authority with title to the underlying Property nor with any right to rename the Authority without the express prior written consent of the City. The Authority is granted authority under this Agreement to act as the exclusive agent and representative of the Property, but has no authority to bind the City unless specifically authorized by the City in writing. During the Term of this Agreement, significant capital expenditures are anticipated in order to develop the Property as a mixed-use development. The Parties agree that the City shall be under no obligation to fund or otherwise appropriate any funding related to any of the Authority's obligations.

5.5 **Mutual Cooperation.** Consistent with the relationship of the Parties under this Agreement, the City and the Authority shall at all times and in all respects use their best efforts to develop and maintain an efficient and first class quality development on the Property. Any interests or obligations in this Agreement shall be liberally construed with the intention of providing such rights and privileges as may be reasonably necessary or convenient to adequately and properly develop, operate and manage the Property. Neither party shall take any action or permit any action to be taken to interfere with the beneficial use and enjoyment of the same. Each party will promptly execute, acknowledge, and deliver, or cause to be delivered, documents or other instruments as may be necessary or proper to effectuate this Agreement.

5.6 **Impairment of Obligations.** The duties and obligations hereunder are for mutual benefit and each party is entitled to rely on faithful performance of the same in a timely manner. This Agreement binds the Parties according to its terms with the express intention of inducing the respective Parties to make expenditures, transfer property, take or forego certain actions and enter into separate agreements in reliance on the

duties and obligations created hereby. Each party acknowledges that failure to fulfill the duties and obligations herein in good faith will constitute an impairment of obligations with respect to the other party. Nothing in this Agreement shall be interpreted as an abrogation or unlawful delegation of authority of the City of Bellevue, Nebraska.

5.7 **Manager.** The Authority is permitted to retain a management company or team of its choosing ("Manager") as Manager of the Property. The Manager's services will be subject to the provisions of this Agreement and the Manager will be specifically directed to perform its services pursuant to and in accordance with a proforma budget approved by the Authority's executive committee, as the same may be updated and revised during the Term of this Agreement. The Management Agreement with the Manager shall terminate on the Expiration Date.

5.8 **Nonprofit Status.** The Authority, at all times during the Term, will conduct its affairs so as to retain its status as a nonprofit corporation in good standing pursuant to the laws of the State of Nebraska as they may be amended during the Term. The non-profit status of the Authority shall not and does not exempt the Authority or other tenants in the subleases or in any subsequent purchase of any property from real estate taxes, occupation taxes, or any other applicable taxes on the Property that are permitted by law, unless expressly addressed in this Agreement or allowed under applicable law.

VI. Rent and Expenses.

6.1 **Rent.** The Authority agrees to pay the City as rent the sum of $1.00 per year during the Term of this Agreement and any extensions thereof.

6.2 **Additional Rent.** Additional Rent shall be payable to the City until the earlier of: (a) the date the Property is purchased, or (b) the date the Cumulative Sum has been met. For the first full Fiscal Year of this Agreement, the Authority shall pay as Additional Rent to the City all of its Net Proceeds from the development and operation of the Property received from the Effective Date to the end of the first Fiscal Year. For each subsequent Fiscal Year thereafter, the Authority shall continue to pay as Additional Rent to the City all of its Net Proceeds from the development and operation of the Property received during the preceding Fiscal Year. For the full Fiscal Year commencing in 2043 and each subsequent Fiscal Year, the Authority shall continue to pay as Additional Rent to the City all of its Net Proceeds from the development and operation of the Property received during the preceding Fiscal Year or a sum of $350,000.00, whichever is greater. Additional Rent shall be payable annually on or before the 30th day of September.

The Parties agree that the first $200,000.00 of Additional Rent paid each year shall constitute repayment toward the Purchase Price and shall be deposited into the separate

Economic Development Fund of the City until the cumulative sum of such deposits equal the Purchase Price ("Cumulative Sum"). Before the Cumulative Sum is met, the amount of Additional Rent that exceeds the first $200,000 shall be deposited in the general fund of the City.

6.3 **Operations Expenses.** The Authority may retain proceeds sufficient to meet projected expenditures for operations, administration, Impositions, and debt service relating to and necessary for the proper development, maintenance, and operation of the Property, including appropriate reserves for contingencies.

