

**ALLIANCE, NEBRASKA
PLANNING COMMISSION MEETING
Alliance Learning Center- Meeting Room C
1750 Sweetwater Avenue
April 8, 2025- 5:30 p.m.
AGENDA**

- **Call to Order**
- **Roll Call**
- **Open Meetings Act Announcement**

For the public's reference a copy of the Open Meetings Act has been posted on the north wall of this room in the audience area. This posting complies with the requirements of the Nebraska Legislature.

- **Pledge of Allegiance**

A. Approval of Meeting Minutes- March 11, 2025

**B. Rezone – Public Hearing
Jelinek Alliance Commercial Park Tracts**

Now is the date, time, and place to conduct a public hearing for the proposed rezone of Tracts of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial.

Now is the date, time, and place to act on the proposed rezone of Tracts of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, from Ag, Agriculture, to C-3, Heavy Commercial.

**C. Rezone – Public Hearing
West Half of Block 28 OT Alliance**

Now is the date, time, and place to conduct a public hearing for the proposed rezone of the West Half of Block 28 OT Alliance from M-2, Heavy Industrial District, to C-2, Central Business District.

Now is the date, time, and place to act on the proposed rezone of the West Half of Block 28 OT Alliance from M-2, Heavy Industrial District, to C-2, Central Business District.

D. Planning Commission Training

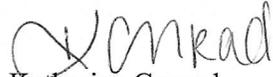
The Planning Commission will receive training on Subdivision Regulations and Flood Plains.

E. Planning Commission Bylaws

The Planning Commission will review and adopt the bylaws of the Planning Commission Board.

- **Adjournment.**

Respectfully submitted,



Katherine Conrad

Planning Commission Administrative Secretary

Item A

Approval of Meeting Minutes

March 11, 2025

ALLIANCE PLANNING COMMISSION

REGULAR MEETING, TUESDAY MARCH 11, 2025

The Alliance Planning Commission met at their Regular Meeting Tuesday, March 11, 2025 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue. A notice of meeting was published in the Alliance Times Herald on February 26, 2025. The notice stated the date, time, and place of the meeting, that the meeting was open to the public, and that an agenda of the meeting, kept continuously current, was available for public inspection in the Community Development Office at City Hall; provided the Commissioners could modify the agenda at the meeting if it determined an emergency so required. A copy of the agenda had been delivered to each of the Planning Commission Members. An agenda, kept continuously current, was available for public inspection at the Community Development Office during regular business hours from the publication of the notice to the time of the meeting.

Chairman Davis opened the March 11, 2025 Regular Meeting of the Alliance, Nebraska Planning Commission at 5:30 p.m. Present were Board Members Vickie Mattox, Nancy Reiber, Clint Robinson, Owen Burnett, Scott Bolinger, Ray Hielscher, and Wayne Davis. Also present were Community Development Director Brent Kusek and Administrative Secretary Katherine Conrad. Absent were Board Members Rick Turman, Rich Arndt, and Evan Mehne.

A motion was made by Board Member Mattox, which was seconded by Board Member Hielscher to excuse Board Members Arndt and Mehne from the March 11, 2025 meeting.

Roll call vote with the following results:

Voting Aye: Hielscher, Burnett, Bolinger, Mattox, Robinson, Reiber and Davis.

Voting Nay: None.

Motion Carried.

- The first item on the agenda was the review and approval of the February 11, 2025 Planning Commission Meeting minutes.

A motion was made by Board Member Mattox, which was seconded by Board Member Reiber to approve the February 11, 2025 Meeting Minutes as presented.

Roll call vote with the following results:

Voting Aye: Hielscher, Burnett, Bolinger, Mattox, Robinson, Reiber and Davis.

Voting Nay: None.

Motion Carried.

- The second item on the agenda was the proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807.

[The City of Alliance is in receipt of an annexation petition for the proposed annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807. Staff has provided the following exhibits or the Planning Commissioners review:

1. Annexation Memo;
2. Annexation Petition;
3. Statute.]

Chairman Davis opened the Public Hearing at 5:32 p.m., asking anyone in favor or not in favor of the Annexation to come forward and comment.

Terry Curtiss came forward as a representative for Westco letting Board Members know the annexation was at the request of Westco and if they have any questions, he would be happy to answer them.

With no further testimony offered, Chairman Davis closed the Public Hearing at 5:33 p.m.

A motion was made by Board Member Mattox, which was seconded by Board Member Hielscher to recommend approval of the proposed Annexation of A Tract of Land in the Southwest Quarter of Section 26, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska otherwise known as tax parcel number 070223807 find that:

1. The tract of land is urban and not rural in character;
2. The tract of land is adjacent to the corporate limits of the City of Alliance;
3. The tract of land is serviced by City utilities;
4. The tract of land is developed;
5. The tract of land is zoned C-3, Heavy Commercial;
6. The tract of land has access to public rights of way.
7. The annexation meets the requirements of Nebraska Revised Statutes 16-117.

Roll call vote with the following results:

Voting Aye: Hielscher, Burnett, Bolinger, Mattox, Robinson, Reiber and Davis.

Voting Nay: None.

Motion Carried.

- The third item on the agenda was training on Conditional Use Permits and Zoning.

Community Development Director Kusek walked Board Members through looking up Conditional Use Permits and Zoning Regulations within the City of Alliance Municipal Code.

Chairman Davis stated, "There being no further business to come before the Alliance Planning Commission, the meeting is adjourned at 6:01 p.m."

Wayne Davis,
Planning Commission Chairman

Katherine Conrad
Administrative Secretary

Item B

Public Hearing

Rezone

Jelinek Alliance Commercial
Park Tracts



City of Alliance Application to Rezone

Community Development
324 Laramie Avenue
Alliance, NE 69301
(308) 762-5400 - phone
(308) 762-7848 - fax

Instructions:

- A. Fill out the application form completely. Please type or print. Use additional sheets if necessary.
- B. Please sign and date the application form.
- C. Filing fee is \$150.00. Please make check payable to "The City of Alliance."
- D. Include a site plan identify existing buildings, structures, and other pertinent features.
- E. Submit a certified list of the names, addresses, legal descriptions, and the corresponding Parcel Information Numbers assigned by the Box Butte County Assessor of the surface owners of the property within three hundred (300') feet of the subject property. The source of such records shall be the records of the Box Butte County Assessor.

1.	Property Owner's Name:	Zachary L. Felinde	Phone:	308-762-7622
2.	Owner's Property Address:	137 W 21 st St. Alliance, NE 69301		
3.	Legal Description of Property:	Section 34-25-48 SE 1/4		
4.	Property Address:	SE 1/4 Section 34-25-48 around Lot 1 Bongars Addition		
5.	Present Use of the Property:	Agriculture		
6.	Present Zoning Classification:	Agriculture		
7.	Requested Zoning Classification:	Commercial		
8.	Reason for Rezoning:	Further commercial development and commercial expansion & zoning		
9.	Lot Size/Acreage of Property:	10.30 + 13.85 Acres = 24.15 Acres		
10.	The zoning administrator, who may be accompanied by others, is hereby authorized to enter the property, during normal working hours for the purpose of becoming familiar with the proposed situation.			
11.	Attached	<input checked="" type="checkbox"/> Filing Fee	<input checked="" type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> List of names/addresses of property owners within 300 feet of the subject property certified by the Box Butte County Assessor's Office.
Signatures:	<i>Zachary Felinde</i>	2/8/25	<i>Zachary Felinde</i>	2/8/25
	Applicant	Date	Property Owner (Owner of Record)	Date
	Applicant	Date	Property Owner (Owner of Record)	Date

Office Use Only

Date Received:	MAR 5, 2025	Filing Fee - \$150.00	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Received By:	KCONRAD	Date of Public Hearing:	APR 08, 2025	

When do I need to have my application turned in?

Complete applications along with all other necessary information, fees, and submittals, must be turned in to the Community Development Department no less than 15 working days before the date of the next regularly scheduled meeting of the Planning Commission. The Planning Commission meets the second Tuesday of the month.

How long is the rezoning process?

If the application and all other necessary submittals are received by Community Development in time for the next meeting of the Planning Commission, the process takes about two and a half months.

What else is needed with my application?

A filing fee of \$150.00; a site plan containing the dimensions of the property, locations, size and areas used for parking located on the property, including driveways, distances of covered structures from each other and the property line, and identification of street(s), alley, and a north direction arrow; and, a list from the Box Butte County Assessor's office of property owners located within 300' from each property line of the subject property.

What happens once I submit my application?

Property owners within 300' of the subject property will be notified of the proposed rezone by either notification letters or a sign posted on the subject property. The week before the meeting, you will be given a packet with the same material the Planning Commissioners will receive.

When and where does the Planning Commission meet?

The Planning Commission meets on the second Tuesday of the month at 6:30 p.m. in the Board of Education meeting room of the School Administration Building, located at 1604 Sweetwater Avenue.

How will the Planning Commission meeting proceed?

The Chairman of the Planning Commission will open a Public Hearing and ask for any comments related to your application. Once all comments have been stated, the Chairman will close the Public Hearing and make a motion to either approve or deny a recommendation to the City Council.

When and where does the City Council meet?

The City Council meets at the same location as the Planning Commission but on the first and third Tuesday of the month at 7:00 p.m. To meet posting and public hearing notification requirements, the earliest meeting the rezone may be presented to Council at is the first meeting of the month following the Planning Commission hearing.

How will the City Council meeting proceed?

The City Council will conduct a public hearing in the same manner as the Planning Commission; however, the City Council will read the ordinance rezoning the property at three different successive meetings.

Community Development Staff Report- Brent Kusek

Applicant:

Zachary Jelinek
137 W 21st Street
Alliance, NE 69301

Property

Owner(s):

Same as Applicant

Proposal:

The rezone of a 24.15 acre tract of land located in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska.

Legal Description:

A Tract of Land Situated In The Southeast Quarter Of Section 34, Township 25 North, Range 48 West Of The 6th Principal Meridian, Box Butte County, Nebraska, More Particularly Described As Follows:

Referring To The Northeast Corner Of The Southeast Quarter Of Said Section; Thence, Along The North Line Of Said Quarter Section, N89°24'52"W For A Distance Of 1446.21 Feet; Thence, At Right Angles, S00°25'48"W To The North Right-Of-Way Line Of Country Club Road, Being A Distance Of 9.33 Feet, Said Point Also Being The True Point Of Beginning; Thence, S00°25'48"W For A Distance Of 592.58 Feet; Thence, S89°34'12"E To The Southwest Corner Of Lot 1, Bomgaars Addition To The City Of Alliance, Being A Distance Of 744.44 Feet; Thence, Along The Westerly Boundary Of Said Lot 1, N01°31'39"E To The Northwestern Corner Of Said Lot 1, Being A Distance Of 424.97 Feet; Thence, Along The Northerly Boundary Of Said Lot 1, S89°21'37"E For A Distance Of 30.26 Feet; Thence, N00°35'08"E For A Distance Of 165.67 Feet; Thence, N89°24'52"W For A Distance Of 783.29 Feet To The True Point Of Beginning, Containing An Area Of 10.30 Acres, More Or Less.

And

Referring To The Northeast Corner Of The Southeast Quarter Of Said Section; Thence, Along The North Line Of Said Quarter Section, N89°24'52"W For A Distance Of 1446.21 Feet; Thence, At Right Angles, S00°25'48"W To The North Right-Of-Way Line Of Country Club Road, Being A Distance Of 601.91 Feet, Said Point Also Being The True Point Of Beginning; Thence, S89°34'12"E To The Southwest Corner Of Lot 1, Bomgaars Addition To The City Of Alliance, Being A Distance Of 744.44 Feet; Thence, Along The Southerly Boundary Of Said Lot 1, S88°28'02"E To The Southwesterly Corner Of Said Lot 1, Being A Distance Of 442.00 Feet; Thence, Along The Westerly Right-Of-Way Of Nebraska Highway #385, S01°31'39"W For A Distance Of 503.93 Feet; Thence, N89°34'12"W For A Distance Of 1176.71 Feet; Thence, N00°25'48"E For A Distance Of 512.34 Feet To The True Point Of Beginning, Containing An Area Of 13.85 Acres, More Or Less.

Rezone Location:

The proposed rezone is located west of U.S. Highway 385 and south of Country Club Road.

Project Description:

Zachary Jelinek is proposing to rezone this land from Ag-Agriculture to C-3, Heavy Commercial. No development is proposed at this time.

Analysis:

Zoning: The property is currently zoned Ag-Agriculture. It is bordered by C-3, Heavy Commercial to the east, and Ag to the north, west, and south.

Land Use: The property is currently farmed. The properties to the north, west, and south are currently farmed. The property to the northeast is commercial retail. The property to the east is fast food and an apartment hotel.

Lot Size/Area: There aren't any minimum lot dimensions or size requirements in the C-3 Zoning District. This proposed rezone will not create any nonconforming lot sizes. The minimum lot size in Ag zoning is 10 Acres.

Setbacks: The proposed rezone will change the front setbacks from 50 feet to 15 feet, the side setback from 10 feet to 7 feet if adjacent to Ag through C-1 zoning or 0 feet if adjacent to C-2 through M-3 zoning, the side street setback from 50 feet to 15 feet, and the rear setback from 25 feet to 0 feet if adjacent to an alley or 7 feet if not.

Transportation: The proposed rezone is bordered by U.S. Highway 385 to the east and Country Club Road to the north. U.S. Highway 385 is a four-lane expressway with a center turning lane. Country Club Road is a two-lane asphalt county road.

Comprehensive Plan: The proposed rezone is in the Extraterritorial Zoning Jurisdiction and adjacent to the West Gateway Neighborhood as identified on Page LU5 of the Comprehensive Plan. The Plan identifies the land use along US 385 as primarily commercial. This rezone would support the current designation. Page LU 26 indicates that future land uses in the ETJ should be similar to the adjacent land uses within the city limits provided those land uses are in conformance with the Comp Plan and zoning code. This rezone is consistent with both of those criteria.

Public Notification:

Notification letters were served to the Box Butte County Clerk with attention to the County Commissioners and Zoning Administrator. Two signs were posted on the subject property on March 28, 2025. The signs and letters stated the date, time, and place of the public hearing for the rezone.

Staff Comments:

The purpose of zoning is to separate incompatible land use types. Zoning is not meant to increase the value of one's property.

Staff recommends approval of the rezone provided the applicant signs a development agreement with the City that states they will install all required public improvements and petition the City for annexation. Rezoning the property without such a guarantee or agreement can open the possibility of developing the property without following the subdivision requirements.

Findings of Fact:

Findings of fact to recommend its approval may include:

1. The rezone would not create any nonconforming lot sizes.
2. A rezone to C-3 would be consistent with the image of the West Gateway Neighborhood as identified in the Comprehensive Plan as the area adjacent to the highway is also zoned C-3.
3. The rezone would be consistent with the future land use portions of the Comp Plan of this area as commercial in the ETJ.
4. The proposed rezone is adjacent to existing C-3 zoning.
5. The rezone would not create any new nonconforming land uses.

Findings of fact not to recommend approval may include:

1. The infrastructure necessary to service commercial development is not yet in place.
2. The rezone may increase the traffic on Country Club Road upon development.

Staff Recommendation:

Staff recommends the rezone 24.15 acre tract of land located in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska, from Ag-Agriculture to C-3, Heavy Commercial provided the applicant signs a Development Agreement with the City requiring the installation of required infrastructure and a petition for annexation before any development may occur on the tracts of land.

Sec. 109-41. District Ag, Agriculture.

- (a) *Scope and intent.* The Ag, Agriculture District is intended to recognize the transition between agricultural uses of the land and the city. It encourages the continued use of that land which is suitable for agriculture and limit any land uses and lot subdivisions that may be a detriment to normal community expansion.
- (b) *Permitted use.*
 - (1) Agriculture estate dwelling site in accordance with chapter 111, division 3.
 - (2) Farm/ranch.
 - (3) Grazing of livestock as part of a farm/ranch operation.
 - (4) Municipal buildings.
 - (5) One-family dwelling, including a manufactured home meeting the minimum requirements of manufactured homes placed on individually owned lots.
 - (6) Public parks and recreation facilities.
 - (7) Railroad right-of-way.
 - (8) Tree farm.
- (c) *Conditional use.*
 - (1) Accessory dwelling unit in accordance with chapter 111, division 2..
 - (2) Airport and landing strip.
 - (3) Bed and breakfast.
 - (4) Billboard in accordance with chapter 111, division 19 and as allowed by state law.
 - (5) Cemetery.
 - (6) Crematory.
 - (7) Farmers market.
 - (8) Garbage disposal plant.
 - (9) Golf course, clubhouse, and other uses customarily accessory thereto.
 - (10) Gun clubs, skeet shoots, or target ranges.
 - (11) Irrigation wells and associated buildings and equipment, customarily incidental to the principal use of the property with additional approval granted by the water superintendent.
 - (12) Junkyards, providing that no burning of waste material shall be permitted, and the entire yard shall be screened with a closed fence or wall not less than eight feet in height.
 - (13) Kennel.
 - (14) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials.
 - (15) Parking lots serving nonresidential land uses located within 300 feet of the lot housing the principal use.
 - (16) Riding stables and tracks.
 - (17) Recreational vehicle camping facilities.

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- (18) Sanitary landfill.
 - (19) Solar energy collector facility (commercial).
 - (20) Sugar beet loading and unloading facility.
 - (21) Towers, telecommunications facilities, and antennas as permitted in chapter 111, division 5.
 - (22) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (23) Veterinary clinic.
- (d) *Accessory use.*
- (1) Barn.
 - (2) Detached private garages and carports.
 - (3) Fences as permitted in chapter 111, division 7.
 - (4) Greenhouse
 - (5) Home occupation in conformance with chapter 111, division 11.
 - (6) Off-street parking and loading serving a principal use in conformance with chapter 111, division 13.
 - (7) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
 - (8) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - (9) Pavilion.
 - (10) Shed.
 - (11) Signs as permitted in chapter 111, division 19.
 - (12) Silo.
 - (13) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
 - (14) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a principal use limited to 60 feet in height.
 - (15) Temporary buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the work.
 - (16) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - (17) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
 - (18) Wind-driven electric generators incidental to the principal use of the property with prior approval of the city engineer and city electric superintendent.
- (e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
10	150	50	-	10 (a)

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line	Minimum Dwelling Size on Ground Floor (ft ²)
	Front	Rear	Side	Side Street		
One-Family Dwelling	50	25	10	50	-	700
Principal Building	50	25	10	50	-	-
Accessory Building	(b)	10	10	50	-	-

- a. If both structures are built in accordance with adopted fire codes this distance may be reduced to five feet.
- b. Fifty feet or the building line of the dwelling/principal building, whichever is greater.

(3) See chapter 111, article II for additional height and setback regulations and exceptions.

- (f) *Feeding restrictions.* Feedlots and confinement facilities are prohibited in the city zoning jurisdiction at any density greater than one animal unit per acre of land.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2935, § 1, 3-15-2022; Ord. No. 2960, § 3(Exh. A), 7-18-2023)

Sec. 109-51. C-3, Heavy Commercial District.

- (a) *Scope and intent.* The C-3, Heavy Commercial District is intended to provide a zone that accommodates more intense commercial businesses that require direct access to highways and primary transportation thoroughfares due to the volume of traffic they generate.
- (b) *Permitted uses.*
 - (1) Art gallery.
 - (2) Auction house.
 - (3) Automobile washing facilities.
 - (4) Bakery.
 - (5) Banks and credit unions.
 - (6) Bars and saloons.
 - (7) Barber shop.