6.4 **Improvement Expenses.** The Authority may retain proceeds sufficient to fund projected expenditures for Improvements upon the Property, including appropriate reserves for contingencies. The cost of Improvements shall include, but not be limited to, all planning costs, drawings, blueprints, fees of architects, engineers and other design professionals, legal fees, loan placement fees, and costs of actual construction, including contractor fees and construction manager fees.

6.5 **Development Expenses.** The Authority may retain proceeds sufficient to fund projected expenditures for development of the Property, including appropriate reserves for contingencies.

6.6 **Budget Approval.** Any amounts to be expended or retained by the Authority under the foregoing provisions shall be included in its budget. The Authority budget shall be reviewed and approved annually and as needed by the Authority prior to any expenditure therefrom.

6.7 **Reports.** The Authority shall provide financial statements annually or otherwise as required by the City, prepared according to generally accepted accounting principles. The financial statements shall include a certified statement attesting to all proceeds received by the Authority from any source related to the Property and this Agreement. If requested by the City, the Authority will provide the financial statements along with the audit report thereon of a firm of independent certified public accountants acceptable to the City.

6.8 **Triple Net Lease.** This is a triple net lease (NNN) to the City. The Parties intend that the Rent and Additional Rent shall be an absolute net return to the City and the Authority shall pay all costs and expenses relating to the Improvements of any kind or nature whatsoever, unless expressly stated otherwise herein. Such costs and expenses shall include, without limitation, all amounts attributable to, paid or incurred in connection with the ownership, operation, repair, restoration, maintenance and management of the Property or Improvements; real property taxes; rent taxes; gross receipts taxes; water and sewer charges; insurance premiums; utilities; refuse disposal; lighting (including outside lighting on the Property); fire detection systems;

maintenance and repair; security; janitorial services; labor; air-conditioning and heating; maintenance and repair costs and service contracts; costs of licenses, permits and inspections; and all other costs and expenses paid or incurred with respect to the Property or Improvements.

6.9 **Right of First Refusal.** The Authority may desire to purchase the Property from the City at some time in the future either before or upon the Expiration Date. The City does hereby grant the Authority the right of first refusal to purchase the Property. The City and the Authority agree to work together to execute any platting for the dividing of the Property at that time, should it be applicable and necessary with the Authority being solely responsible for any associated fees for the same. The City and the Authority agree to negotiate a purchase price should the Authority desire to purchase the Property. The Authority may be given a credit for any rent payments received as a deduction in the purchase price.

6.10 **Third Party Purchase.** Should either party become aware of a third party such as a developer or entity other than the Authority that wishes to purchase the Property, the party with such knowledge shall notify the other. If the Authority declines to exercise its right of first refusal as set forth in this Agreement, the Parties will work together to effectuate the sale of the Property to a third party with the approval of both the City and the Authority.

6.11 **Sale of the Property.** Any sale of the Property will be subject to all legal processes, including but not limited to those outlined in Neb. Rev. Stat. § 16-202, as may be amended, and the City shall retain the proceeds of any such sale.

VII. Other Financing Matters

7.1 The Authority shall be solely responsible for all funding for the Improvements to the Property and may utilize any means available to it to secure said funding except as specifically restricted herein.

7.2 The City utilized funding available pursuant to the Plan to purchase the Property and said funding is a financial contribution from the City to further the purposes of this Agreement. The City will not impose or collect any Imposition or other charge against the Property or the Authority for the cost of the same.

7.3 The Authority shall be responsible for, including the cost thereof, whether incurred directly or indirectly, all design, testing procedures, contractor selection, construction, observation, inspection, taxes, parking lot/spaces, permit and license acquisition, landscaping and lighting and all other costs associated with the planning, development, construction, management and operation of the Property not otherwise specifically delegated to the City in this Agreement.

7.4 From time to time, the Parties may work together to apply for and receive grant funding or other funding for development of the Property. In instances where the Parties jointly apply for such funding, or the City is involved in the application for such funding, the Parties agree that receipt of such funding shall be used solely for purposes of furthering the development of the Property.