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- (8) Boat dealership.
 - (9) Building supply stores provided any outside storage is located in the rear or side yard.
 - (10) Business offices.
 - (11) Café.
 - (12) Church.
 - (13) Clubs and fraternal organizations.
 - (14) Colleges and universities.
 - (15) Commercial recreation establishments.
 - (16) Commercial storage units.
 - (17) Community garage.
 - (18) Confectionary store.
 - (19) Contractor offices provided any outside storage is located in the rear or side yard and screened from view.
 - (20) Convenience food stores.
 - (21) Craft production facility.
 - (22) Day care center.
 - (23) Dry cleaners and laundries.
 - (24) Dwellings above and below the ground floor.
 - (25) Filling station.
 - (26) Fire station.
 - (27) Funeral home.
 - (28) Hair salon.
 - (29) Health care practitioner facility.
 - (30) Health clinic.
 - (31) Hotels, motels, and other lodging facilities.
 - (32) Kennel.
 - (33) Library.
 - (34) Meat market.
 - (35) Mental health substance use treatment center.
 - (36) Municipal buildings.
 - (37) Nail salon.
 - (38) Parcel services.
 - (39) Parking lots.
 - (40) Pharmacy.

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- (41) Police station.
 - (42) Preschool.
 - (43) Primary and secondary schools.
 - (44) Printers and newspapers.
 - (45) Public parks and recreation facilities.
 - (46) Pubs.
 - (47) Railroad right-of-way.
 - (48) Repair garage.
 - (49) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
 - (50) Restaurants.
 - (51) Retail sales establishments.
 - (52) Spa.
 - (53) Theaters (indoor).
 - (54) Used vehicle lot.
 - (55) Vehicle dealership.
 - (56) Veterinary clinic.
 - (57) Wholesale establishments.

(c) *Conditional uses.*

- (1) Amusement parks.
- (2) Animal shelter.
- (3) Apartment hotel.
- (4) Brewery.
- (5) Butcher shop.
- (6) Cemeteries including mausoleums and crematories.
- (7) Commercial stadiums.
- (8) Distillery.
- (9) Drive-in theater.
- (10) Golf course.
- (11) Gun clubs, skeet shoots, and target ranges.
- (12) Hospital.
- (13) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
- (14) One family dwelling on the ground floor provided it shall be located in the rear of the building and occupy no more than 30% of the ground floor area.

- (15) Recreational vehicle camping facilities.
 - (16) Riding stable.
 - (17) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
 - (18) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
 - (19) Vehicle storage yards but not junk or salvage yards.
 - (20) Warehousing and distribution.
 - (21) Winery.
- (d) *Accessory uses.*
- (1) Fences as permitted in chapter 111, division 7.
 - (2) Food service and vending machines for tenants only.
 - (3) Home occupations as permitted in chapter 111, division 11.
 - (4) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.
 - (5) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
 - (6) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
 - (7) Pavilion.
 - (8) Private garage.
 - (9) Signs as permitted in chapter 111, division 19.
 - (10) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
 - (11) Storage and service areas and buildings serving a principal use on the same lot.
 - (12) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
 - (13) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
 - (14) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.
- (e) *Performance standards.*
- (1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
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(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	15	(a)	(b)	15	-
Accessory Building	15	(a)	(b)	15	-

- a. No rear yard is required if the rear is adjacent to an alley or railroad right of way, otherwise a rear yard of not less than seven feet shall be required.
- b. No side yard is required except where a side line of a lot in this district abuts upon the side line of a lot in districts Ag to C-1 inclusive, a side yard of not less than seven feet shall be provided.

(3) See chapter 111, article II for additional height and setback regulations and exceptions.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2901, § 4, 4-7-2020; Ord. No. 2960, §§ 2, 3(Exh. A), 7-18-2023)

RECORD OF SURVEY

TRACTS OF LAND IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH,
RANGE 48 WEST OF THE 6TH P.M., BOX BUTTE COUNTY, NEBRASKA.

LEGAL DESCRIPTIONS:

TRACT 1:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE, ALONG THE NORTH LINE OF SAID QUARTER SECTION, N89°24'52"W FOR A DISTANCE OF 1446.21 FEET; THENCE, AT RIGHT ANGLES, S00°25'48"W TO THE NORTH RIGHT-OF-WAY LINE OF COUNTRY CLUB ROAD, BEING A DISTANCE OF 9.33 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, S00°25'48"W FOR A DISTANCE OF 592.58 FEET; THENCE, S89°34'12"E TO THE SOUTHWEST CORNER OF LOT 1, BOMGAARS ADDITION TO THE CITY OF ALLIANCE, BEING A DISTANCE OF 744.44 FEET; THENCE, ALONG THE WESTERLY BOUNDARY OF SAID LOT 1, N01°31'39"E TO THE NORTHWESTERLY CORNER OF SAID LOT 1, BEING A DISTANCE OF 424.97 FEET; THENCE, ALONG THE NORTHERLY BOUNDARY OF SAID LOT 1, S89°21'37"E FOR A DISTANCE OF 30.26 FEET; THENCE, N00°35'08"E FOR A DISTANCE OF 165.67 FEET; THENCE, N89°24'52"W FOR A DISTANCE OF 783.29 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 10.30 ACRES, MORE OR LESS.

TRACT 2:

A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 48 WEST OF THE 6TH PRINCIPAL MERIDIAN, BOX BUTTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

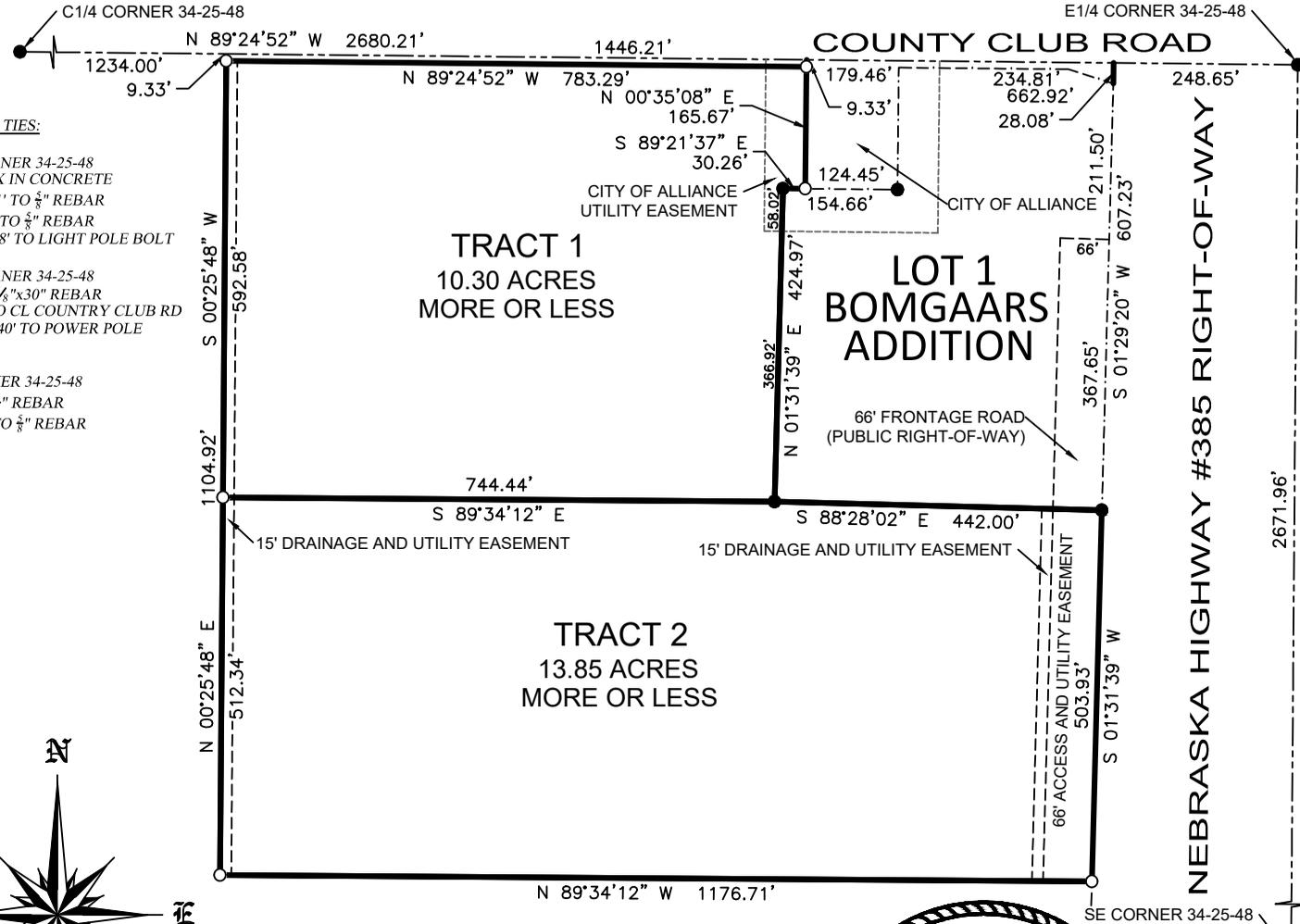
REFERRING TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE, ALONG THE NORTH LINE OF SAID QUARTER SECTION, N89°24'52"W FOR A DISTANCE OF 1446.21 FEET; THENCE, AT RIGHT ANGLES, S00°25'48"W TO THE NORTH RIGHT-OF-WAY LINE OF COUNTRY CLUB ROAD, BEING A DISTANCE OF 601.91 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, S89°34'12"E TO THE SOUTHWEST CORNER OF LOT 1, BOMGAARS ADDITION TO THE CITY OF ALLIANCE, BEING A DISTANCE OF 744.44 FEET; THENCE, ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1, S88°28'02"E TO THE SOUTHWESTERLY CORNER OF SAID LOT 1, BEING A DISTANCE OF 442.00 FEET; THENCE, ALONG THE WESTERLY RIGHT-OF-WAY OF NEBRASKA HIGHWAY #385, S01°31'39"W FOR A DISTANCE OF 503.93 FEET; THENCE, N89°34'12"W FOR A DISTANCE OF 1176.71 FEET; THENCE, N00°25'48"E FOR A DISTANCE OF 512.34 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 13.85 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE', NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 240 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; AND THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 25th day of January, 2025.

Scott M. Bosse'
NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603

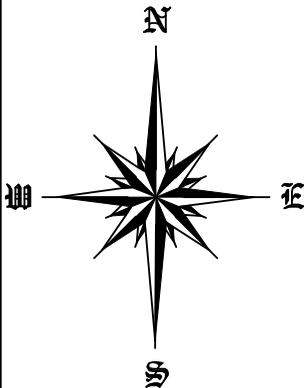


CORNER TIES:

E 1/4 CORNER 34-25-48
FOUND X IN CONCRETE
ESE 61.41' TO 5/8" REBAR
SE 71.77' TO 5/8" REBAR
SSW 70.78' TO LIGHT POLE BOLT

C 1/4 CORNER 34-25-48
FOUND 3/4"x30" REBAR
N 20.5' TO CL COUNTRY CLUB RD
NNW 60.40' TO POWER POLE

SE CORNER 34-25-48
FOUND 5/8" REBAR
E 74.77' TO 5/8" REBAR

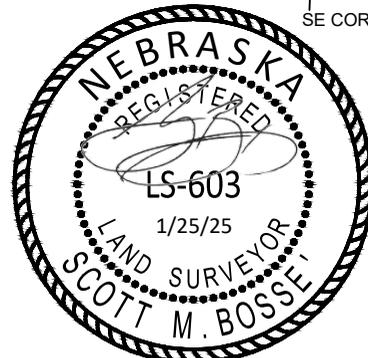


SCALE 1"=240'

● = CORNER FOUND
○ = CORNER SET
5/8"x24" REBAR PVC CAP

SURVEYOR NOTES:

- 1) THIS TRACT MAYBE SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS OF RECORD OR APPARENT.
- 2) ONLY THE RECORD DOCUMENTS NOTED HEREON WERE PROVIDED TO OR DISCOVERED BY SURVEYOR. NO ABSTRACT, CURRENT TITLE COMMITMENT NOR OTHER RECORD TITLE DOCUMENTATION WAS PROVIDED FOR THIS SURVEY.



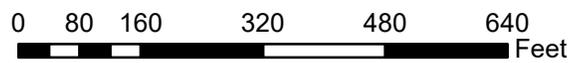
Scale 1"=240'
Date: JANUARY 25, 2025
Dwn By: SMB
REVISED:

ACCUSTAR SURVEYING
30601 COUNTY ROAD 17
MITCHELL, NE 69357
PHONE: (308) 623-0197
CELL: (308) 631-0737

PROJECT: JELINEK 34-25-48
JAMES JELINEK
ALLIANCE, NEBRASKA

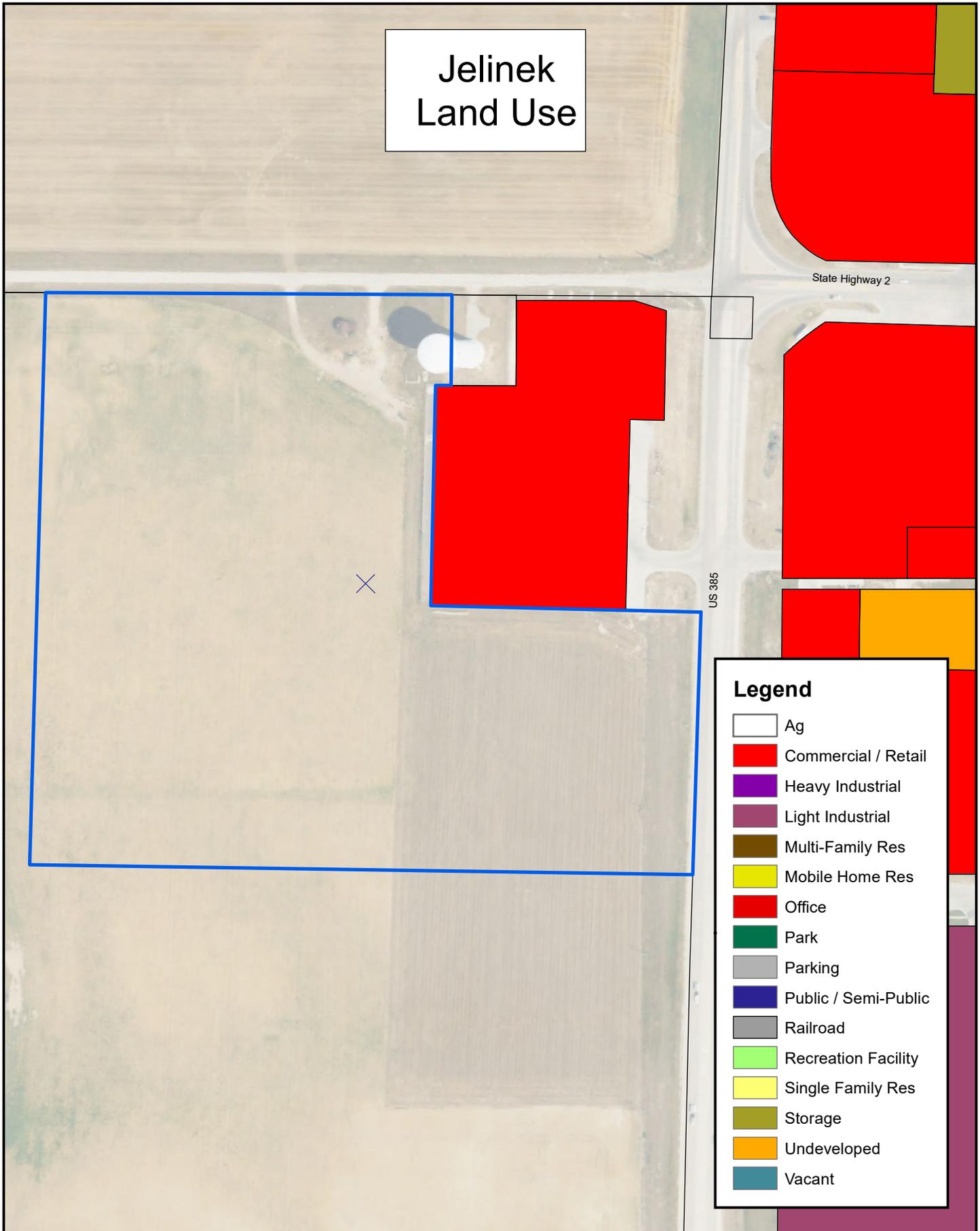
SHEET
1 OF 1

Jelinek Aerial



1 inch = 250 feet

Jelinek Land Use

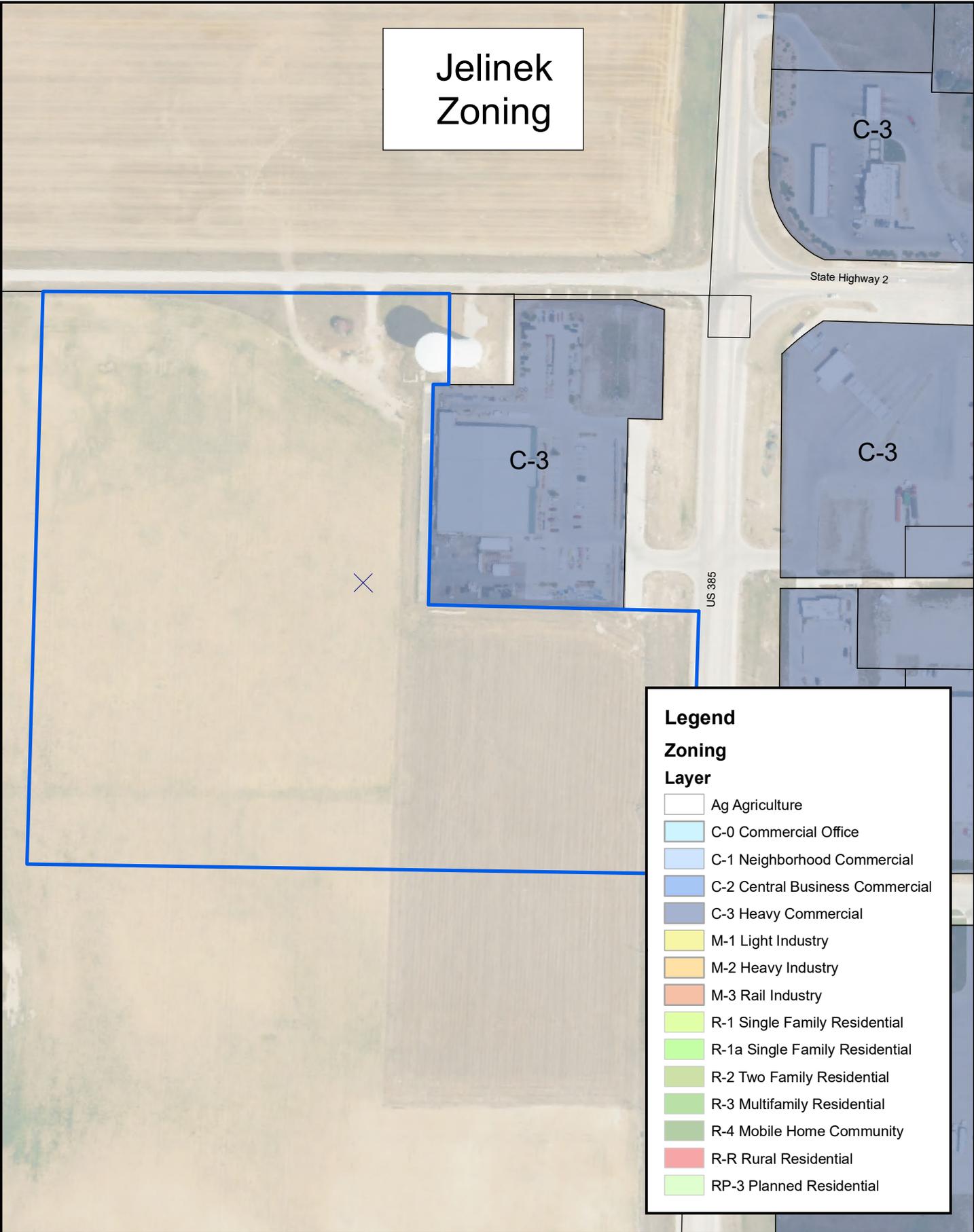


Legend

- Ag
- Commercial / Retail
- Heavy Industrial
- Light Industrial
- Multi-Family Res
- Mobile Home Res
- Office
- Park
- Parking
- Public / Semi-Public
- Railroad
- Recreation Facility
- Single Family Res
- Storage
- Undeveloped
- Vacant

0 80 160 320 480 640 Feet

1 inch = 250 feet



Jelinek
Zoning

C-3

State Highway 2

C-3

C-3

US 385

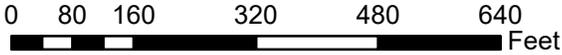
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Legend

Zoning

Layer

- Ag Agriculture
- C-0 Commercial Office
- C-1 Neighborhood Commercial
- C-2 Central Business Commercial
- C-3 Heavy Commercial
- M-1 Light Industry
- M-2 Heavy Industry
- M-3 Rail Industry
- R-1 Single Family Residential
- R-1a Single Family Residential
- R-2 Two Family Residential
- R-3 Multifamily Residential
- R-4 Mobile Home Community
- R-R Rural Residential
- RP-3 Planned Residential



1 inch = 250 feet

Neighborhoods

West Gateway Neighborhood

Boundaries

The West Gateway Neighborhood is generally bound by US Highway 385 on the west, City Limits on the north, and the railroad tracks on the south and east. (Fig. LU5)

Synopsis

The West Gateway Neighborhood is best described as an eclectic mix of uses and functions. As the primary gateway into the community, the overarching theme of the area is difficult to grasp. The lack of continuity between uses and streetscape conditions detracts from the initial impression of the community. Design standards for building material, setbacks, and signage would promote more aesthetically pleasing structures and development.