VIII. Interaction during Construction

8.1 City-designated personnel shall have the unrestricted right to observe the construction of the Infrastructure and Improvements except secured or restricted facilities . If any such designated City personnel shall see anything materially impairing the Authority's duties hereunder or any material violation of applicable City, state or federal law or regulation, he or she shall immediately notify the Authority Agent. Failure of such designated City personnel to inform the Authority Agent of any violation shall not constitute a waiver of any rights the City has pursuant to this Agreement or any City, state or federal law or regulation.

8.2 The City may employ its own forces for doing Infrastructure work, which may include the City contracting those duties. The Parties will cooperate in such a manner and to such extent as to facilitate the on time and on budget completion of all projects.

8.3 The Authority shall periodically provide to appropriate City personnel relevant information regarding the progress of design and construction of Improvements upon the reasonable request of the City.

8.4 The Authority shall maintain "as built" construction drawings for all Improvements, which shall show precise locations for all additions to the Property, including utility locations. Upon completion of the Improvements, a complete set of such plans shall be made available to the City for its permanent records.

IX. Impositions

9.1 **Payment of Impositions.** The Authority shall pay or cause to be paid all Impositions that become due and payable out of, or in respect of, or are charged with respect to, the Property or any improvements located thereon. Should property taxes be assessed on undeveloped portions of the Property, the City shall take reasonable steps to secure any real estate tax exemption for the tax-exempt portions of the Property that are not then developed. The City shall not have any obligation to prosecute any action or proceeding to seek a tax exemption on developed portions of the Property that may be taxed.

9.2 **Income or Franchise Tax of City.** The Authority is not required to pay any municipal, state or federal income or franchise tax imposed upon the City but shall be responsible for any such taxes imposed upon the Authority.

9.3 **Evidence of Payment.** Upon request by the City, the Authority shall furnish the City, within thirty (30) days after the date when an Imposition is due and payable, proof, reasonably satisfactory to the City, evidencing the payment thereof.

9.4 **Proration of Impositions.** Any Imposition relating to the Property that is based on a taxing authority's fiscal period, a part of which is included within the Term ("Part A") and a part of which is included in a period of time after the Expiration Date ("Part B"), shall be prorated between the Parties as of the Expiration Date (unless the Expiration Date has occurred as a result of an event of default, in which case the Authority is not entitled to an apportionment). The Authority shall pay that portion of such Imposition which Part B bears to the taxing authority's fiscal period.

9.5 **Imposition Contest Proceedings.** The City has the right, at its option, to contest the amount or validity, in whole or in part, of any Imposition relating to the Property by appropriate proceedings.

X. Additional Covenants and Responsibilities

10.1 The City owns the Property and the Authority leases the Property per the terms of this Agreement. The City may not encumber, pledge or impair any rights of the Authority without the Authority's express approval, which may be given or withheld in its sole discretion. All issues directly affecting the Property shall be set forth in this Agreement, or an amendment thereof, between the Parties.

10.2 The City shall make reasonably available for the benefit of this Agreement representatives from its public works, planning, permits, law, finance, and other departments on such basis as the Authority may reasonably request. The City is authorized to provide for related support services in connection with this Agreement, including: administration, staff, services, meeting rooms, space, video or teleconference equipment, necessary accounting/internal controls or systems to establish and maintain financial, business and legal records in compliance with applicable standards and guidelines or as may be reasonably requested by the Authority in connection with this Agreement.

10.3 The Parties each may reciprocally use each other's name and trademarks in connection with this Agreement, provided that any use in commercial media including on websites shall be preapproved by both Parties.

10.4 It is understood and agreed by and between the Parties that any and all acts that the Authority or its personnel, employees, agents, or contractors perform pursuant to the terms of this Agreement shall not create an employee relationship with the City. The Authority shall have no authority to bind the City by or with any contract or agreement or to impose any liability upon the City. All acts and contracts of the Authority shall be in its own name and not in the name of the City, unless otherwise provided herein or agreed to in writing.

XI. Utilities

11.1 The City at its sole cost and expense, shall bring to a central location or locations within the Property all utilities required, including electrical, water, sewer, gas, telephone, telecommunications, and any steam/chilled water main line extensions as may be applicable ("Central Utilities Infrastructure"). The City shall also make temporary utilities available to the Property which are necessary to develop and construct the Improvements. The City agrees to consult with the Authority to determine the utility service required for the Improvements. Upon determination of such utility requirements, the City agrees to supply the adequate centrally located utility services to meet the needs of the Property as outlined above.

11.2 The Authority shall be solely responsible for the costs of utility charges incurred by the Authority within the Property, to include but not be limited to OPPD and MUD bills for services. Utility services and meters serving the Property shall be maintained in the Authority's name.

11.3 The Authority shall be responsible for any hook-up fees or other charges required to be paid by any utility company in connection with the Property and Improvements, excluding the costs of Central Utilities Infrastructure. The City may require the Authority to include a pro-rata charge to pass through to reimburse the City for Central Utilities Infrastructure costs (in whole or part) as a one-time charge with an associated initial site development lease, except for the REACH facility. The City is contributing the REACH facility's pro-rata share of Central Utilities Infrastructure. The City may likewise contribute or apply other sources of lawfully available funds to the pro-rata share of Central Utilities Infrastructure costs (in whole or part) to encourage other site development.

11.4 The Authority shall, at its sole cost and expense, be responsible for the installation and maintenance of all utilities within the Property from the central location or locations provided by the City to the utilities within the Property.

11.5 The Authority shall be responsible for obtaining all permits and paying for all permits necessary to supply the Property with new or upgraded utilities.

XII. Hazardous Materials

12.1 The Authority hereby acknowledges that in constructing, equipping, managing, operating, and maintaining the Improvements, the handling of potentially hazardous substances and materials may be required. These include, but are not limited to, gas, chemicals, cleaning solvents and other materials associated with the operation and/or construction of the Improvements. The Authority is responsible for the proper care, precautions, and diligence for the receipt, storage, use, and disposal of these and other materials which may pose a danger to the health and safety of the public.

12.2 The Authority accepts sole risk and liability with respect to the Authority's own introduction of any and all Hazardous Materials (hereinafter defined) on the Property after the Effective Date, and agrees to defend, indemnify and hold harmless the City from and against any and all liability, damage, penalty, judgment, cost and expenses, including, without limitation, reasonable attorneys' fees and expenses, arising from loss, damage related to such Hazardous Materials. The Authority represents and warrants that it shall not cause or permit any Hazardous Materials in excess of levels or amounts permitted under applicable law to be brought upon, kept, stored, generated, manufactured, disposed of, or used in or about the Property by the Authority or any sublessee. As used in this Agreement, "Hazardous Materials" shall mean: (a) any "hazardous waste" as defined by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6091 et seq.), as amended from time to time, and regulations promulgated thereunder; (b) any "hazardous substance" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 6091 et seq.), as amended from time to time, and regulations promulgated thereunder; (c) polychlorinated biphenyls; (d) underground storage tanks, whether empty, filled or partially filled with any substance; (e) any substance the presence of which on the Property is prohibited by any governmental requirements; and (f) any other substance which by any governmental requirements requires special handling or notification of any federal, state or local governmental entity in its collection, storage, treatment, or disposal.

12.3 **Indemnification.** To the fullest extent permitted by law, the City agrees to indemnify, defend, protect, and hold harmless the Authority and its successors and assigns, from any and all claims, judgments, damages, penalties, fines, costs, liabilities, and losses (including, without limitation, loss, or restriction on use of the Property and sums paid in settlement of claims, attorneys' fees, consultant fees, and expert fees) incurred by or assessed against the Authority that arise during or after the Term hereof, directly or indirectly, from the presence of Hazardous Materials on, in, or about the Property on or before the Effective Date.

XIII. Insurance and Indemnity

13.1 **General Provisions.** The Authority shall provide general liability coverage and any insurance coverage as specified in this Article. All insurers must be approved by and be satisfactory to legal counsel for the respective parties. The City shall maintain appropriate insurance on the Property as appropriate.