Transportation

The streets and roadways of the West Gateway Neighborhood follow an inconsistent pattern. Some of the streets follow a traditional grid-like pattern, while others follow an irregular pattern. Streets and roadways in the neighborhood are generally wide, many serving as major transportation corridors within the community. The conditions of the streets are generally good.

This neighborhood has an inconsistent and unconnected sidewalk network. The neighborhood lacks continuity among setbacks along the main transportation corridors and is void of any recognizable or memorable streetscape design. The neighborhood contains 3rd Street, 10th Street, and Highway 385, which are all major transportation corridors in the community.

Residential

Housing in the West Gateway Neighborhood is mostly localized to the north-central segment of the area. Subdivisions are predominantly made up of single-family units and mobile home residential units. The condition of the manufactured homes is generally poor, while the condition of single-family units is fair to good.

In terms of diversifying housing value, the neighborhood contains housing best suited for lower incomes, but also contains some middle-income housing stock. The general age of housing units within the district is 40 years for single-family dwellings. Mobile homes are currently being replaced by the park owner however this does not encompass all the houses in the park.

Residential density is higher than other neighborhoods because of the close proximity of the mobile homes to each other compared to typical single-family construction housing.

Commercial

Retail and commercial uses are primarily concentrated along 3rd Street and Highway 385. In the west portion of this neighborhood, there are large tracts of vacant land that serve as transition areas between uses and functions. There is a clear delineation between uses, mostly due to lack of development in select areas.

Industrial

The neighborhood also possesses a variety of industrial uses that were outside the community in the past. As the City grew west towards Highway 385, commercial land uses adjacent to the highway grew around the industrial

uses and they now detract from the overall image of the community.

Landmarks and Activity Centers

Hal Murray Softball Complex and the Lions Park are located in this neighborhood as well as the primary entrance to the City from the Heartland Expressway.

Vacant Land

There is approximately 168 acres of vacant land located in the West Gateway Neighborhood. Most of it is located behind the strip development along West 3rd Street and US Highway 385. The development and land subdivision pattern adjacent to these streets is irregular and makes development adjacent to and behind these strip developments difficult.

Land Use Conflicts

The West Gateway Neighborhood was once located at the western edge of the City. As such, there were many industrial uses that would be considered inappropriate adjacent to gateway streets within City limits. At one time there were four salvage yards in this neighborhood but only one is left. As the City grew around these land uses they were slowly redeveloped into commercial land use. There also exists the opportunity for intrusion of commercial land use in to residential areas.

Future Land Use

The current zoning map should be changed to reflect the commercial nature of the property adjacent to West 3rd Street. The land uses along the north side of 3rd Street are permitted by the commercial zoning but still remain zoned industrial. The

Neighborhoods

industrial land uses that exist adjacent to residential zoning and West 3rd street should be shielded from the less intense land uses and rights of way.

Neighborhood Goals

Residential: The City should pursue declaring more of the West Gateway as Blighted and Substandard to allow for Tax Increment Financing and pursue grant funding for workforce housing. There are 7 vacant lots adjacent to Cody Avenue zoned for single family residential and a block between Cody Avenue and the Softball Complex that is zoned for multifamily residential.

Commercial: The proposed land use in the West Gateway Neighborhood, particularly adjacent to highways, is commercial. There are some commercial land uses that have taken the place of industrial uses but the zoning remained unchanged. The zoning north of 3rd Street should be changed to Commercial to prevent the land uses from reverting to heavy industrial. A significant portion of the commercial property in the West Gateway is already blighted and substandard.

Industrial: Some of the historic industrial land uses still exist in the West Gateway Neighborhood. The commercial development that followed the increase in

traffic along Highway 2 and US 385 grew around the industrial land uses and in many instances replaced it.

Extra care should be taken to keep the industrial land uses from interfering with the commercial and residential land uses. Landscaping requirements should be considered along the West 3rd Street corridor to soften the image of the remaining industrial land uses and the heavy commercial land uses.

Transportation: The West Gateway Neighborhood is not well connected with sidewalks. The residential areas in the north are not connected via sidewalk to the commercial areas along West 3rd Street. This is due to a lack of sidewalk along vacant lots and lots that were developed but no sidewalk was installed. The sidewalks in the mobile home park are not compliant with current City code or accessibility code. They lack ramps at intersections and are only 2.5 feet wide. Options to improve these sidewalks could include grants and assessments to repave them to meet code.

The City should plan to extend the trail system from Central Park to Lions Park as this could add Emerson Elementary School, Jaycees Park, the Lions Park, and the Softball Complex to the trail system and make the West Gateway Neighborhood

more accessible to the rest of the community via sidewalk.

The streets in this neighborhood range from very good to poor. There is a large number of gravel streets south of West 3rd Street and the streets in the mobile home park are beginning to exhibit large fissures in the pavement. West 4th Street provides access to the softball complex but is paved with asphalt fines, lacks curb and gutter, and regularly has large holes in the roadway.

Code Enforcement: This area would benefit greatly from an increase in code enforcement. As the primary gateway to the community from the Heartland Expressway this area provides visitors and potential developers with their first impression of Alliance.

The City of Alliance should consider gateway design regulations on signage, landscaping, setbacks, and streetscapes to ensure a more positive "first impression" of the community. This could be an overlay zone for properties developed within a certain distance from the gateway or the arterial street. Care should be taken to adopt a code that improves the appearance of new development or redevelopment that doesn't deter the project from happening.

Neighborhoods

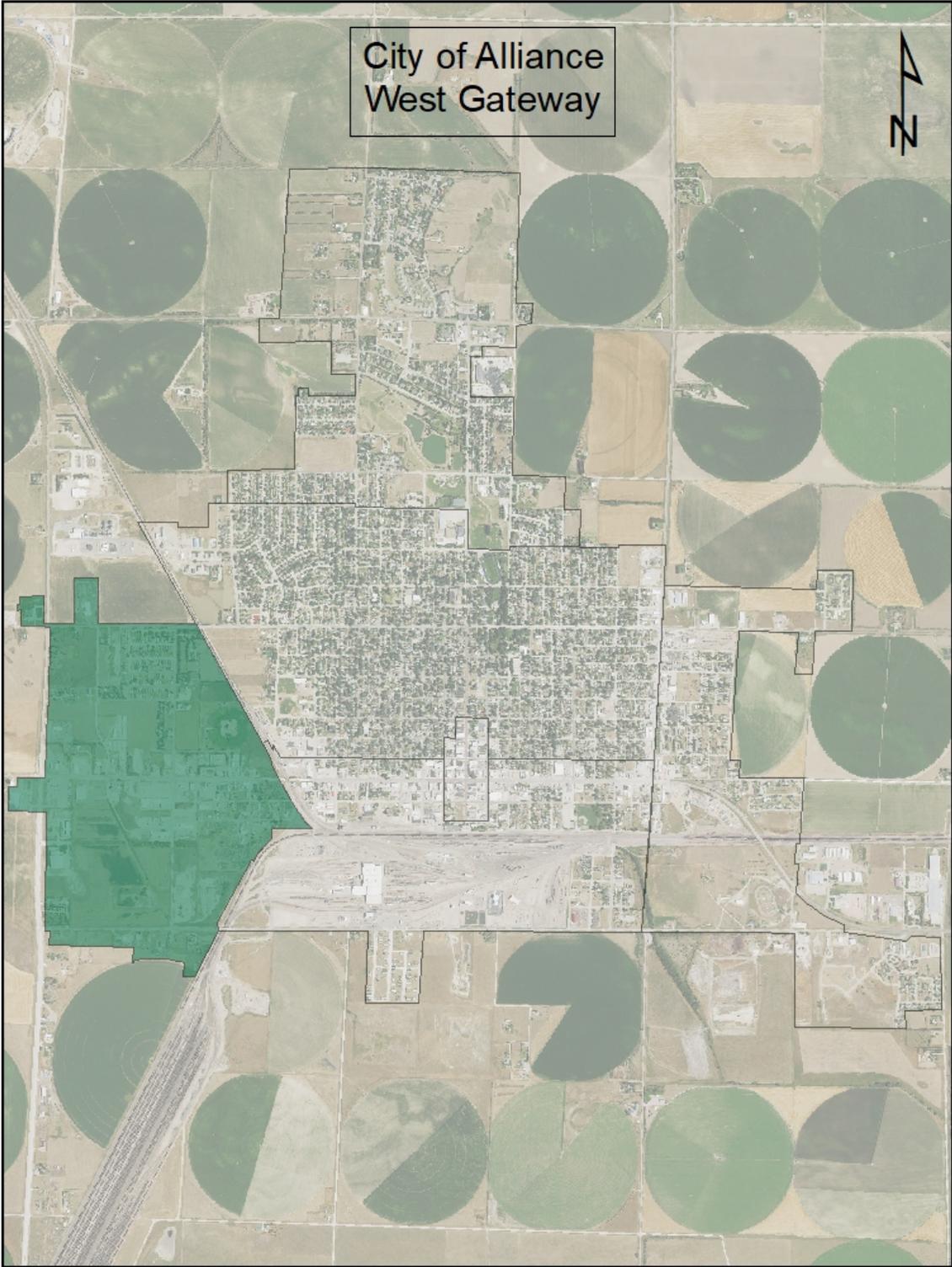


Fig. LU5

Neighborhoods

Extraterritorial Zoning

Jurisdiction Boundaries

The Extraterritorial Zoning Jurisdiction (ETJ) is generally described as the land within a two-mile radius of Corporate City Limits. For ease of enforcement, boundaries were drawn at section or quarter section lines as shown on the ETJ Map. (Fig. LU10)

Synopsis

The ETJ may be thought of as the buffer between the rural County and urban City. It functions as a transition zone wherein the City can ensure its future growth by requiring development in this area to meet the subdivision and building code requirements of the City. The ETJ is primarily used for agriculture but it does contain some fringe growth along highways and well-maintained county roads.

Transportation

The majority of the transportation routes in the ETJ are County Roads that are laid out in a grid like system along section lines. Box Butte County is responsible for maintaining these roads. Nebraska Highway 87 runs north and south through the eastern portion of the ETJ and dead ends at its intersection with Nebraska Highway 2 in Alliance. Nebraska Highway 2 enters the ETJ from the east and leaves running north-west concurrent with United States Highway 385, which runs north and south through the western portion of the ETJ

and City. These highways are maintained by the State of Nebraska Department of Transportation except portions within corporate City Limits.

Residential

Most of the land use outside of corporate limits is agriculture but there are some residential dwellings along well-maintained roads. Most of these residential land uses developed before the City enforced its zoning code and subdivision requirements in the ETJ.

Commercial

The ETJ contains a small number of commercial land uses adjacent to highways. There isn't a central location or business corridor per say and these uses are dispersed throughout the ETJ.

Industrial

There are a few industrial land uses adjacent to the BNSF railroad tracks but they are otherwise dispersed and not connected to each other.

Landmarks and Activity Centers

Carhenge, the Alliance Cemetery, Calvary Cemetery, the Nebraska State Veterans Cemetery, and a portion of the Alliance Municipal Airport are located in the ETJ. Rail fans are occasionally seen stopped on the highway taking pictures along the BNSF railroad tracks and yards.

Vacant Land

There is very little vacant land

in the ETJ as most of it is used for agricultural purposes. Potential development and expansion of the City limits into the ETJ will become more difficult and costly as the price of farm ground and infrastructure continues to increase.

Land Use Conflicts

The primary land use conflicts are a result of uses that existed before the City extended its jurisdiction beyond the Corporate City Limits. These include the mix of industrial, commercial, and residential land uses south of the City adjacent to US Highway 385. This also extends to lots or plats of land that don't meet the City's minimum requirements in the subdivision code.

Future Land Use

Future land uses in the ETJ should be an extension of existing land uses in City Limits or in the logical development path thereof. This will help prevent conflicting land uses as the City continues to grow. Fringe growth in the ETJ without the guidance of a master development plan should also be avoided as any development may cause land use conflicts with other proposed future developments. Previous expansion of the ETJ boundaries after the City annexed the BNSF railroad right of way and yards should be assessed and possibly reversed.

Neighborhoods

Neighborhood Goals

Development and redevelopment within current City Limits should be prioritized over new development in the ETJ.

Residential: If residential developments are to occur outside corporate limits, they should be platted and developed adjacent to existing residential developments.

Commercial: Commercial growth in the ETJ should be extensions of current

commercial growth and placed primarily adjacent to highways utilizing frontage roads for access.

Industrial: Industrial growth should occur primarily in areas where there is access to both railroad and highway or well-maintained county roads.

Transportation: Transportation in the ETJ is primarily maintained by Box

Butte County and the State of Nebraska Department of Roads.

Code Enforcement: Code enforcement should be carried out in the ETJ the same as it is in the rest of the community. Although primarily used for agriculture, the ETJ does function as the first gateway and provides a first impression of the City. This is why consistent and compatible land use is advised in the ETJ.

Neighborhoods

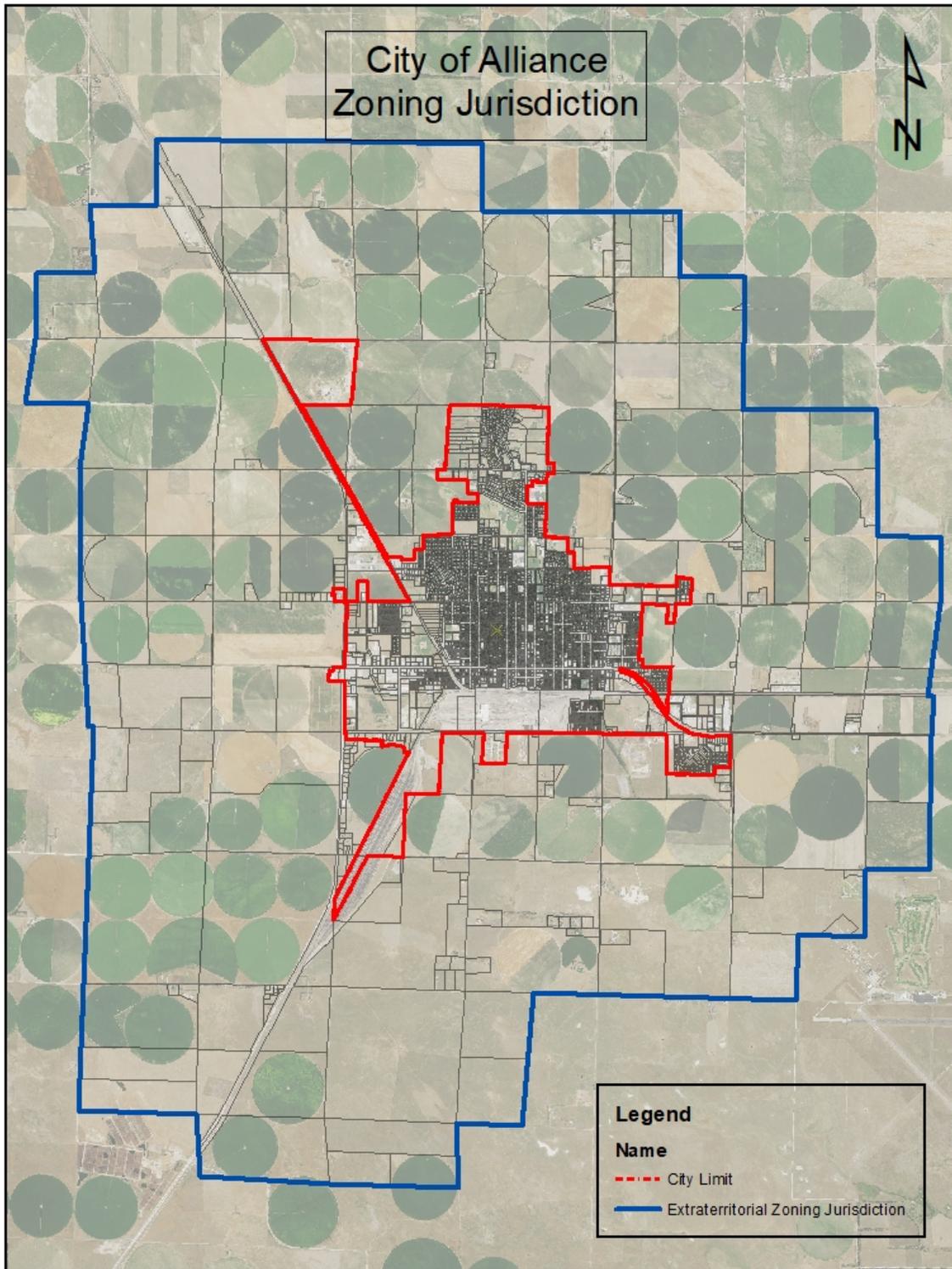


Fig. LU10



Building the Best Hometown in America®

March 31, 2025

Box Butte County
515 Box Butte Avenue
Alliance, NE 69301

Dear Box Butte County Commissioners,

The City is in receipt of an application for a rezone from Zachary Jelinek requesting a rezone from Ag, Agriculture to C-3, Heavy Commercial, for a Tract of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska (See attached survey). The Planning Commission will conduct a public hearing on April 8, 2025 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue, to obtain public comment on the proposed rezone.

If you have any comments, questions or an official response pertaining to the rezone before the public hearing, please forward them to the City of Alliance Community Development Department office at (308)762-5400 or visit us at 324 Laramie Avenue. Our office hours are Monday-Friday 8 a.m.-5 p.m.

Sincerely,

Katherine Conrad
Administrative Secretary
Community Development Department

Building the Best Hometown in America®

City of Alliance ~ P.O. Box D ~ Alliance, NE 69301 ~ 308-762-5400

www.CityOfAlliance.net





Building the Best Hometown in America®

March 31, 2025

Mike Johnson
515 Box Butte Avenue
Alliance, NE 69301

Dear Mr. Johnson,

The City is in receipt of an application for a rezone from Zachary Jelinek requesting a rezone from Ag, Agriculture to C-3, Heavy Commercial, for a Tract of Land in the Southeast Quarter of Section 34, Township 25 North, Range 48 West of the 6th Principal Meridian, Box Butte County, Nebraska (See attached survey). The Planning Commission will conduct a public hearing on April 8, 2025 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue, to obtain public comment on the proposed rezone.

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Sincerely,

Katherine Conrad
Administrative Secretary
Community Development Department

Building the Best Hometown in America®

City of Alliance ~ P.O. Box D ~ Alliance, NE 69301 ~ 308-762-5400

www.CityOfAlliance.net



Item C

Public Hearing

Rezone

West Half of Block 28 OT
Alliance



City of Alliance Application to Rezone

Community Development
324 Laramie Avenue
Alliance, NE 69301
(308) 762-5400 - phone
(308) 762-7848 - fax

Instructions:

- A. Fill out the application form completely. Please type or print. Use additional sheets if necessary.
- B. Please sign and date the application form.
- C. Filing fee is \$150.00. Please make check payable to "The City of Alliance."
- D. Include a site plan identify existing buildings, structures, and other pertinent features.
- E. Submit a certified list of the names, addresses, legal descriptions, and the corresponding Parcel Information Numbers assigned by the Box Butte County Assessor of the surface owners of the property within three hundred (300') feet of the subject property. The source of such records shall be the records of the Box Butte County Assessor.

1.	Property Owner's Name:	Philip & Lillie Lecher, Joseph Weber, MRC Inc, Bank of the West	Phone:	
2.	Owner's Property Address:			
3.	Legal Description of Property:	Lots 12-17, Block 28, Original Town		
4.	Property Address:	101 Laramie, 115 Laramie, 125 W 2nd, 121 W 2nd		
5.	Present Use of the Property:			
6.	Present Zoning Classification:	M-2 Heavy Industrial		
7.	Requested Zoning Classification:	C-2 Central Business		
8.	Reason for Rezoning:	More consistent with current land uses & setbacks		
9.	Lot Size/Acreage of Property:	7000ft ² per lot - South lot is 11,382ft ²		
10.	The zoning administrator, who may be accompanied by others, is hereby authorized to enter the property, during normal working hours for the purpose of becoming familiar with the proposed situation.			
11.	Attached	<input type="checkbox"/> Filing Fee	<input type="checkbox"/> Site Plan	<input type="checkbox"/> List of names/addresses of property owners within 300 feet of the subject property certified by the Box Butte County Assessor's Office.

Signatures:		4/3/25		
	Applicant Seth A. Sorensen, CM	Date	Property Owner (<i>Owner of Record</i>)	Date
	Applicant	Date	Property Owner (<i>Owner of Record</i>)	Date

Office Use Only				
Date Received:	APRIL 3, 2025	Filing Fee - \$150.00	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Received By:	K Conrad	Date of Public Hearing:	APRIL 8, 2025	

Community Development Staff Report- Brent Kusek

Applicant:

City of Alliance
P.O. Box D
324 Laramie Avenue
Alliance, NE 69301

Property

Owner(s):

The Abbott Bank
C/O Bank of the West
P.O. Box 5155
San Ramon, CA 94583

MRC Incorporated
2924 Cheyenne Dr.
Alliance, NE 69301

Joseph Weber
2651 CR 58
Alliance, NE 69301

Philip and Lillie Lecher
P.O. Box 638
Alliance, NE 69301

Proposal:

The rezone of the west half of Block 28, Original Town, Alliance from M-2 Heavy Industrial to C-2, Central Business District.

Legal Description:

Lots 12 through 17, Block 28, Original Town, Alliance, Box Butte County, Nebraska.

Rezone Location:

The proposed rezone is located east of Laramie Avenue between West 1st and West 2nd Streets.

Project Description:

The City is proposing to rezone this half block to C-2 Central Business District from M-2 Heavy Industrial as C-2 is more consistent with the current land uses and setbacks of the buildings on the lots.

Analysis:

Zoning: The half block is currently zoned M-2, Heavy Industrial. It is bordered by C-2, Central Business District Zoning to the east (on the same block), C-3 Heavy Commercial Zoning to the north, and M-2 zoning to the west and south.

Land Use: The West Half of Lots 16 and 17 is currently used as an apartment house. This use is currently nonconforming and will remain nonconforming upon the proposed rezone. The East Half of Lots 16 and 17 are currently used for a parking lot for BMO Bank. This is currently a

conforming use. Lots 14 and 15 are currently used as a contractor office and storage, this is currently a conforming use and will remain a conforming use. Lots 12 and 13 are used for a commercial office on the first floor and a dwelling on the second floor. The offices are conforming, and the dwelling is considered conforming provided the occupant is the “watchman or custodian” on the property. Both would become conforming uses regardless of who lived in the dwelling.

Lot Size/Area: The lot sizes in the proposed rezone are 7000ft² except for the south lot which is 11,382ft². There aren't any minimum lot sizes or dimensions in the C-2 Zoning District. There aren't any minimum lot sizes in the M-2 Zoning District.

Setbacks: The proposed rezone will change the front setbacks from 15 feet to 0 feet, the side setback will remain the same at 0 feet, the side street setback from 15 feet to 0 feet, and the rear setback remains 0 feet if adjacent to an alley or from 15 feet to 10 feet if not adjacent to an alley.

The setback of the two-story structure at 101 Laramie Avenue is currently 0 feet along the front which does not meet the minimum setback of 15 feet required by the current zoning district. The setback for the same structure from the side street side is approximately 5 feet which does not meet the minimum side street setback of 15 feet required by the current zoning district. A rezone to C-2 would reduce the required setbacks to 0 feet which would make the structure conforming.

The front setback for 115 Laramie is 0 feet which is less than the 15 feet required by the current zoning district. A rezone to C-2 would reduce the required setback to 0 feet which would make the structure conforming.

The side street setback for 125 W 2nd Street is approximately 10 feet which does not meet the minimum setback requirement of 15 feet for the current zoning district. A rezone to C-2 would reduce the setback to 0 feet which would make the existing structure conforming to setback requirements.

Transportation: The proposed rezone is bordered by Laramie Avenue to the west, West 1st Street to the south, an alley to the east, and West 2nd Street to the north.

Comprehensive Plan: The proposed rezone is in the Downtown Neighborhood as identified on page LU9 of the Alliance Comprehensive Plan. The downtown neighborhood is identified by primarily commercial land use. The proposed land use for this area going back to the 1998 Comprehensive Plan is Commercial with Laramie Avenue functioning as the separation line between it and industrial. The plan also indicated that industrial uses should not be allowed to encroach into the Downtown Neighborhood as it would damage the character of the district. Rezoning to C-2 would eliminate the possibility of this happening and is consistent with the comprehensive plans going back to 1998.

Public Notification:

A notification letter was served to the Alliance Public Schools. Letters were sent to each property owner within the rezone area followed by certified receipt letters to the same owners. This was not required by State Law for 3 of the 4 property owners. Signs were posted on the north, west, and south sides of the proposed rezone area on March 28, 2025. The letters and signs indicated the date, time, and place of the public hearing.

Staff Comments:

The purpose of zoning is to separate incompatible land use types. Zoning is not meant to increase the value of one's property.

This rezone is proposed for three reasons. The first is that the Heavy Industrial Zoning District allows uses that are more intense than are appropriate for the downtown area. These land uses include animal waste rendering, adult bookstores, adult theaters, slaughterhouses and stockyards, garbage disposal plants, junkyards, and sanitary landfills. The second reason is to correct the setback issues with the structures on these lots. Right now they are all nonconforming structures. They cannot be expanded within the setbacks and if they were destroyed, they could not be rebuilt without meeting the M-2 setbacks. The third is following through with the future land use components of our Comprehensive Plans going back to the 1998 Plan as commercial for this entire block.

One of the owners indicated that they are concerned about the existing cold storage equipment in the buildings even though they converted the occupancy type to commercial office. Staff would recommend adding cold storage to the conditional uses in the C-2 Commercial District as opposed to keeping the M-2 Heavy Industrial zoning designation.

Findings of Fact:**Findings of fact to recommend its approval may include:**

1. The rezone would not create any nonconforming lot sizes.
2. The rezone would correct the current nonconforming building setbacks.
3. A rezone to C-2 would be consistent with the image of the Downtown Neighborhood as identified in the Comprehensive Plan.
4. The rezone would be consistent with the future land use portions of the current and previous comprehensive plans showing this area as commercial.
5. The proposed rezone is adjacent to existing C-2 zoning.
6. City utilities are already available in this location.
7. The rezone would not create any new nonconforming land uses.

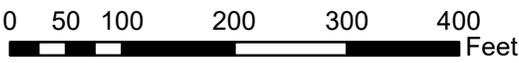
Findings of fact not to recommend approval may include:

- 1.

Staff Recommendation:

Staff recommends the rezone of the west half of Block 28, Original Town, Alliance from M-2 Heavy Industrial to C-2, Central Business District.

Block 28 OT Aerial



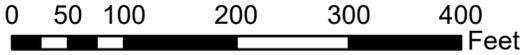
1 inch = 170.1 feet

Block 28 OT Zoning

Legend

Zoning Layer

- Ag Agriculture
- C-0 Commercial Office
- C-1 Neighborhood Commercial
- C-2 Central Business Commercial
- C-3 Heavy Commercial
- M-1 Light Industry
- M-2 Heavy Industry
- M-3 Rail Industry
- R-1 Single Family Residential
- R-1a Single Family Residential
- R-2 Two Family Residential
- R-3 Multifamily Residential
- R-4 Mobile Home Community
- R-R Rural Residential
- RP-3 Planned Residential

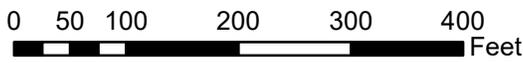
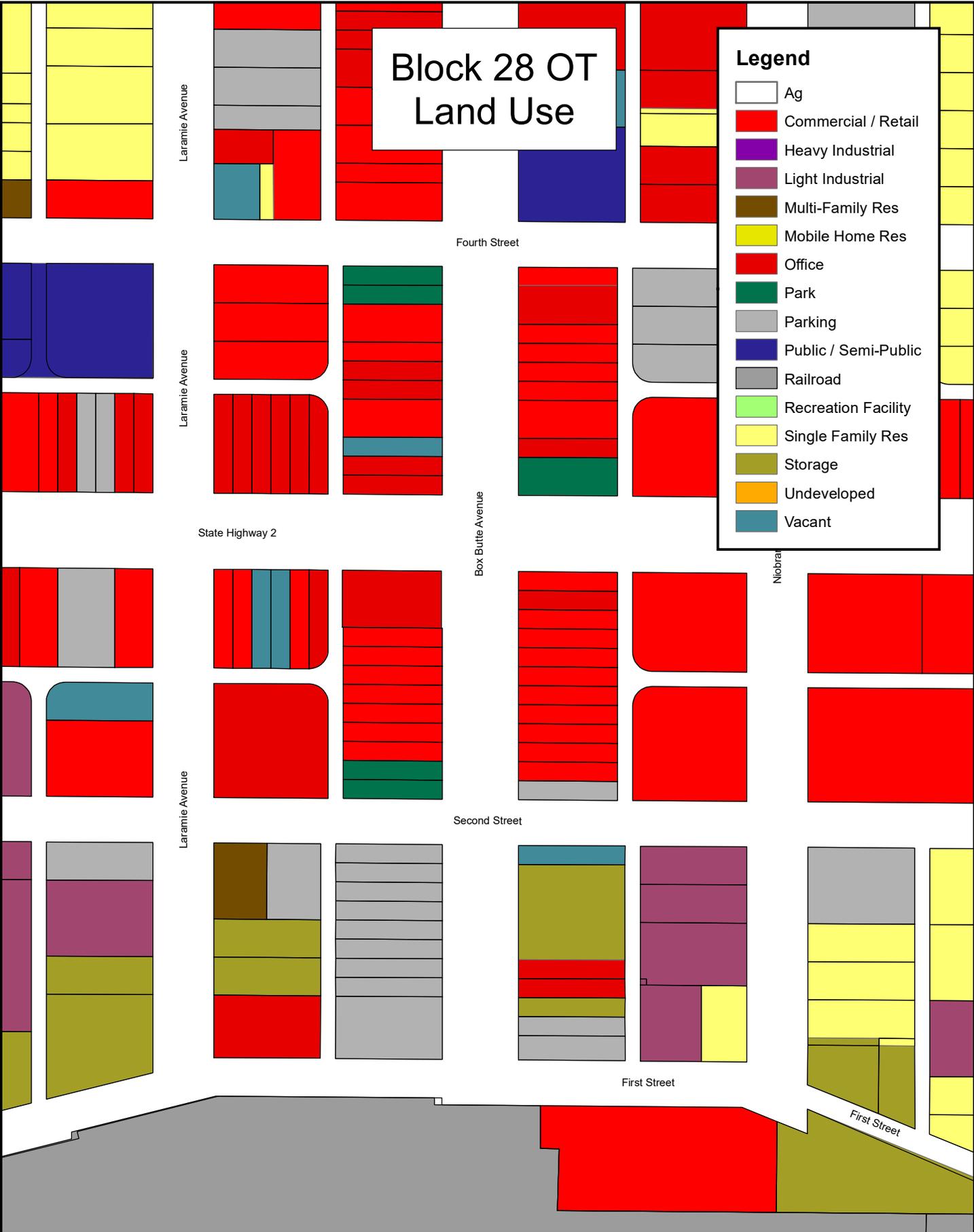


1 inch = 170.1 feet

Block 28 OT Land Use

Legend

- Ag
- Commercial / Retail
- Heavy Industrial
- Light Industrial
- Multi-Family Res
- Mobile Home Res
- Office
- Park
- Parking
- Public / Semi-Public
- Railroad
- Recreation Facility
- Single Family Res
- Storage
- Undeveloped
- Vacant



1 inch = 170.1 feet

Neighborhoods

Downtown Neighborhood

Boundaries

The Downtown Neighborhood is generally bound by 6th Street to the north, 1st Street to the south, Laramie Avenue to the west and Niobrara Avenue to the east. (Fig. LU9)

Synopsis

The strength of a small community is often measured through the vibrancy, image, and usage of its downtown. Downtown Alliance projects a positive and strong image but can continue to be improved by refurbishing aging buildings and full occupancy of empty buildings and vacant lots. A united effort among downtown business owners to create a standardized downtown “brand” would help attract residents, visitors, and future businesses.

Transportation

The Downtown Neighborhood is marked by wide, brick roadways that support on-street angled and parallel parking. The area follows a traditional grid pattern but does include a substantial number of one-way streets. The roadways are in good condition and clearly delineate the neighborhood. A 20 mph speed limit is enforced throughout the Downtown Neighborhood.

The neighborhood is dominated by public and retail uses, and has small

setbacks that create a pedestrian oriented environment. A wide and consistent sidewalk network supports the pedestrian environment very well. The sidewalks are in good condition. Well maintained streetscapes create a pleasant street level environment.

Residential

While the primary use within the Downtown Neighborhood is commercial, there are some residential dwellings above the ground floor of commercial establishments.

Commercial

The area is dominated by niche retail and public service commercial. The conglomeration of locally-owned retail, coupled with some entertainment and recreational opportunities, generates an active downtown atmosphere. The centrality of city and county public employment provides a consistent base of pedestrians in the district.

Industrial

There is very little industrial land use in this neighborhood. There is some industrial zoned land to the south west of the neighborhood that is used primarily for storage.

Landmarks and Activity Centers

The Downtown Neighborhood is home to a number of notable

community landmarks such as Box Butte County Courthouse, City Hall, and the Newberry Building. The movie theatre, a pocket park, and Ken and Dales serve as downtown activity centers.

Vacant Land

There are approximately eight lots located in this neighborhood where buildings have been torn down that could be redeveloped if the demand arose for such a type of building.

Land Use Conflicts

The primary sources of land use conflicts in this neighborhood are industrial uses located along the southwest boundary of this neighborhood and the use of visible downtown commercial space for storage and residential.

Future Land Use

The primary use of this neighborhood should remain commercial. Apart from second story residential dwellings, the adjacent uses should not be permitted to grow into the Downtown Neighborhood.

Neighborhood Goals

Residential: The City allows dwellings above or below the ground floor of downtown buildings. This type of redevelopment should be encouraged by the City. This increases the foot traffic and population downtown and makes it more attractive to new businesses considering locating in this neighborhood.

Neighborhoods

Commercial: As a commercial corridor, the adjacent noncommercial land uses should be discouraged from encroaching into this neighborhood to maintain its historic use and character.

Industrial: The primary industrial uses are located in the southwest portion and the uses are primarily outdoor storage and the railroad. Industrial land uses should not be permitted to encroach into the downtown neighborhood.

Transportation: The Downtown Neighborhood is well connected to the rest of the City. The grid street system common in the Core and South Neighborhoods

extends into the Downtown Neighborhood and as such exhibits the same sidewalk development patterns.

Most of the sidewalk is in good condition but some flaws in the streetscape project design, such as the heaving sidewalk brick, should be fixed. Other sidewalks outside the project area should be evaluated for replacement.

All of the streets in this neighborhood are paved with brick and have concrete curb and gutter. Some of the brick paving as well as the side street curb and gutter are exhibiting signs of distress. Examples of this include spalling, heaving, potholing, and bricks that have

disintegrated. The brick streets provide one of the most unique aspects of this neighborhood, and Alliance in general, and should be maintained.

Code Enforcement: Some of the facades in the Downtown Neighborhood would benefit from an increase in property maintenance code enforcement and rehabilitation. Other portions of the property would benefit from an increase in nuisance abatement to decrease the amount of outdoor storage present. Facade grants could be utilized to aid business owners that are trying to rehabilitate their buildings to increase their curb appeal.