13.2 **Property Insurance Required.** All property insurance shall be on replacement value insurance for the structures and contents upon completion, insuring the same against loss by fire, lightning, and other perils covered in a special property or other appropriate form in such amount as is customarily carried by owners and operators of similar properties, and may include flood insurance if available and cost effective.

13.3 **Loss.** Insurance proceeds shall be used for replacement of structure and contents unless the Parties agree otherwise. Any uninsured loss, or any loss occurring within the deductible, will be shared as each party's interest may appear.

13.4 **Terms of Insurance.** If approved by legal counsel for the City, some or all of the general insurance may be covered by authorized and adequately funded self-insurance programs. Unless otherwise stated herein, the cost of all insurance policies maintained shall be a budgeted expense of the Authority. Unless legal counsel for the City approves otherwise, the amounts of such coverages shall be as follows: for bodily injury or damages, fatal or non-fatal, including product liability, spectator and participant liability, a combined single limit for any one occurrence of $1,000,000, $5,000,000 aggregate.

13.5 **Proof of Loss Upon Damage to Property.** If any loss occurs which may be covered by insurance, the Authority will immediately notify the City of the loss and shall make the proof of loss as soon as practicable and within the time required under the insurance policy. If the Authority fails to make the proof of loss, the City may, but is not obligated to, make the proof of loss.

13.6 **Settlement With Insurance Carrier.** If any insurance carrier refuses to pay a claim or offers to settle for less than the full amount claimed, the Authority shall notify the City. The Authority shall not make a settlement for less than the full amount claimed without the written consent of the City.

13.7 **Employment Related Insurance.** In the event the Authority employs its own employees, the Authority, at its own expense, shall pay all applicable social security, unemployment, workers' compensation or other employment taxes or contributions of insurance for its own employees, and shall comply with all federal and state laws and regulations relating to employment generally, minimum wages, social security, unemployment insurance and workers' compensation.

13.8 **Waiver.** The Parties expressly waive all rights and claims including claims of subrogation they may have against the other, their subsidiaries and affiliates for loss or damage covered by insurance required in this Article. Each insurance policy procured shall affirmatively state that it will not be invalidated because the insured waived its rights of recovery against the other party prior to the occurrence of a loss.

13.9 **Administration.** The Authority shall administer, defend, process and otherwise handle all claims up to the deductible or self-insured retainer amount of any such liability policy or liability coverage obtained hereunder; provided that for any insurance coverage obtained, the deductible or self-insured retainer for such policy or policies shall not exceed $500,000.

13.10 **Additional Insureds.** The Authority agrees that with respect to the insurance described in this Article, the City shall:

13.10.1 Be named on all required policies of insurance as additional insured/or an insured, as its interest may appear. The City agrees to promptly endorse insurance checks or otherwise release insurance proceeds, provided that the Authority is not in default of this Agreement beyond any applicable notice and cure periods. The liability policies shall include a severability of interest provision enabling the City to file claims under such policies for property damage or bodily injury to its personnel or property, which damage or injury may arise from the negligence or misconduct of the Authority, its partners, agents or employees. The commercial general liability policy shall respond to all claims arising from use of the premises by the Authority or the operations of the Authority, including, but not limited to, operations on the Property, in or on any improvement on the Property, and on the parking facilities used by tenants, employees, invitees, and parties having business with the Authority on the Property.

13.10.2 Be provided with thirty (30) days advance notice, in writing, of cancellation or material change in coverage. If any insurance policy provides that the insurer will give such notice, then the Authority shall not be obligated to do so with respect to such policy.

13.10.3 Be provided with a certificate evidencing the above required insurance at the time the policies are required to be obtained and thereafter with certificates evidencing renewals or replacements of said policies of insurance at least thirty (30) days prior to the expiration, cancellation of or material change to any such policies.

13.10.4 Provide in all contracts executed by the Authority with respect to the construction of any improvements on or providing services to the Property that: (i) all contractors and subcontractors shall maintain insurance coverage at least equal to those required by the City in then current version of the City's standard form of "General Conditions the Contract of Construction", applicable to the City of Nebraska construction contracts, (ii) the Parties to any subcontracts to such contracts shall maintain similar insurance coverage, and (iii) the City shall be named as an additional insured under all policies providing such insurance coverage.