Neighborhoods

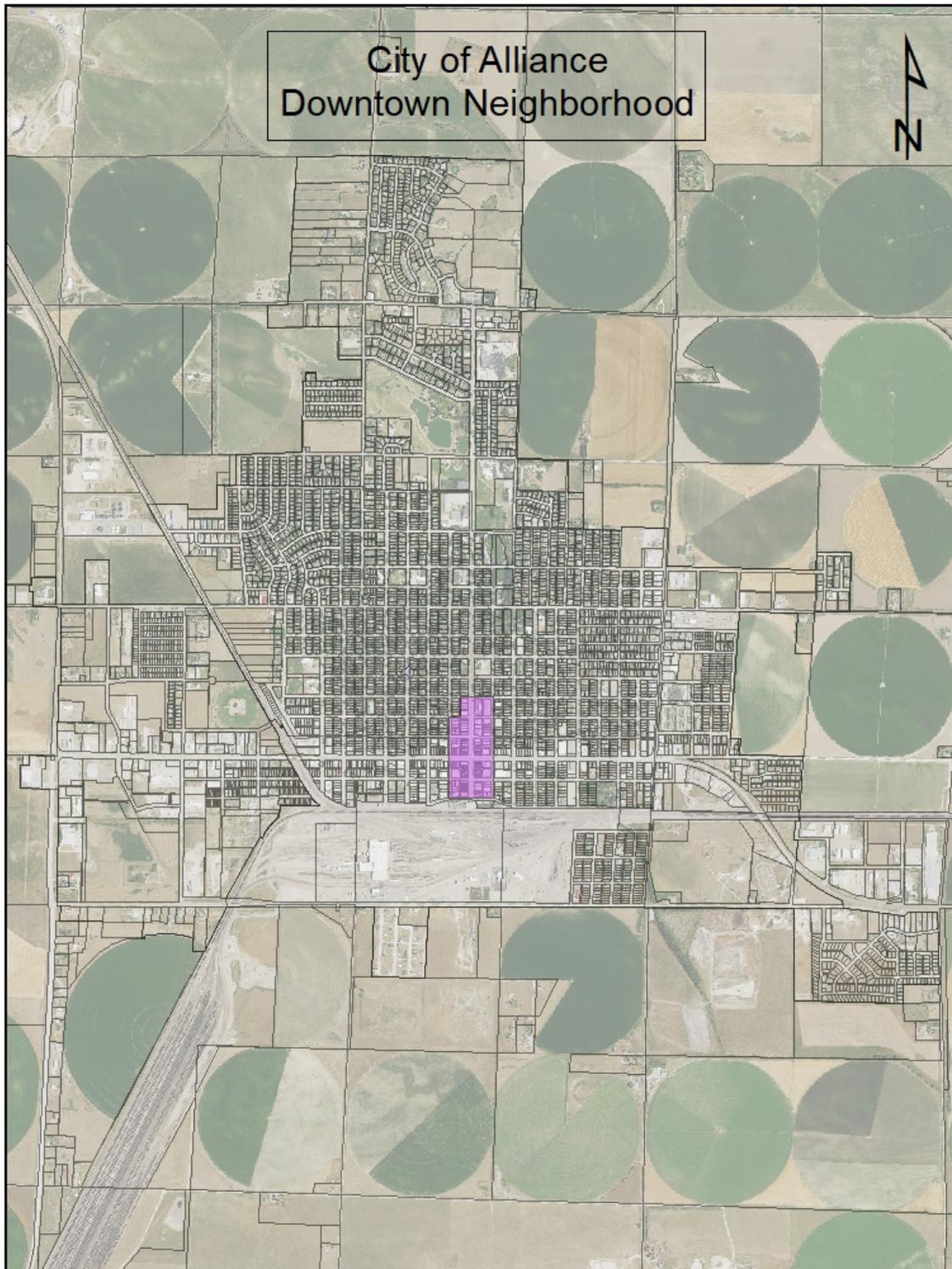
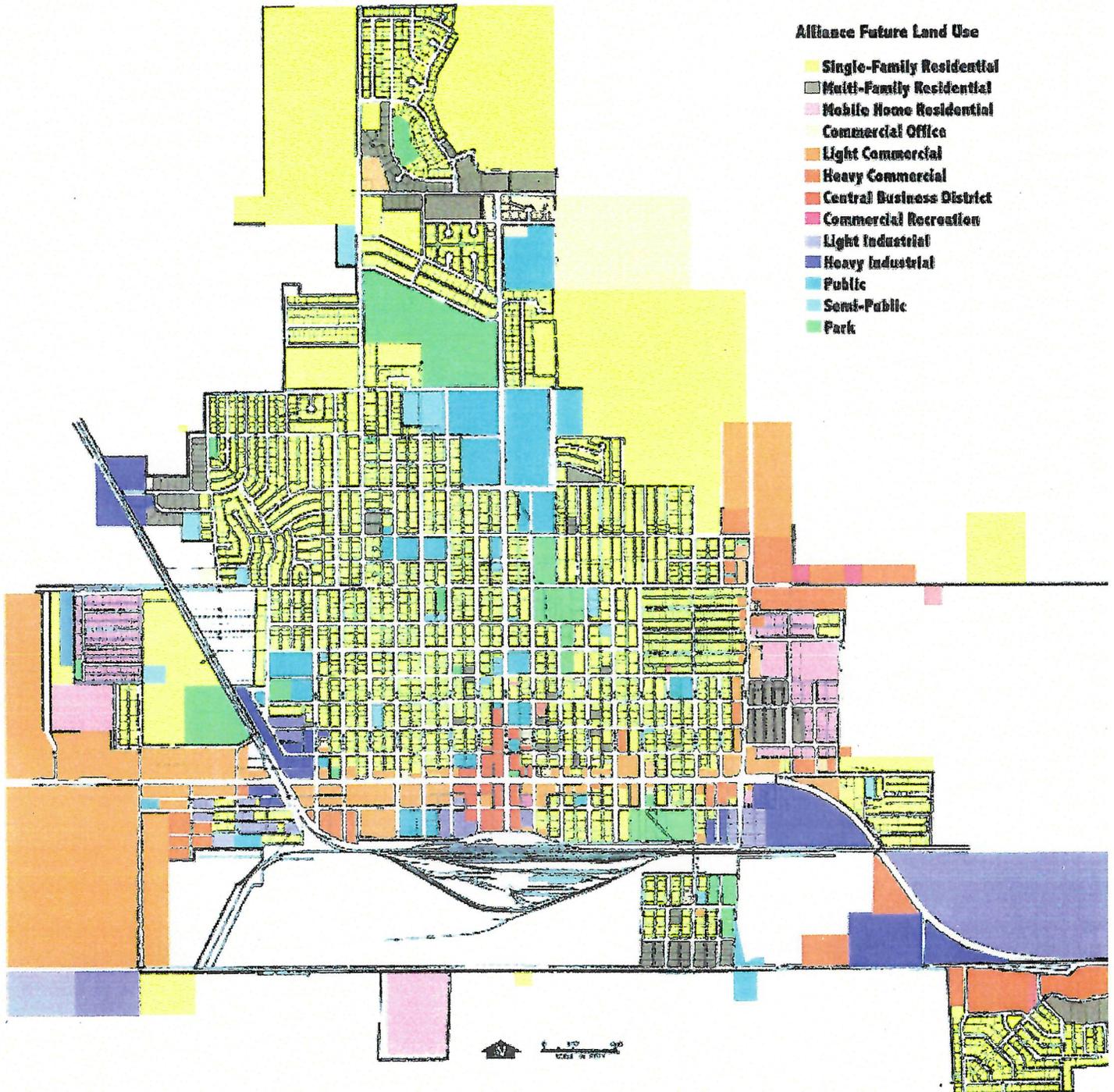


Fig. LU9

Map #11

Alliance Future Land Use

- Single-Family Residential
- Multi-Family Residential
- Mobile Home Residential
- Commercial Office
- Light Commercial
- Heavy Commercial
- Central Business District
- Commercial Recreation
- Light Industrial
- Heavy Industrial
- Public
- Semi-Public
- Park



Sec. 109-50. C-2, Central Business District.

- (a) *Scope and intent.* The C-2, Central Business District is intended to provide a zone that accommodates low impact retail and service businesses in those areas of the community that were traditionally developed with no building setback requirements.
- (b) *Permitted uses.*
- (1) Art gallery.
 - (2) Bakery.
 - (3) Banks and credit unions.
 - (4) Bars and saloons.
 - (5) Barber shop.
 - (6) Building supply stores with indoor display and storage only.
 - (7) Business offices.
 - (8) Café.
 - (9) Church.
 - (10) Clubs and fraternal organizations.
 - (11) Colleges and universities.
 - (12) Confectionary store.
 - (13) Convenience food stores.
 - (14) Day care center.
 - (15) Dry cleaners and laundries.
 - (16) Dwellings above and below the ground floor.
 - (17) Fire station.
 - (18) Funeral home.
 - (19) Hair salon.
 - (20) Health care practitioner facility.
 - (21) Health clinic.
 - (22) Hotels, motels, and other lodging facilities.
 - (23) Library.
 - (24) Meat market.
 - (25) Municipal buildings.
 - (26) Museum
 - (27) Nail salon.
 - (28) Parking lots.
 - (29) Pharmacy.

-
- (30) Police station.
 - (31) Preschool.
 - (32) Primary and secondary schools.
 - (33) Printers and newspapers.
 - (34) Public parks and recreation facilities.
 - (35) Pubs.
 - (36) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
 - (37) Restaurants.
 - (38) Retail sales establishments.
 - (39) Spa.
 - (40) Theaters (indoor).
 - (41) Wholesale establishments.
- (c) *Conditional uses.*
- (1) Automobile dealer lots.
 - (2) Commercial recreation establishments.
 - (3) Commercial storage units.
 - (4) Community garage.
 - (5) Craft production facilities.
 - (6) Filling station.
 - (7) Hospital.
 - (8) Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
 - (9) One family dwelling on the ground floor provided it shall be located in the rear of the building and occupy no more than 4% of the ground floor area.
 - (10) Repair garage.
 - (11) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
 - (12) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (d) *Accessory uses.*
- (1) Fences as permitted in chapter 111, division 7.
 - (2) Food service and vending machines for tenants only.
 - (3) Home occupations as permitted in chapter 111, division 11.
 - (4) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.

- (5) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
- (6) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.
- (7) Pavilion.
- (8) Private garage.
- (9) Signs as permitted in chapter 111, division 19.
- (10) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
- (11) Storage and service areas and buildings serving a principal use on the same lot.
- (12) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
- (13) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (14) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
-	-	-	45	0

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	0	a	0	0	-
Accessory Building	0	a	0	0	-

a. No rear yard is required if adjacent to an alley or railroad right-of-way, otherwise ten feet.

(3) See chapter 111, article II for additional height and setback regulations and exceptions.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2901, § 3, 4-7-2020; Ord. No. 2960, §§ 2, 3(Exh. A), 7-18-2023)

Sec. 109-53. M-2, Heavy Industrial District.

- (a) *Scope and intent.* This section applies to district M-2. The M-2, Heavy Industrial District is intended to accommodate assembly, fabricating, and processing activities which could generate vibration, noise, dust, fumes, gas, odor, or smoke. However, no activities that by nature of their operation would be detrimental to the general health, safety and welfare of the general public will be permitted.
- (b) *Permitted uses.*
- (1) Animal shelter.
 - (2) Auction house.
 - (3) Bakery.
 - (4) Building supply store.
 - (5) Brewery.
 - (6) Cold storage facility.
 - (7) Commercial storage units.
 - (8) Community garage.
 - (9) Craft production facilities.
 - (10) Distillery.
 - (11) Dry cleaners and laundries.
 - (12) Filling station.
 - (13) Fire station.
 - (14) Freight terminals.
 - (15) Grain elevators.
 - (16) Kennel.
 - (17) Machine shop.
 - (18) Manufacturing, processing, fabrication, or assembling of commodities.
 - (19) Municipal buildings.
 - (20) Offices.
 - (21) Parcel services.
 - (22) Parking lots.
 - (23) Police station.
 - (24) Printers and newspapers.
 - (25) Railroad right-of-way.
 - (26) Repair garage.
 - (27) Repair shops; indoor only and not including repair facilities which could be considered noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
 - (28) Vehicle washing facility.

-
- (29) Vehicle storage yard.
 - (30) Veterinary clinic.
 - (31) Warehousing and storage of commodities.
 - (32) Wholesale establishment.
 - (33) Winery.
- (c) *Conditional uses.*
- (1) Adult bookstore.
 - (2) Adult theater.
 - (3) Butcher shop.
 - (4) Garbage disposal plant.
 - (5) Gun clubs, skeet shoots, or target ranges.
 - (6) Junkyards, providing that no burning of waste material shall be permitted, and the entire yard shall be screened with a closed fence or wall not less than eight feet in height.
 - (7) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel, or similar materials.
 - (8) Packing plant.
 - (9) Rendering.
 - (10) Sanitary landfill.
 - (11) Slaughterhouses and associated stockyards.
 - (12) Solar energy collector facilities (commercial).
 - (13) Towers, telecommunications facilities, and antennas as permitted in chapter 111 division 5.
 - (14) Utilities. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the council, after report of the city planning commission, deems reasonably necessary for public convenience or welfare.
- (d) *Accessory uses.*
- (1) Fences as permitted in chapter 111, division 7.
 - (2) Food service and vending machines for tenants only.
 - (3) Home occupations as permitted in chapter 111, division 11.
 - (4) Off-street parking and loading serving a principal use in accordance with chapter 111, division 13.
 - (5) One trailer, camper, motor home, or boat, incidental to and on the same lot as a principal use, but only if the trailer, camper, motor home, or boat is not intended for habitation while it is on the lot, subject to the setback provisions in section 111-444.
 - (6) One-family dwelling or mobile home which shall be used exclusively by watchmen or custodians, provided that yard and other requirements of this section shall be met for the dwelling or mobile home as though it were on an individual R-1 zoned lot.
 - (7) Open area devoted to decorative paving, swimming pools, tennis courts, and other similar uses, located on the same lot as the principal use.

- (8) Pavilion.
- (9) Private garage.
- (10) Signs as permitted in chapter 111, division 19.
- (11) Solar energy collector incidental to the principal or accessory use of the property in accordance with chapter 111, division 21.
- (12) Storage and service areas and buildings serving a principal use on the same lot.
- (13) Television, radio receiving and transmitting equipment, and satellite earth station antennas accessory to a dwelling limited to 60 feet in height.
- (14) Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
- (15) Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same lot, or on another of several lots being developed at the same time.

(e) *Performance standards.*

(1) *General requirements.*

Minimum Lot Size (sq. ft.)	Minimum Lot Width (feet)	Maximum Lot Coverage (%)	Maximum Structure Height (feet)	Minimum Building Separation (feet)
-	-	-	45	0

(2) *Setback and size regulations.*

Use	Setbacks (feet)				Required Front Building Line
	Front	Rear	Side	Side Street	
Principal Building	a	b	c	15	-
Accessory Building	a	b	c	15	-

- a. There shall be a 15-foot setback; however, a setback of no less than 50 feet shall be required along all federal and state highways, and county roads.
- b. No rear yard is required if the rear of the property is adjacent to an alley or rail right-of-way, otherwise there shall be a 15-foot setback.
- c. No side yard is required provided all fire code minimum separation requirements are met. Where fire separation requirements are not met or if a side line of a lot in this district abuts upon the side line of a lot in districts Ag to C-1 inclusive, a side yard of not less than 20 feet shall be provided.

(3) See chapter 111, article II for additional height and setback regulations and exceptions.

(f) *Additional performance standards.*

(1) *Emissions.* Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line and shall meet minimum state department of environmental control air quality standards.

(2) *Noise level.* The noise level shall not exceed 80 dB at any point along the property line.

(3) *Storage.* All storage of material, products, and equipment shall be within a fully enclosed building or in a yard so screened that said materials, products, or equipment are not visible at human eye level within 300 feet of the property line.

(4) *Prohibited use.* No use shall be permitted or so operated as to produce or emit:

a. *Vibration or concussion.* Vibration or concussion perceptible without instruments at the property line.

b. *Waste.* Industrial wastes shall be of such quantity and nature as not to overburden the public sewage disposal facilities, are not detrimental to normal plant operations or corrosive and damaging to sewer pipes and installations or to cause odor or unsanitary effects beyond the property line.

c. *Fire hazard.* All flammable substances involved in any activity established in this district shall be handled in conformance with any additional regulations that may from time to time be adopted by the city council.

d. *Odor.* The emission of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious.

e. *Gas emissions.* The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million, carbon monoxide shall not exceed 25 parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be taken at the property line.

f. *Glare and heat.* All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2901, § 6, 4-7-2020; Ord. No. 2960, §§ 2, 3(Exh. A), 7-18-2023)



Building the Best Hometown in America®

March 18, 2025

Bank of the West
PO Box 5155
San Ramon, CA 94583

Re: 121 W 2nd St

To Whom It May Concern,

The City of Alliance is proposing to rezone the west half of Block 28, Original Town of Alliance, from M-2 Heavy Industrial to C-2, Central Business District. The referenced property of 121 W 2nd Street is included in the proposed rezone. The current land uses and structure setbacks of this half of the block are better represented by the C-2 zoning district. The M-2 district requires a 15 foot front yard setback of which none of the structures on this block meet. The C-2 district requires 0 foot front yard setbacks. The east half of Block 28 is already zoned C-2 as is the block directly to the north.

The State law regarding rezones will require the City to mail certified letters to all parties involved within ten days of the Planning Commission Meeting. We will also be posting a notification sign on each property in the rezone area. Please inform us of any issues or concerns you may have regarding the proposed rezone.

Sincerely,

CITY OF ALLIANCE

A handwritten signature in blue ink that reads "Brent Kusek".

Brent Kusek
Community Development Director

Building the Best Hometown in America®

City of Alliance ~ P.O. Box D ~ Alliance, NE 69301 ~ 308-762-5400

www.CityOfAlliance.net





Building the Best Hometown in America®

March 18, 2025

M R C Inc.
2924 Cheyenne Dr.
Alliance, NE 69301

Re: 125 W 2nd St

To Whom It May Concern,

The City of Alliance is proposing to rezone the west half of Block 28, Original Town of Alliance, from M-2 Heavy Industrial to C-2, Central Business District. The referenced property of 125 W 2nd Street is included in the proposed rezone. The current land uses and structure setbacks of this half of the block are better represented by the C-2 zoning district. The M-2 district requires a 15 foot front yard setback of which none of the structures on this block meet. The C-2 district requires 0 foot front yard setbacks. The east half of Block 28 is already zoned C-2 as is the block directly to the north.

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Building the Best Hometown in America®

March 18, 2025

Joseph Weber
2651 CR 58
Alliance, NE 69301

Re: 115 Laramie Avenue

Mr. Weber,

The City of Alliance is proposing to rezone the west half of Block 28, Original Town of Alliance, from M-2 Heavy Industrial to C-2, Central Business District. The referenced property of 115 Laramie Avenue is included in the proposed rezone. The current land uses and structure setbacks of this half of the block are better represented by the C-2 zoning district. The M-2 district requires a 15 foot front yard setback of which none of the structures on this block meet. The C-2 district requires 0 foot front yard setbacks. The east half of Block 28 is already zoned C-2 as is the block directly to the north.

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Building the Best Hometown in America®

March 18, 2025

Philip & Lillie Lecher
P.O. Box 638
Alliance, NE 69301

Re: 101 Laramie Avenue

Mr. Lecher,

The City of Alliance is proposing to rezone the west half of Block 28, Original Town of Alliance, from M-2 Heavy Industrial to C-2, Central Business District. The referenced property of 101 Laramie Avenue is included in the proposed rezone. The current land uses and structure setbacks of this half of the block are better represented by the C-2 zoning district. The M-2 district requires a 15 foot front yard setback of which none of the structures on this block meet. The C-2 district requires 0 foot front yard setbacks. The east half of Block 28 is already zoned C-2 as is the block directly to the north.

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We have posted notification signs along each street side within the rezone area. The Alliance Planning Commission will conduct a public hearing on April 8, 2025 at 5:30 p.m. at the Alliance Learning Center: Meeting Room C, 1750 Sweetwater Avenue, to obtain public comment on the proposed rezone. Please inform us of any issues or concerns you may have regarding the proposed rezone.

Sincerely,

CITY OF ALLIANCE

Brent Kusek
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Building the Best Hometown in America®

March 28, 2025

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Brent Kusek
Community Development Director

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Item D

Training

Subdivision Regulations &
Flood Plains

Chapter 107 SUBDIVISION REGULATIONS¹

ARTICLE I. IN GENERAL

Sec. 107-1. Title.

This chapter as well as any amendments or additions thereto shall be known and may be referred to as the "Subdivision Regulations of the City of Alliance."

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-2. Authority.

These regulations are hereby adopted and enacted under authority of Nebraska Revised Statutes and comprise requirements, standards, and specifications with respect to provisions for the proper location and width of streets, building lines, open spaces, safety, recreation; and, for the manner in which streets will be graded and improved; and, the extent to which water, sewer and other utility services shall be provided; and, to provide for the approval of preliminary plats and final plats and the endorsement thereof by the city planning commission and by the city council.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-3. Jurisdiction.

The provisions of this chapter shall apply to all lands located within the city limits, as the same may be amended by subsequent subdivisions, additions, or annexations, and shall also include all unincorporated lands lying within the extraterritorial zoning jurisdiction of the city.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-4. Conflict with other regulations.

No plat of land within city limits and the extraterritorial zoning jurisdiction shall be approved unless said plat conforms to these regulations. Whenever there is a discrepancy between minimum standards noted herein and those contained in the zoning regulations, the city's building code, or other official regulations or other sections of this Code, the most restrictive standard shall apply.