13.11 **Additional Insurance.** The City shall review the Authority's required insurance as stated herein at the time of renewal of the said policies or at the time of a material change, and the City reserves the right to require reasonable additional limits or coverage. The Authority agrees to comply with any such reasonable request by the City.

13.12 **Contributory Acts.** Whenever in this Agreement any party is obligated to pay an amount or perform an act because of its negligence or willful misconduct (or that of its agents, employees, contractors, guests, or invitees), such obligations shall be mitigated to the extent of any contributory negligence or willful misconduct of the other party (or that of its agents, employees, contractors, guests, or invitees), and in any disputes damages shall be apportioned based on the relative amounts of such negligence or willful misconduct.

13.13 **Insurance Carriers and Form of Policies.** All insurance required by this Article shall be in such form and shall be issued by such responsible insurance companies licensed or authorized to do business in the State of Nebraska as are approved by the City. Originals of such policies, or certificates evidencing such policies, shall be delivered to the City immediately upon its receipt from the insurance company or companies prior to the execution of this Agreement. Original new or renewal policies replacing any policies expiring during the Term, or certificates evidencing such policies, shall be delivered to the City within thirty (30) days following the expiration of expired policies, as long as evidence of renewal policies, in binder form, is delivered to the City not less than thirty (30) days before the expiration dates of any expiring policies, together with proof reasonably satisfactory to the City that the premiums for at least the first year of the term of each of such policies (or installment payments then required to have been paid on account of such premiums) have been paid.

13.14 **Payment of Premiums.** The Authority may pay the premiums for any of the insurance required hereunder in installments in accordance with the provisions of the applicable policies, provided that the Authority pays all such installments in full not later than thirty (30) days before the respective due dates for such installments and provides proof reasonably satisfactory to the City of payment of such installments by such dates. If

any policy maintained pursuant to this Agreement is not renewed on or before (30) days prior to its expiration date or if no insurance policy is in force at any time, the City may procure such insurance, pay the premiums therefore, and such sums shall be immediately due and payable from the Authority.

13.15 **Cooperation in Collection of Proceeds.** The Parties shall cooperate in connection with the collection of any insurance funds that may be due in the event of loss and the Parties shall execute and deliver such proofs of loss and other instruments as may be required of the Authority or the City, respectively, for the purpose of obtaining the recovery of any such insurance funds.

13.16 **Required Insurance Policy Clauses.** Each policy of insurance required to be carried pursuant to the provisions of this Article shall contain: (a) a provision that no act or omission of the Authority shall affect or limit the obligation of the insurance company to pay the amount of any loss sustained, (b) an agreement by the insurer that such policy shall not be canceled, modified or denied renewal without at least fifteen (15) days prior written notice to the City, and (c) a waiver of subrogation by the insurer of any right to recover the amount of any loss resulting from the negligence of the City or its agents, officials, or employees.

13.17 **Authority Indemnification.** The Authority covenants and agrees to indemnify and hold harmless the City, its officers, agents and employees, their successors and assigns, individually or collectively, from and against all liability for any fines, claims, suits, demands, actions, or causes of action of any kind and nature asserted by the Authority or anyone else, for personal injury, death, or property damage in any way arising out of or resulting from any activity or operation of the Authority on the Property or in connection with its development or use in any way of the Improvements on the Property. The Authority further agrees to pay all expenses in defending against any claim made against the City; provided however, that the City shall control its own defense, and provided that the Authority shall not be liable for any injury, damage or loss occasioned by the negligence or willful misconduct of the City or its agents, officials or employees.

13.18 **City Indemnification.** The City covenants and agrees to indemnify and hold harmless the Authority, its officers, agents and employees, their successors and assigns, individually or collectively, from and against liability for any fines, claims, suits, demands, actions or causes of action of any kind and nature asserted by the City or anyone else, for personal injury, death, or property damage in any way arising out of or resulting from any determination or action of the City in connection with the development, operation or use of the Property, and the City further agrees to pay all expenses in defending against any claims made against the Authority; provided however, that the City shall not be liable for any injury, damage or loss occasioned by the negligence or willful misconduct of the Authority, its agents or employees.

13.19 **Notice.** The Parties shall give to each other prompt and timely notice of any claim made or suit instituted which, in any way, directly or indirectly, contingently or otherwise, affects or might affect either party.

XIV. Defaults; Termination

14.1 In general, as a result of material reliance by numerous parties who have made financial contributions in reliance upon the existence of this Agreement, the City and the Authority do not intend to terminate this Agreement except for the reasons identified in this Agreement.

14.2 In the event of any claim of nonperformance or material default hereunder, the claiming party shall first exercise all reasonable efforts to resolve such claim through informal procedures. In the event resolution efforts are unsuccessful, then formal written notice shall be delivered as hereinafter provided, and the party against whom the claim is asserted shall have thirty (30) days to commence, and thereafter reasonably prosecute, efforts specifically designed to cure the alleged default or material breach. In the event that, notwithstanding such efforts, a resolution of the dispute is not forthcoming, but only to the extent of disputes between the City and the Authority (i.e. not against third parties), then the Parties agree to submit such dispute to a process of non-binding mediation with a qualified mediator mutually agreed upon by the Parties. Absent the most extenuating of circumstances, remedies in any dispute shall not include: (i) any award of damages against either the City or the Authority, or (ii) termination of this Agreement. The remedy of specific performance is agreed to be necessary and shall be specifically available as a remedy in enforcing the provisions hereof; and the Parties waive any defense that such remedy is not available or appropriate.

14.3 Specific bases for termination of this Agreement by the indicated party include only the following:

14.3.1 The City may terminate if the Authority files a petition of bankruptcy; or if proceedings in bankruptcy are instituted against it and it is thereafter adjudicated bankrupt pursuant to proceedings; or if a court takes jurisdiction of the Authority and its assets pursuant to proceedings brought under the provisions of any federal reorganization act; or if a receiver for the Authority's assets is appointed.

14.3.2 The City may terminate if the Authority abandons or discontinues the development and operation of the Improvements.

14.3.3 The City may terminate if the Authority fails to pay Additional Rents as set forth in this Agreement.

14.4 Any termination pursuant to Section 14.3 and its subparts may only result following a minimum of three (3) months' advance written notice.

14.5 In consideration of the mutual obligations and benefits provided by this Agreement, the Parties agree that upon the Termination of this Agreement or expiration of the Term, title to any Improvements on the Property, including title to all consumable supplies and materials used in the construction thereof, shall automatically vest completely in the City, subject to any sublessees' rights under existing sublease agreements.

14.6 There shall be no merger of the leasehold estate created by this Agreement with the fee estate in the underlying real property by reason of the same person owning or holding both the leasehold estate and any interest in the fee estate, unless all persons having any interest in the leasehold estate created by this Agreement and the fee estate in the underlying real property execute an instrument in recordable form effecting such merger.

14.7 Upon the Termination of this Agreement, the Property and all Improvements, alterations, and additions in, on or about the Property shall be the absolute property of the City, without payment therefor by the City, and shall be surrendered to the City in its then "as is" "where is" condition and repair, subject to the rights of sublessee under existing sublease agreements, if any.

XV. Memorandum of Lease

15.1 A memorandum or short form of this Agreement, and any amendments hereto, may be recorded in the public records of Sarpy County, Nebraska, so long as no financial terms are contained in such recorded document.

XVI. Quiet Enjoyment

16.1 The City covenants that, as long as the Authority faithfully performs the agreements, terms, covenants and conditions of this Agreement, the Authority shall and may (subject to the exceptions, reservations, terms and conditions of this Agreement) peaceably and quietly have, hold and enjoy the Property for the Term without molestation or disturbance by or from the City or any party claiming through City.

XVII. General Conditions

17.1 Captions used in this Agreement are for convenience and are not used in the construction of the Agreement.

17.2 The Parties shall conform with all existing and applicable City ordinances, resolutions, state laws, federal laws, and all existing and applicable rules and regulations. Nebraska law will govern the terms of the performance under this Agreement.

17.3 Except as specifically permitted in section 14.6, this Agreement shall not be merged into any other oral or written contract, lease or deed of any kind.