¹Editor's note(s)—Ord. No. 2880, § 4, adopted March 5, 2019, repealed ch. 107, §§ 107-1—107-3, 107-25—107-27, 107-58, and 107-59. Section 5(Exh. A) of said ordinance reenacted ch. 107, §§ 107-1—109, 107-21—107-26, 107-41—107-43, 107-61—107-63, 107-81—107-87, 107-101—107-103, 107-121—107-123, 107-141—107-150, and 107-161—107-164, as set out herein. Formerly, ch. 107 pertained to flood damage prevention and derived from Code 1986, §§ 9-701—9-707, 9-709; Ord. No. 1898, adopted April 16, 1987; Ord. No. 2638, adopted March 5, 2009; and Ord. No. 2670, adopted Jan. 20, 2011. Provisions pertaining to flood damage prevention are now set forth in ch. 113.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-5. Comprehensive plan.

- (a) For orderly, planned, efficient, and economic development of land, it is hereby declared to be the policy of the city to control the subdivision of land and the subsequent development of the subdivided plat, pursuant to the official comprehensive plan of the city.
- (b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace, and the subdivision of land for urban development shall not be approved unless it is compatible with the urban growth policy of the city comprehensive plan. Furthermore, the subdivision of land within the extraterritorial zoning jurisdiction shall not be approved until (i) public facilities and improvements have been adequately designed to the approved municipal standards, or in lieu of such design (ii) the city and the developer agree, in a written agreement that runs with the land, to the future, orderly design of public facilities and improvements.
- (c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan and the capital improvement budget of the city; and, it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes, zoning ordinances, comprehensive plan, and capital improvement budget of the city.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-6. Definitions.

The definitions found in chapter 101 of this Code shall also apply to this chapter and shall be included in any standalone publication of the subdivision regulations of the city.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-7. Purpose and scope.

- (a) The city council deems it necessary for the purpose of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the inhabitants of the city and the extraterritorial zoning jurisdiction thereof, to enact this chapter. Therefore, in the subdivision or resubdivision of land within the corporate limits of the city, and within extraterritorial zoning jurisdiction, the owner or developer shall exercise due regard to the alignment and location of streets in relation to other existing or planned streets, to adequate drainage, to safe and expedient flow of traffic, to provide for roadway surface, utilities and recreation, and to produce home sites and lots for other urban uses having a high degree of quality, livability, and lasting value.
- (b) The regulations and standards as herein set forth are intended to provide:
 - (1) For the harmonious development of the municipality and its immediate environment within the city's zoning jurisdiction;
 - (2) For the integration of new streets with other existing or planned streets and with other features of the adopted comprehensive plan;
 - (3) For adequate open spaces;

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- (4) For the distribution of population and traffic in a manner which will create conditions favorable to health, safety, convenience or prosperity;
 - (5) To ensure conformance of subdivision plans with the capital improvement program of the city; and
 - (6) To secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by subdividers, the planning commission, and the city council.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-8. Unapproved subdivision of land.

Any person or company found conveying or transferring land, or in any manner purporting to subdivide real estate, which conveyance or transfer has been or is hereafter recorded in the Office of the Box Butte County Register of Deeds, and the conveyance or recording thereof, fails to comply with any requirement relating to the city subdivision approval process or other provisions of this Code, shall be prosecuted to the full extent allowed by Nebraska State Law.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-9. Exceptions.

When topography, property configuration, or other constraints justify deviation from one or more of the standards set out in this chapter and when such deviations will not be of substantial detriment to the safety or general welfare of the public or to adjacent property, the planning commission and city council may grant an exception to the relevant standard of this chapter. The reasons for any exception shall be clearly set out in the minutes of the meeting at which the final plat was so approved.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Secs. 107-10—107-20. Reserved.

ARTICLE II. PRELIMINARY PLAT

Sec. 107-21. Preapplication conference.

The subdivider shall be responsible for conferring with the city manager or designee regarding the proposed subdivision prior to the development of the preliminary plat.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-22. Application and filing.

The subdivider shall submit an application, the application fee, a digital copy and seven paper copies of the preliminary plat, and any other required supplemental material to the city manager or designee no less than 15 working days prior to the date of the next regular meeting of the planning commission.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-23. Preliminary plat requirements.

The preliminary plat shall be prepared according to the following requirements and contain the following information:

- (1) The preliminary plat shall be prepared by a surveyor, licensed by the state, or an engineer licensed by the state working with data collected by a licensed surveyor;
- (2) Using a scale of one inch to 100 feet or a scale that would otherwise allow said plat to easily be read and reproduced;
- (3) Contain the name of the proposed subdivision which shall be different and not confusingly similar from that of any other existing subdivision of the city previously recorded in the Box Butte County Clerk's office;
- (4) Show the names of the adjacent subdivisions and/or the owners of record of all adjacent unplatted land;
- (5) The name, address, and telephone number of the record of owner, subdivider(s), and the person or firm preparing the preliminary plat;
- (6) The location of the boundary lines of the subdivision and its relation to established section lines or fractional section lines, or other established subdivision lines.
- (7) A legal description of the land contained within the subdivision including gross acreage.
- (8) The date of preparation.
- (9) North arrow.
- (10) Scale.
- (11) Zoning on and adjacent to the proposed subdivision and any proposed zoning changes.
- (12) Topography of the tract shall be shown on the preliminary plat by means of contours of one-foot or two-foot intervals if the predominant ground slope within the tract is between level and ten percent grade; and five-foot intervals for predominant ground slopes within the tract over ten percent grade, all using NAVD88. The direction of surface water drainage and location of water retention facilities, if proposed, shall be shown on the preliminary plat.
- (13) The general alignment and pattern of all proposed streets, alleys, lots, rights-of-way, proposed easements for utilities and services, and other features or areas of the proposed subdivision. Centerline profiles of proposed streets as may be required by the city manager or designee in locations where extremely level or very steep natural slopes prevail.
- (14) The location of all lot lines, property lines, streets, highways, or easements on adjacent property to a distance of 200 feet from all boundaries of the subdivision or to a greater distance if the planning commission deems it necessary for adequate review and coordination with existing conditions.
- (15) Approximate gradients of streets.
- (16) The outline of any existing buildings to remain on the property and their locations in relation to existing or proposed street and lot lines or any other features of importance to lot and street layout.
- (17) Notation of proposed use or uses of the property.
- (18) Other preliminary information as may be required by the city in order to ensure that the subdivision is capable of being constructed without an adverse effect upon the surrounding area of the community at large.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-24. Staff review.

Within five working days of the submittal of the preliminary plat and application, the city manager or designee shall distribute copies of said preliminary plat to the city manager, city attorney, community development department, public works superintendent, electric superintendent, Box Butte County Zoning Administrator (insofar as required by R.R.S. 1943 § 16-902), the board of education in which the property lies, and any privately owned utilities the city has franchise agreements or contracts with. Each agency may submit to the city manager or designee written reports of its findings and recommendations; such written reports shall be forwarded to the planning commission and city council with the preliminary plat. If no reply is received, said preliminary plat shall be deemed approved by the respective agency.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-25. Planning commission.

The city planning commission shall hold a public hearing and make certain findings of fact determining whether or not the preliminary plat meets the requirements of this Code and is consistent with the city comprehensive plan. Such findings of fact shall be included in the planning commission's recommendation to the city council.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-26. City council.

The city council shall be presented with the planning commission's findings and recommendation, and act upon said preliminary plat by resolution. Council approval of the preliminary plat does not constitute acceptance of the subdivision, but is an authorization to proceed with the preparation and submittal of the public works elements, development agreement, improvement guarantees, and the final plat.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Secs. 107-27—107-40. Reserved.

ARTICLE III. PUBLIC WORKS ELEMENTS

Sec. 107-41. Public works elements.

The public works elements consists of preliminary drawings for each of the required public infrastructure improvements, the grading plans, and a report submitted by the developer's engineer estimating the cost for the installation of said infrastructure and grading according to the specifications and requirements of this chapter. Such estimate shall be evaluated by the city engineer.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-42. Submittal requirements.

The subdivider shall submit the public works elements to the city manager or designee no less than 15 working days prior to the date of the planning commission meeting in which the final plat is scheduled on the agenda. The subdivider shall submit two sets of drawings in preliminary form on ARCH D (24 inches by 36 inches) for each of the following items:

- (1) Plans and profiles of all public streets and sidewalks.
- (2) Plans and profiles of sanitary sewers also showing water supply and distribution so that separation is clearly shown.
- (3) Plans and profiles of water supply and distribution.
- (4) Drainage study and storm sewer systems.
- (5) Grading plan of the lots.
- (6) Primary electrical distribution and streetlight plans.
- (7) Cost estimate of the installation of the public infrastructure and grading.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-43. Approval.

The planning commission shall not take any action on the final plat until they receive a report from the city manager or designee stating that the public works elements have been received and are in conformance with City code.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Secs. 107-44—107-60. Reserved.

ARTICLE IV. DEVELOPMENT AGREEMENT AND IMPROVEMENT GUARANTEE

Sec. 107-61. Submittal.

Unless all public improvement have already been installed, the final plat shall not be approved by the city council until the subdivider files a development agreement and an improvement guarantee with the city.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-62. Development agreement.

The development agreement shall state that all required subdivision improvements, as listed in article IX below, will be installed in accordance with city regulations and standards, and that the costs for said improvements will be paid entirely by the subdivider.

- (1) The agreement shall provide in effect that the subdivider of the property:
 - a. Agrees to construct such improvements within the time specified in the agreement to the standards of the city;

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- b. Consents (with respect to the improvements that are of a type which the city under state statute has power to construct, to pay for either in whole or in part, or to levy special assessments against the property to the extent of a special benefit) that if said subdivider defaults on their responsibilities to install the required improvements within the timeline agreed upon, for any reason whatsoever, the city may, in accordance with state statute, levy special assessments against the property after such improvements are installed and the improvement guarantee is acted upon without the completion of the required improvements;
 - c. Waives, with respect to the construction and special assessments referred to in subdivision (2) of this section, the provision of any statute to the effect that a protest filed with the city council or city clerk by the owner or owners of property in a proposed improvement district will bar the formation of the district by the city council; and
 - d. Agrees that the agreement shall run with the land and bind the personal representatives, heirs, devisees, legatees, successors and assigns of the owner.
- (2) The agreement shall bear an acknowledgment by the owner or owners and be in a form recordable in the office of the Box Butte County Register of Deeds, or reduced to a memorandum of agreement for purposes of recording in the office of the Box Butte County Register of Deeds and establishing recorded notice of such agreement. Approval of the agreement by the city council, if granted, shall be specifically shown in the minutes of the meeting of the city council. Upon approval of the agreement and the final plat by the city council, the city clerk shall cause the agreement, or a memorandum thereof, to be filed for record with the Box Butte County Register of Deeds, such filing to be made either prior to or forthwith after the filing of the plat with the Box Butte County Register of Deeds.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-63. Improvement guarantee.

The improvement guarantee shall be secured by one of the following methods described below, or a combination of the methods thereof, or by other methods acceptable to the city attorney. Surety or performance bonds for improvement guarantees shall be initially provided for a term of one year after the effective date of the development agreement, at which time it is expected all improvements will be installed; provided, however, the surety may be extended for an additional one year period upon recommendation of the planning commission if the subdivider requests an extension at least 90 days prior to expiration of the surety.

- (1) *Surety or performance bond.* The subdivider may obtain a performance and security bond from a surety bonding company authorized to do business in the state. The bond shall be payable to the city, shall be in the amount to cover the complete cost for the installation of the required improvements as estimated by the developers engineer and city manager or designee, and shall obligate the developer and the surety to performance of the development agreement.
- (2) *Escrow account.* An escrow account in an amount sufficient to cover the cost of all required improvements may be established in a bank or savings and loan association with the unconditional right given to the city to draw on the funds deposited in the event the required improvements must be fully or partially constructed by the city or to pay any bills which are outstanding for work done thereon by any party.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Secs. 107-64—107-80. Reserved.

ARTICLE V. FINAL PLAT

Sec. 107-81. Application and filing.

After approval of the preliminary plat the subdivider shall prepare and submit to the city manager or designee a final plat for recording purposes, together with other supplementary information and certificates. Said final plat, application, and filing fee shall be submitted at least 15 working days prior to a regular meeting of the planning commission. There shall be a digital copy and well as eight copies of the final plat submitted; one on Mylar and seven on paper.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-82. Final plat requirements.

- (a) The final plat shall be prepared by a surveyor licensed by the state or an engineer licensed by the state working with data collected by a licensed surveyor.
- (b) The final plat prepared for recording purposes shall be drawn at a scale of one inch per 100 feet or at a scale that would otherwise allow said plat to be easily read and reproduced.
- (c) Plats shall be a minimum of eight and one-half inches by 14 inches but no more than 24 inches by 36 inches. If more than two sheets are required, an index map showing the entire development shall be shown on each sheet.
- (d) The name of the subdivision shall be clearly shown.
- (e) Descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions of second-order-surveying accuracy. All calculations shall be furnished showing bearings and distances of all boundary lines and lot lines and the square foot area of each lot.
- (f) Location of boundaries shall be shown in reference to existing official monuments or the nearest established street lines, including true angles and distances to such reference points or monuments.
- (g) Location of lots, streets, public highways, alleys, parks, and other features with accurate dimensions in feet and decimals of feet, with the length and radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
- (h) Lots shall be numbered clearly. If blocks are to be numbered or lettered, these shall be shown clearly in the center of the block.
- (i) The exact locations, widths, and names of all streets to be dedicated.
- (j) Locations and width of all easements to be dedicated and their designated purpose.
- (k) Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- (l) The drawing of building lines and setbacks on plats is optional; however, if present, they shall be accompanied by a statement on the plat acknowledging building lines and setbacks drawn on the plat may change based on future zoning district changes.

- (m) Name and address of developer, surveyor making the plat, and the owners of record at the time of submittal, plus any lien or mortgage holders of record at the time of submittal.
- (n) Scale of plat (the scale to be shown graphically and in feet per inch), date, and north point.
- (o) Statement dedicating all easements, lots or tracts, streets, and other public property, properly signed and acknowledged by appropriate persons, surveyors, certification, and other language as follows:
 - (1) Legal description. An accurate legal description of the property being subdivided.
 - (2) Dedication. The undersigned owners, mortgage, and/or lien holders of the property described herein have the same to be subdivided in the manner shown on this plat and said property shall hereafter be known as NAME OF SUBDIVISION. It shall be sufficient description of the lots on this plat to hereafter designate the same by the number appearing near the center of the lot followed by the block number appearing near the center of the respective blocks followed by the words: NAME OF SUBDIVISION.

An easement or license is hereby granted to the city to locate, construct, and maintain, and to authorize the location, construction, maintenance, and use of conduits, for all and any purpose, water, gas, and sewer mains, poles, wires, anchors, and appurtenances thereto, or any or all of them upon, under and along the strips of land outlined on this plat and designated "utility easement" or "U.E."

A "drainage easement" or "D.E." or license is also hereby granted to the city to locate, construct, and maintain, and to authorize the location, construction maintenance, and use of surface drainage ways and installations, and underground drainage conduits and appurtenances for drainage purposes on, under and along the strips of land outlined on this plat designated "drainage easement."

Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

(Optional) Building and/or setback lines are hereby established as shown on this plat and no building front shall be built or otherwise located in front of or behind this line.

In testimony whereof, the undersigned have hereunto set their hands this ___ day of _____, 20___.

Property Owner

Property Owner

Lien or Mortgage Holder

County of Box Butte)

) ss.

State of Nebraska)

On this ___ day of _____, 20___ before me personally appeared the above persons, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in said county and state the day and year last written above.

Notary Public

My Commission expires:

The foregoing plat was approved by the Planning Commission of the City of Alliance, Nebraska this ____ day of _____, 20 ____.

_____ Planning Commission Chair

The foregoing plat and dedication was approved and accepted by the City Council of the City of Alliance, Nebraska, this ____ day of _____, 20 ____.

_____ Ordinance Number

_____ Mayor

_____ City Clerk

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2959, § 1, 7-18-2023)

Sec. 107-83. Surveyors certificate.

A Surveyors certificate stating that permanent monuments have been or shall be placed at all boundary, block, and lot corners. The certificate shall be executed by a registered land surveyor licensed in the state. Surveyors certificate to be as follows:

I hereby certify that this plat was made by me or under my direct personal supervision and that permanent monuments shall be set or have been set at all boundary, block, and lot corners in accordance with Section 107-147.

Registered Land Surveyor

Nebraska L.S. #

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-84. Staff review.

Within five working days of the submittal of the final plat, the city manager or designee shall distribute copies of said plat to the city manager, city attorney, community development department, public works superintendent, electric superintendent, Box Butte County Zoning Administrator (insofar as required by R.R.S. 1943 § 16-902), and the board of education in which the property lies. Each agency may submit to the city manager or designee, written reports of its findings and recommendations; such written reports shall be forwarded to the planning commission and city council with the final plat. If no reply is received, said plat shall be deemed approved by the respective agency.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-85. Planning commission review.

The city manager or designee shall submit the final plat to the planning commission for a public hearing, review, and report. In approving or disapproving the final plat, the planning commission shall give due attention to

the public works elements report prepared by staff, compliance with the preliminary plat as approved by council, and technical recommendations of city staff.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-86. City council approval.

After a public hearing by the planning commission, the city manager or designee shall submit the final plat to the city council for a public hearing. The council may specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations. In case of planning commissions disapproval, the subdivider may, on appeal, present the final plat to the council and seek approval. Upon approval by the council by ordinance duly passed, such approval shall be endorsed on the Mylar copy under the hand of the mayor and city clerk.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-87. Filing.

The city clerk shall record the plat in the office of the Box Butte County Clerk within 30 days of its final approval by the city council.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Secs. 107-88—107-100. Reserved.

ARTICLE VI. ADMINISTRATIVE SUBDIVISION

Sec. 107-101 Limitations.

The city manager may approve further subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with this Code's requirements concerning minimum areas and dimensions of such lots and blocks. This includes the authority to approve the combining of existing lots where such combination of lots fits the requirements of the municipal code. The city manager may approve an administrative subdivision where all public improvements are not installed in cases such as rural subdivisions or in other circumstances the city manager sees as beneficial and may require an infrastructure deferment agreement in such situations.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2959, § 2, 7-18-2023)

Sec. 107-102. Application and review.

The subdivider shall submit an application, filing fees, and a Mylar copy of the plat. Within five working days of receipt of all necessary material, the city manager or designee shall review the plat to ensure its conformance with city code and either approve or disapprove said plat. Upon its approval, the city manager or designee shall file the administrative replat at the Box Butte County Clerk's office.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-103. Plat requirements.

The plat shall be prepared in the same manner as a final plat excepting parts I, J, K, and parts of O that dedicate rights-of-way or easement to the city. The signature lines shall be amended for the city manager in place of the mayor and omit any reference to the planning commission or city council.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Secs. 107-104—107-120. Reserved.

ARTICLE VII. PLAT VACATION²

Sec. 107-121. Application.

Application for vacation shall be made upon the same as used for a final plat. Said application shall be submitted to the city manager or designee at least 15 working days prior to the next regular meeting of the planning commission. It shall be accompanied by a letter describing the land requested to be vacated and the reason for its vacation, as well as a copy of the plat with the word "vacated" clearly written on the plat or the portion of said plat being vacated. When lots have been sold, portions of the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-122. Public hearings.

The vacation shall be processed by the planning commission and city council in the same manner as a final plat for the subdivision of land.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-123. Filing.

The approved vacation ordinance shall be filed at the Box Butte County Clerk's Office and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat or portion thereof, so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

State law reference(s)—Vacating plats, R.R.S. 1943, § 19-917.

Secs. 107-124—107-140. Reserved.

²Editor's note(s)—Any plat or any part of any plat may be vacated by the owner of the premises with the approval of the city council after receiving a recommendation by the planning commission.