17.4 This Agreement contains the entire agreement of the Parties. No representations were made or relied upon by either party other than those that are expressly set forth herein. No agent, employee or other representative of either party is empowered to alter any of the terms hereof unless done in writing and signed by an authorized officer of the respective Parties.

17.5 All covenants, stipulations and agreements in this Agreement shall extend to and bind the legal representatives, successors, and assigns of the respective Parties.

17.6 All provisions of this Agreement and the documents attached hereto shall be strictly complied with as written, and no substitution or change shall be made except upon written direction from an authorized representative.

17.7 The Parties are subject to all applicable rules regarding equal employment opportunities and shall not, in the performance of this Agreement, discriminate or permit discrimination in violation of federal or state laws or local ordinances.

17.8 The Parties represent that they have carefully reviewed the terms and conditions of this Agreement, are familiar with such terms and conditions of this Agreement, and agree to faithfully comply with the same to the extent to which said terms and conditions apply to its activities, authorized and required by this Agreement.

XVIII. Notices

18.1 The Parties expressly agree that for purposes of notice, including legal service of process, during the term of this Agreement, and any extension thereof, and for the period of any applicable statute of limitations thereafter, the following named individuals shall be authorized representatives of the Parties:

For the City:

City Administrator
1500 Wall Street
Bellevue, NE 68005

With a copy to:
City Attorney

1500 Wall Street
Bellevue, NE 68005

For the Authority:

Prairie Hill Farm Area Development Authority
Project Manager
1500 Wall Street
Bellevue, NE 68005

With a copy to:
Joel D. Pedersen, Attorney
1299 Farnam St. Suite 300
Omaha, NE 68102

XIX. Invalid Provision

19.1 In the event that any covenant, condition, or provision herein contained is held to be invalid by any court of competent jurisdiction, the invalidity of any such covenant, condition, or provision herein contained shall not affect the validity of the remainder of the covenants, conditions, or provisions of this Agreement which shall in all respects remain a legally binding contract with the invalid portion being deleted; provided that the validity of any such covenant, condition, or provision does not materially prejudice either the City or the Authority in its respective rights and obligations contained in the valid covenants, conditions or provisions of this Agreement.

19.2 This Agreement completely expresses the Parties' agreement with respect to the subject matter hereof. This Agreement has been entered into after full investigation, neither party relying upon any statement or assumption not completely set forth herein. No representations or promises shall be binding on the Parties except those representations and promises contained in a fully-executed copy of this document or in some future writing signed by the Parties. This Agreement contains all the promises, agreements, conditions, inducements and understandings between the Parties concerning the Property and there are no promises, agreements, conditions, understandings, inducements, warranties or representations, oral or written, expressed or implied, between them other than as expressly set forth herein.

XX. Ancillary Agreements

20.1 The City agrees that in the event it becomes necessary or desirable for the City to approve in writing any ancillary agreements or documents concerning the Property, or concerning the construction, operation or maintenance of the Property, or to alter or amend any such ancillary agreements between the Parties, or to give any approval or consent of the City required by or reasonably related to the terms of this Agreement,

the City hereby authorizes, designates and empowers the City Agent to execute any such agreement, approvals or consents necessary or desirable.

The Parties have hereunto set their hands effective as of the Effective Date.

PRAIRIE HILL FARM AREA DEVELOPMENT AUTHORITY,

By: _____

Print Name: _____

Its: _____

STATE OF NEBRASKA)

): SS.

COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that _____ _____, whose name is signed to the foregoing instrument above and who is known to me and known to be such individual, acknowledged before me on this day and he/she in their respective capacities executed and delivered said instrument as his/her voluntary act and deed and voluntary act and deed of the Authority.

WITNESS my hand and official seal. SEAL:

Signature: _____

CITY OF BELLEVUE

By: _____
Mayor Rusty Hike

ATTEST: _____
City Clerk

STATE OF NEBRASKA)
): SS.
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that _____ _____, whose name is signed to the foregoing instrument above and who is known to me and known to be such individual, acknowledged before me on this day and he/she in their respective capacities executed and delivered said instrument as his/her voluntary act and deed and voluntary act and deed.

WITNESS my hand and official seal. SEAL:

Signature: _____