ARTICLE VIII. SUBDIVISION DESIGN REQUIREMENTS

Sec. 107-141. Generally.

The following guidelines shall apply to all future subdivision design. It shall also act as a guideline for subdivisions previously platted but were not developed according to this Code.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-142. Blocks.

In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets or customary subdivision practices in the neighborhood. Where no existing plats control, the blocks in residential districts shall not exceed 1,320 feet in length. Dedicated pedestrian ways may be required through the block as deemed necessary for public convenience. Paving of such pedestrian ways shall be the liability of the owner or developer.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-143. Drainage.

- (a) Grading shall be designed so that all surface water shall be conducted to a storm sewer or a natural watercourse.
- (b) The final drainage study shall accompany the final plat. No obstruction shall be permitted in a natural watercourse, unless said obstruction meets with the approval of the city manager or designee.
- (c) The development of areas subject to periodic flooding, poor drainage, or other unsuitable physical conditions is prohibited unless rendered suitable by satisfactory improvements.
- (d) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the storm drainage master plan for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle floodwaters. Lot drainage plans shall conform to the preliminary storm drainage facilities required for submittal approval.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-144. Easement.

Where alleys will not accommodate utilities, easements of not less than ten feet wide shall be provided on each side of rear lot lines, or of not less than five feet on each side of side lot lines, or where necessary for the proper location or relocation of public utilities. If necessary for the extension of water or sewer lines, or similar utilities, or for surface drainage, easements of greater width may be required along lot lines or across lots. Easements shall connect with any established easements in adjoining property.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-145. Specifications for land grading.

The grading plan and installation shall be based upon adequate surveys and investigations. The plan is to show the location, slope, cut, fill and finished elevation of the surfaces to be graded and the auxiliary practices for safe disposal of runoff water, slope stabilization, erosion control and drainage such as waterways, lined ditches, diversions, grade stabilization structures, retaining walls and surface and subsurface drains. The development and establishment of the plan shall include the following:

- (1) The cut face of earth excavation which is to be vegetated shall not be steeper than two horizontal to one vertical. Cut slopes of materials not to be vegetated shall be at the safe angle of repose for the materials encountered.
- (2) The permanent exposed faces of fills shall be not steeper than three horizontal to one vertical.
- (3) Provisions are to be made to safely conduct surface water to storm drains or suitable natural watercourses and to prevent surface runoff from damaging cut faces and fill slopes.
- (4) Subsurface drainage is to be provided in areas having high water table, to intercept seepage that would affect slope stability, building foundations or create undesirable wetness.
- (5) Excavations shall not be made so close to property lines as to endanger adjoining property without supporting and protecting such property from erosion, sliding, settling or cracking.
- (6) No fill is to be placed where it will slide, or wash upon the premises of another or so placed adjacent to the bank of a channel as to create bank failure or reduce the natural capacity of the stream.
- (7) Fills are to consist of material from cut areas, borrow pits or other approved sources.
- (8) Timber, logs, brush, rubbish and vegetable matter which will interfere with the grading operation or affect the planned stability of fill areas shall be removed and disposed of according to the plan.
- (9) Topsoil is to be stripped and stockpiled in amounts necessary to complete finish grading of all exposed areas requiring topsoil for the establishment of vegetation.
- (10) Fill material is to be free of brush, rubbish, rocks, logs and stumps that will be detrimental to constructing stable fills.
- (11) Cut slopes which are to be topsoiled will be scarified to a minimum depth of six inches prior to placement of topsoil.
- (12) All fills intended to support buildings, structures, paving, sewers and conduits are to be compacted, as specified, with proper moisture control. Compaction of other fills may be required to reduce slipping, erosion or excess saturation.
- (13) Frozen materials or soft, mucky or easily compressible materials are not to be incorporated in fills intended to support buildings, parking lots, road paving, structures, sewers or conduits.
- (14) Maximum thickness of layers of fills to be compacted are not to exceed eight inches, or as designated by the city manager or designee.
- (15) All areas are to be rough graded to within 0.2 foot of the planned elevation after allowance has been made for thickness of topsoil, paving or other installations.
- (16) All disturbed areas shall be left with a neat and finished appearance.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-146. Lots.

- (a) *Access.* Each lot shall have access to a public street.
 - (b) *Property line intersections.* All rectangular lots and all other lots, so far as practicable, shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines and cul-de-sac turnarounds.
 - (c) *Depth.* The minimum average depth of a lot on any given block shall be 110 feet.
 - (d) *Frontage.* All lots shall have their principal frontage along a public street or other approved place. Landlocked lots shall be avoided unless the subdivider can show how said lot will derive access to a public street. Double frontage shall be avoided.
 - (e) *Width.* Lots shall be at their minimum width at the front building line and corner lots shall be at least 20 feet wider than the minimum lot width required by chapter 109.
 - (f) *Minimum lot sizes.* Minimum lot sizes shall be determined by the zoning or proposed zoning of the lot.
- (Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-147. Monuments.

The following described monuments shall be installed by the surveyor as part of the final platting process:

- (1) The external boundaries, corners of blocks, points of curvature, points of tangency, and each angle or change in direction along lot lines shall be monumented by iron rods or pipes not less than three quarters inch in diameter and extending at least 30 inches below grade.
- (2) Lot corners, and other points not required to be marked according to subsection (1) of this section shall be monumented by iron rods or pipes not less than one-half inch in diameter and extending at least 24 inches below grade.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-148. Replat limitations.

A platted subdivision, addition, tract, lot, block, or any portion thereof, shall not be replatted more than twice before vacating the original plat, replats, and/or portions thereof; provided, however, that if such addition, tract, lot, or block as set forth in the original plat is no longer under common ownership, only the portion of the plat being replatted needs to be vacated.

(Ord. No. 2959, § 3, 7-18-2023)

Sec. 107-149. Restrictive covenants.

A copy of any proposed covenants shall be submitted with the final plat. Covenants in a proposed subdivision which do not assist orderly, efficient, integrated development, promote the public health, safety, and general welfare of the community, and ensure conformance of the subdivision plans with the capital improvements program or comprehensive plan may be grounds for disapproval of the final plat by the city council.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2959, § 4, 7-18-2023)

Sec. 107-150. Sidewalks.

Sidewalk construction shall be in accordance with the provisions in chapter 24 of the Alliance Municipal Code.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2959, § 4, 7-18-2023)

Sec. 107-151. Streets and alleys.

- (a) *Alleys required.* Except in unusual circumstances, alleys or loading courts must be provided in business blocks and shall be required in all residential districts.
- (b) *Alley intersection.* In case of intersecting "T," or angle-turn alleys, a cutoff shall be required of at least ten feet measured along each lot line, measured from the point of intersection of the alley lines.
- (c) *[Topography.]* Streets must conform to existing topography as nearly as possible in order that drainage problems may be reduced. Streets shall, wherever possible, follow valleys so as to form a collection system for surface water. Surface drainage across residential lots or along the side or rear lot lines shall be avoided wherever possible. Where such drainage on residential lots is necessary, easements shall be provided and the city manager or designee may require installation of pipe, masonry or rip rap flumes, or such other protective devices in order that adjacent or surrounding property or the welfare of the public shall not be endangered and maintenance will be kept at a minimum. Streets with reverse curves shall have a tangent (or straight line) between curves.
- (d) *Comprehensive plan.* Arrangement of major streets in the subdivision shall conform as nearly as possible to the comprehensive plan as adopted by the city and provision shall be made for the extension of major and secondary thoroughfares. Except for courts and cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining unsubdivided tracts, or shall be reasonable projection of streets in the nearest subdivided tracts.
- (e) *Grading.* All full width streets located entirely within the boundary of the subdivision, except primary and secondary thoroughfares, and collector streets as noted herein, shall be graded from the back of both curblines to the adjacent property lines, dependent upon the dedicated right-of-way to within six inches of the grade established by the city.
- (f) *Residential streets.* Residential streets shall be so planned as to discourage their use by nonlocal traffic and provisions shall be made for adequate traffic circulation.
- (g) *Residential cul-de-sacs.* Places, courts, or cul-de-sacs may be permitted where topography or other conditions justify their use. A turnabout shall be provided at the closed end with an outside radius of at least 60 feet and a right-of-way radius of not less than 50 feet. Such cul-de-sac street shall not exceed 300 feet from the radius point to the intersection of the adjacent street right-of-way.
- (h) *Future subdivision.* When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the continuous location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision.
- (i) *Intersection angle.* Under normal conditions, streets shall be laid out so as to intersect as nearly as possible at right angles, except where topography or other conditions justify variations. The minimum angle of intersection of streets generally shall be 90 degrees.
- (j) *Intersection offset.* Opposing streets shall either be directly across from each other or offset at least 150 feet from centerline to centerline.

- (k) *Controlled access.* A frontage or service street may be required in subdivisions along a controlled access street or highway.
- (l) *Half streets.* Dedication of half streets will not be approved except where such dedication will serve the public interest and the improvement of the entire street is ensured through irrevocable and timely agreements.
- (m) *Width requirements.* For all public ways hereafter dedicated and accepted, the minimum right-of-way widths for streets, alleys, or pedestrian ways included in any subdivision shall not be less than the minimum dimensions for each classification as follows and shall be in accordance with the comprehensive plan for streets:

Minimum Street Right-of-Way and Roadway Width		
Right-of-Way Type	Right-of-way (feet)	To Back of Curb (feet)
Major Streets		
Major arterials	100	58
Other arterials	80	46
Collector	66	41
Minor Street		
Residential, single-family	66	41
Residential, multifamily, and other higher density	66	41
Commercial	66	41
Industrial	66	41
(Frontage or service streets without parking abutting major streets right-of-way)	40	28
Cul-de-sac Street	66	41
Cul-de-sac Radius	60	Ten feet less than the outside radius
Alley	20	16
Pedestrian ways	10	6

(Ord. No. 2880, § 5(Exh. A), 3-5-2019; Ord. No. 2959, § 4, 7-18-2023)

Secs. 107-152—107-160. Reserved.

ARTICLE IX. INFRASTRUCTURE REQUIREMENTS

Sec. 107-161. Required public improvements.

The following improvements shall be installed for all subdivisions within the city's jurisdiction, unless otherwise waived by the city council, completely at the subdividers expense:

- (1) Portland cement concrete curb and gutter on both sides of all streets.
- (2) Asphaltic or Portland cement concrete paving on all streets.

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- (3) Sidewalk in accordance with chapter 24 of this Code.
 - (4) Stormwater facilities including but not limited to storm sewer, storm sewer appurtenances, culverts, bridges, and any stormwater detention or retention cells deemed necessary to control stormwater runoff.
 - (5) Sanitary sewer which shall be connected to the city sewer system or a treatment facility approved by both the city and the state authorities.
 - (6) Water distribution system including mains, valves, and fire hydrants.
 - (7) Street lighting system.
 - (8) Primary electric distribution system.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-162. Sanitary sewer.

General design requirements: A sanitary sewer system adequate for the proposed subdivision shall be constructed and connected to the sanitary sewer system of the city. Sanitary sewer main shall be a minimum of eight inches diameter pipe. Any increase in pipe size required by the city for trunk sewer main extension and not by proposed subdivision requirements shall be paid for by the city. All components of the sewer system shall be designed using the city standards as a minimum.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-163. Water system.

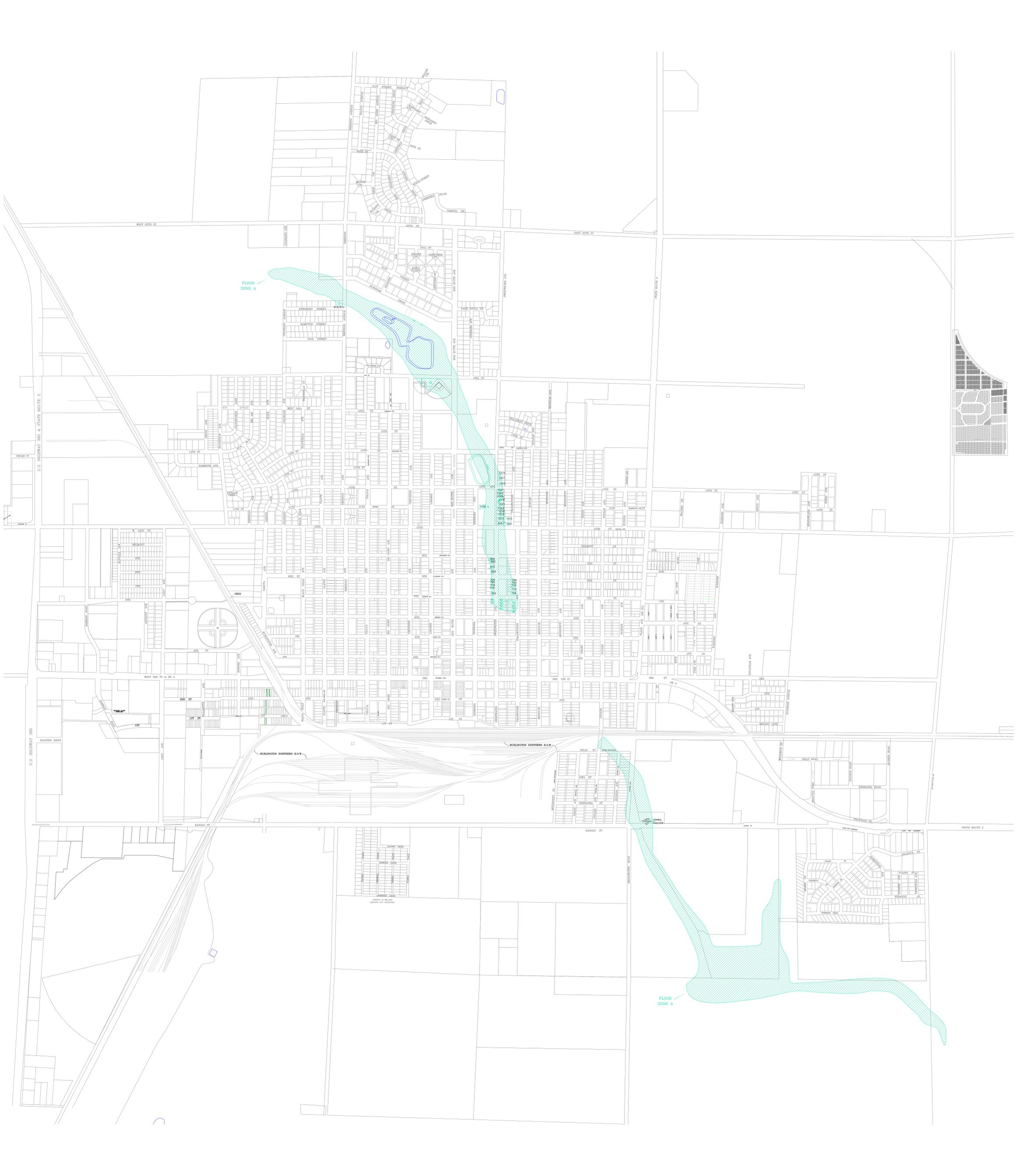
General design requirements: A water system adequate for the proposed subdivision shall be constructed and connected to the Alliance Municipal Water System. Water main shall be a minimum of eight inches diameter pipe. Any increase in pipe size required by the city for supply or transmission main extension and not by proposed subdivision or development requirements shall be paid for by the city. All components of the water system shall be designed using the city standards as a minimum.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)

Sec. 107-164. Other utilities.

Privately owned utilities that have approved franchise agreements with the city, shall be permitted in city easements and city rights-of-way. Privately owned utilities shall adhere to the Municipal Code and all other requirements in their franchise agreement or contract. Buried utilities shall coordinate installation schedules and share trenches when technically feasible.

(Ord. No. 2880, § 5(Exh. A), 3-5-2019)



FLOOD ZONE A

FLOOD ZONE A

U.S. HIGHWAY 395 & STATE ROUTE 2

U.S. HIGHWAY 395



BURLINGTON NORTHERN R.O.W.

BURLINGTON NORTHERN R.O.W.

STATE ROUTE 2

STATE ROUTE 8

WEST 25TH ST

EAST 25TH ST

HAMBURG AVE

KANSAS ST

KANSAS ST

STATE ROUTE 2

KANSAS ST

2ND ST

1ST ST

3RD ST

4TH ST

5TH ST

6TH ST

7TH ST

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Chapter 113 DRAINAGE AND FLOOD DAMAGE PREVENTION¹

Sec. 113-1. Master drainage study.

Alterations or impacts to the city's drainage system as defined by the adopted master drainage study may not occur without following the provisions of the drainage criteria manual. In the event of alterations substantially impacting the drainage system a drainage study must be approved by the city manager or designee prior to the issuance of a building permit. The final drainage report will outline the physical facilities that will be required of the applicant.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-2. Site runoff.

The city manager or designee shall ensure that post construction runoff does not exceed preconstruction runoff except for buildings located in the central business district. The city may approve other methods of dealing with post construction runoff, such as, but not limited to sharing retention or detention facilities with other property owners.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-3. Floodplain overlay district.

Sections 113-3 through 113-23 shall be known and may be referred to as the City of Alliance floodplain management ordinance.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-4. Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize damages resulting from the 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, by applying the provisions of this chapter to:

- (a) Restrict or prohibit uses that 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 that service such uses, be provided with flood protection at the time of initial construction.

¹Ord. No. 2962, § 1, adopted July 18, 2023, repealed the former Ch. 113, §§ 113-1—113-10, and enacted a new Ch. 113 as set out herein. The former Ch. 113 pertained to similar subject matter and derived from [list Ord. No. 2880, § 5(Exh. A), 3-5-2019.

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- (c) Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
 - (d) Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-5. Administration.

The city manager or designee shall be responsible for enforcing the floodplain ordinance and will be referred to as the floodplain administrator of the City of Alliance in this code. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this chapter.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-6. Duties of the floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to the following:

- (a) Review, approve, or deny all applications for floodplain development permits.
- (b) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this chapter have been satisfied.
- (c) Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
- (d) 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.
- (e) Coordinate with the Nebraska Department of Natural Resources to obtain base flood elevation information when applicable and required.
- (f) Notify adjacent communities 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.
- (g) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
- (h) 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 the floodplain.
- (i) Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
- (j) Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
- (k) Ensure the comprehensive development plan as amended is consistent with this chapter.

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- (l) In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this chapter.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-7. Interpretation and conflict.

The provisions of this chapter shall be held to be the 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. This chapter does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-8. Compliance.

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-9. Where applicable.

This chapter shall apply to all lands within the jurisdictions of the City of Alliance identified on the flood insurance rate map (FIRM) community panels 310011 0005 A and 310011 0015 A dated July 16, 1987, as zone A and within the F, flood hazard zoning district established in chapter 109 of this Code. In all areas covered by this chapter, no development shall be allowed except upon the issuance of a floodplain development permit, granted by the floodplain administrator under such safeguards and restrictions as the administrator may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-10. Map interpretation.

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map or the effective flood insurance rate maps. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or FIRM, the administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the City of Alliance board of adjustment shall interpret boundary locations. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the board and to submit their own technical evidence, if so desired.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-11. Flood data.

- (a) *Sources:* All zone A areas on the FIRM are subject to inundation of a base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this chapter. The community shall utilize any base flood elevation or floodway data currently available from the Nebraska department of natural resources, federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
- (b) *Floodway:* Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain 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 foot at any location as shown in the flood insurance study or on base flood elevation determinations.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-12. Code violation.

Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this chapter shall constitute a violation of the Alliance Municipal Code. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided. Violations of this code shall be prosecuted in accordance with section 101-6 of the city municipal code or as any other state or federal laws allow.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-13. Existing code violations; saving clause.

All rights or remedies of the city are expressly saved as to any and all violations of previous floodplain regulations or amendments thereto of the city that have accrued at the time of the effective date of the ordinance from which this chapter is derived; and that all existing violations of previous floodplain regulations which would otherwise become legal nonconforming uses under this chapter shall not become legal nonconforming uses under this chapter, but shall be violations of this chapter in the same manner that they were violations of prior floodplain regulations.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-14. Nonconforming uses and structures.

- (a) *Existing structures:* The provisions of this chapter do not require any changes or improvements to be made to lawfully existing structures or any structures having a nonconforming use status as the time of this chapter. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of this Code shall apply.
- (b) *Documentation:* Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance status of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, and/or no rise certification.

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- (c) *Cessation*: A structure or use of a structure or premises that was lawful before the passage or amendment of this chapter or that held a nonconforming use status, but that is not in conformity with the provisions of this chapter may be continued subject to the following conditions:
- (1) If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The utility department shall notify the floodplain administrator in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
 - (2) Uses or accessory uses thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- (d) *Destroyed*: 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 chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-15. Permit required.

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-16. Permit application requirements.

Floodplain permit applications shall be filed with the floodplain administrator on forms prescribed for that purpose and contain at a minimum:

- (a) Identify and describe the proposed development and estimated cost 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 streets 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.
- (e) Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
- (f) Application fee.
- (g) An elevation certificate based upon the finished construction, certifying the elevation of the lowest floor, including basement, and other relevant building components completed by a licensed surveyor, engineer, or architect for new and substantially improved structures.
- (h) A floodproofing certificate completed by a licensed professional engineer or architect when floodproofing is utilized on an applicable structure.

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- (i) Information submitted with the application in enough detail that the floodplain administrator can determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - (3) Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - (4) Construction materials are flood resistant;
 - (5) Appropriate practices to minimize flood damage have been utilized; and
 - (6) Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
 - (j) Any other such information as reasonably may be required by the [floodplain administrator] shall be provided.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-17. General development requirements.

- (a) Alteration or Relocation of a Watercourse:
 - (1) A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
 - (2) No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.
- (b) Encroachments consisting of any development in Zone A without a designated floodway that will cause a rise of more than one foot in the base flood elevation, or the alteration or relocation of a stream, the applicant shall:
 - (1) Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - (2) Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-18. Floodproofing requirements.

- (a) *Residential structures:* All newly constructed or substantially improved residential structures located in Zone A shall have the lowest floor, including the basement, elevated at or above one foot above base flood elevation.
- (b) *Nonresidential structures:* All newly constructed or substantially improved structures utilized for nonresidential purposes shall have the lowest floor, including the basement, elevated at or above one foot

(Supp. No. 6, Update 3)

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above base flood elevation, or floodproofed, including its utility and sanitary facilities, so that below one foot above base flood elevation:

- (1) The structure is watertight with walls substantially impermeable to the passage of water; and
- (2) The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied and a floodproofing certificate shall be provided to the floodplain administrator.

(c) *Space located below the lowest floor of all structures shall meet these minimum requirements:*

- (1) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- (2) Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation 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:
 - i. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - ii. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-19. Construction and design standards.

- (a) *Anchoring:* All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) *Building materials and utilities:*
 - (1) All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
 - (2) All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, 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.
- (c) *Drainage:* Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- (d) *Water supply and sanitary sewer systems.*
 - (1) All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
 - (2) All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.

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- (3) On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.
- (e) *Other utilities:* All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
- (f) *Storage areas:*
- (1) 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.
 - (2) The 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.
- (g) *Recreational vehicle parking:*
- (1) Be on site for fewer than 180 consecutive days; and
 - (2) Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quickdisconnect type utilities and security devices, and no permanently attached additions; or
 - (3) Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this chapter.
- (h) *Manufactured housing:*
- (1) Manufactured homes to be placed or substantially improved within floodplains on sites:
 - i. Outside of a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this code.
 - (2) Manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 113-14 (h)(1)be elevated so that either:
 - i. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - ii. 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 this code.
 - (3) New manufactured home parks of five acres or 50 lots, whichever is less, shall follow the standards of section 113-14(i).
 - (4) All manufactured homes shall be anchored to resist flotation, 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 ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

- i. Over-the-top ties shall 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;
 - ii. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - iii. Any additions to the manufactured home be similarly anchored.
- (i) *Subdivisions.* Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:
- (1) All such proposals are consistent with the need to minimize flood damage;
 - (2) All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - (4) Proposals for development (including proposals for manufactured home parks and subdivisions) of five acres or fifty lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for conditional letters of map revision and a letters of map revision.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-20. Variance procedures.

The process for any appeal or variance application from this floodplain ordinance shall be as follows:

- (a) The City of Alliance board of adjustment shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (b) 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 floodplain administrator in the enforcement or administration of this chapter.
- (c) 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 R.R.S. § 19-192 (for municipalities).
- (d) In evaluating such appeals and requests, the board of adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this chapter, and:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The danger that materials may be swept onto other lands to the injury of others;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity of the facility to have a waterfront location, where applicable;

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- (6) The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) 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
 - (11) The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-21. Variance requirements.

Variations shall only be issued in accordance with the following requirements:

- (a) Variations shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant due to the unique conditions of the premises.
- (b) Variations shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- (c) Variations shall only be issued based upon a determination that the granting of a variance will not result in 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.
- (d) Generally, variations 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 (e) through (h) below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (e) Variations 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 an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (f) Variations shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (g) The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.
- (h) All requests for variations and associated actions and documents, including justification for their issuance, shall be maintained by the community.

(Ord. No. 2962, § 1, 7-18-2023)

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Sec. 113-22. Disclaimer.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter 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 chapter shall not create liability on the part of City of Alliance or any officer or employee thereof for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 2962, § 1, 7-18-2023)

Sec. 113-23. Severability.

If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. No. 2962, § 1, 7-18-2023)

MYRTLE ADDITION

A PART OF THE S.E. 1/4 OF SECTION 26, T. 25 N., R. 48 W. OF THE 6th P.M.,
BOX BUTTE COUNTY, ALLIANCE, NEBRASKA

STATE OF NEBRASKA } SS.
Box Butte County }
Entered on numerical index and
filed for record in the Clerk's Office
of said County the 24 day of
March 1977 at 10:00 o'clock and
30 minutes P.M. and recorded
in Book 67
Page 23
James M. Tate
County Clerk

RITA ABEGG ZONED A-1

Deputy
James Curtis
3rd. 400

Buchfinck Incorporated, 214 West Third, Alliance, Nebraska. Telephone Number 762-4715,
being the Owner of the land hereon platted being 9.407 Ac. Hereby known as the
Myrtle Addition described as follows:

A parcel of land in the Southeast quarter of Section 26, Township 25 North, Range 48 West
of the 6th P.M. in Box Butte County, State of Nebraska, more particularly described as
follows:

Beginning at the Northeast corner of Bel Air Addition also the Northwest corner 16th and
Colorado Avenue; thence in a northerly direction along the west line of Colorado Avenue,
a distance of 564.87 feet to the north line of the southeast 1/4 Section 26, T25N,
R48W; thence westerly along said line at an angle to the left of 50°51'44", a distance
of 1156.40 feet to the west line of Buchfinck Avenue; thence on an angle to the left
of 90°09'08" in a southerly direction along the west line of Buchfinck Avenue, a distance
of 550.87 feet to the north line of 16th Street; thence in an easterly direction an angle
to the left of 89°08'30", a distance of 1146.53 feet along the north line of 16th Street
to the point of beginning, containing ± 14.89 acres, less ± 4.00 acres for streets and
thoroughfares.

DEDICATION: The undersigned proprietors of the property described herein have the same
to be subdivided in the manner known on this plat and said property shall hereafter be
known as Myrtle Addition. It shall be sufficient description of the lots on this plat
to hereafter designate the same by the number appearing near the center of the lot
followed by the block number appearing near the center of the respective blocks followed
by the words: Myrtle Addition.

An easement or license is hereby granted to the City of Alliance, Nebraska to locate,
construct and maintain, and to authorize the location, construction, maintenance or
use of conduits, for all and any purpose, water, gas and sewer mains, poles, wires,
anchors and appurtenances thereto, or any or all of them open, under and along the strips
of land outlined on this plat and designated "UTILITY EASEMENT" or "U.E."

Streets shown on this plat and not heretofore dedicated to public use are hereby so
dedicated.

Building lines or setback lines are hereby established as shown on this plat and no
building or portion thereof shall be built or otherwise located between this line and
the lot or street line.

In testimony whereof, the undersigned proprietors have hereunto set their hands this

16th day of February, 1977.



Arthur H. Buchfinck, Inc.
Buchfinck Inc.

STATE OF NEBRASKA } SS.
COUNTY OF BOX BUTTE }

On this 16th day of February, 1977, before me personally appeared the
above persons, to me known to be the persons described in and who executed the foregoing
instrument and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at
my office in said County and State the day and year last written above.



Walter R. May
Notary Public

My Commission Expires:

Approved by the Planning and Zoning Commission of the City of Alliance this:

4th day of March, 1977

Duane W. Ray
Chairman

Approved by the City Council of the City of Alliance this:

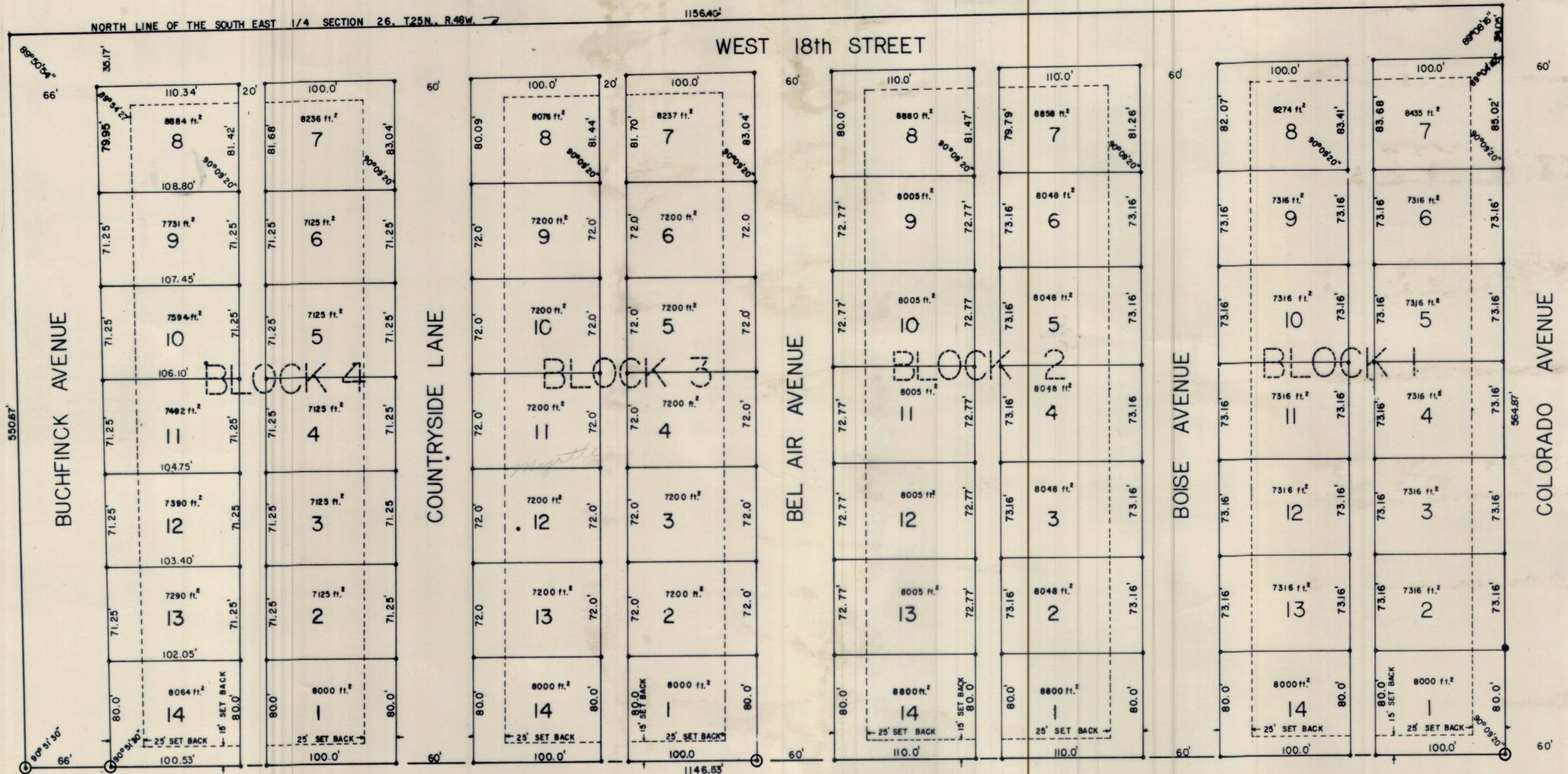
Ordinance No.: 1387
Robert Anderson
Mayor
Jay L. Foslin

SURVEYOR'S CERTIFICATE

STATE OF NEBRASKA } SS?
COUNTY OF BOX BUTTE }

I hereby certify that lands delineated and described hereon were accurately surveyed by me,
that said delineation shows existing monuments found, and that new monuments, iron pins, have been
established and set at all property, lot, and block corners. Date this: 3rd day of March, 1977

Robert L. Rice
Surveyor



LEGEND:
⊙ DENOTES PINS FOUND
• DENOTES PINS SET



COUNTRYSIDE ADDITION

BEL AIR ADDITION

MYRTLE ADDITION FINAL PLAT

 CONSULTING ENGINEER 303-421-2162	DRAWN JUN	REVISION
	DATE 11-16-76	APPROVED
	CHECKED	JOB NO 7642
	SCALE 1" = 50'	SHEET P-1

Item E

Planning Commission
Bylaw Updates

PLANNING COMMISSION BY-LAWS

CITY OF ALLIANCE, NEBRASKA

Article I: Objectives

The objectives and purposes of the Planning Commission of Alliance, Nebraska, are those set forth in Section 19-901 of *Nebraska Revised Statutes* as well as any amendments and supplements thereto, and those powers and duties delegated to the Planning Commission by the City Council of Alliance, Nebraska, in accordance with the Alliance Municipal Code.

Article II: Members

Section 1. The City Planning Commission shall consist of nine regular members. A maximum of two of the regular members may be residents of the Extraterritorial Zoning Jurisdiction.

Section 2. An alternate member may be appointed by the City Council and attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

Section 3. One regular member of the Planning Commission shall sit on the Board of Adjustment.

Section 4. The City Manager or designee shall attend and participate in the City Planning Commission meetings but is not entitled to vote on any issue.

Section 5. A recommendation from the Planning Commission shall automatically be forwarded to the City Council to remove any member with more than three unexcused meeting absences over any twelve month period.

Article III: Officers and Their Duties

Section 1. The officers of the Planning Commission shall consist of a Chair, a Vice Chair, and a Secretary.

Section 2. The Chair shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3. The Chair shall be one of the regular members of the Commission. He/She shall have the privileges of discussing all matters before the Commission and of voting thereon.

Section 4. The Vice Chair shall act for the Chair in his/her absence. He/She shall be a regular member of the Commission.

Section 5. The Secretary, a member of the Community Development Department, shall keep the minutes and records of the Commission, prepare with the Chair agendas for regular and special meetings, provide notice of meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and attend to such other duties as are normally carried out by a Secretary.

Article IV: Election of Officers

Section 1. Nomination of officers shall be made from the floor at the first regular meeting each year, and the elections of officers shall follow immediately thereafter.

Section 2. A candidate receiving a majority of the vote of the entire membership of the Planning Commission shall be declared elected and shall take office.

Section 3. Vacancies in offices shall be filled immediately by regular election procedures.

Section 4. Should the Chair and Vice Chair be absent at the same meeting, the meeting shall be opened by Support Staff and a temporary Chair elected according to this Article to serve for that meeting only.

Article V: Meetings

Section 1. Meetings shall be held on the second Tuesday of each month at 5:30 p.m. in the City of Alliance Learning Center, Meeting Rooms B & C, located at 1750 Sweetwater Avenue, if there are items on the agenda, if statutorily required, or as set by the Chair.

Section 2. Should the meeting location and/or time stated in these by-laws not be available, the Chair may set a different location and/or time provided all legal notices are in compliance with State Law and City Code.

Section 3. The Board shall meet in person according to these bylaws; however, should the option for public gatherings be limited or rendered unsafe by means beyond the Boards control, video meetings may be held provided they are permitted by the State of Nebraska and all notices, agendas, and other materials indicate it is a video meeting.

Section 4. A majority of the membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the entire membership of the Commission. Voting shall be by roll call and the Chair will vote last. A record of the roll call shall be kept as a part of the minutes.

Section 5. The Planning Commission shall make findings of fact to support their voting decision. The findings of fact shall be stated as part of the motion and entered into the permanent record of the meeting. Any members not voting in the majority may also make findings of fact supporting their decision and such findings shall also be entered into the permanent record of the meeting.

Section 6. The Board may table any items when it appears additional facts, changes, or legal council is necessary before the Board can make an informed recommendation.

Section 7. Special meetings may be called by the Chair in emergency situations. It shall also be the duty of the Chair to call such a meeting when requested to do so in writing by a majority of the members of the Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission. The Secretary shall notify all members of the Commission in writing not less than five days in advance of such special meeting.

Section 8. All meetings shall be conducted in compliance with the Nebraska Open Meetings Law, Nebraska State Statutes, and the City of Alliance Municipal Code. Any members of the Planning Commission engaging in any ex parte communication with another Board Member shall disclose the conversation during the discussion of the agenda item at the meeting.

Article VI: Public Hearings and Comments

Section 1. In addition to those required by Law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Notice of such hearings shall be published in the official newspaper of the municipality or in a newspaper of general circulation at least ten days before the date of any public hearings.

Section 3. The case before the Commission shall be presented in summary by the Chair when the item is accompanied by a public hearing and parties in interest shall be invited to the floor.

Section 4. In order to ensure all points of view are conveyed during the public hearing and that the meeting progresses in a timely manner, the Chair may set a time limit of 3 minutes for each person speaking during the public hearing and end such public hearing if no additional viewpoints, facts, or concerns are presented for the Boards consideration. If one person is speaking for a group of people, or if the person speaking has a handicap that effects their speech, the Chair may permit up to 5 minutes for that person to speak. Time may not be donated from one person to another. The Board may permit more time for speaking; however, such increase shall be determined and set by motion and roll call vote prior to opening the public hearing.

Section 5. The public shall be permitted to provide comments on each agenda item one time and only when the Chair opens the floor to the public for said purpose. Comments shall pertain only to that agenda item. Comments on other agenda items or topics not on the agenda shall not be permitted.

Section 6. Comments must be made only to the Chairman and in a non-disruptive and non-threatening manner. Comments or questions directed to the general public, other Board Members, or anyone other than the Chairman shall not be permitted. Any disruptive or threatening comments or behavior shall result in the meeting being halted while the appropriate authorities are contacted.

Section 7. Each person shall be given no more than 3 minutes in which to provide comments to the Board on the current agenda item. If one person is speaking for a group of people or if the person speaking has a handicap that effects their speech, the Chair may permit up to 5 minutes for that person to speak. Time may not be donated from one person to another.

Section 8. A record shall be kept of those speaking before the Commission including their name, address, and a summary of their testimony if given during a public hearing. General comments given by the public may be noted by no more than the statement that “public comment was given.”

Article VII: Order of Business

The order of business at regular meetings shall be:

- a) Call to order;
- b) Roll call;

- c) Open Meetings Act Announcement;
- d) Pledge of Allegiance;
- e) Approval of minutes of previous meeting;
- f) Communications and bills;
- g) Report of officers and committees;
- h) New business;
- i) Old business;
- j) Adjournment.

Article VIII: Committees

Section 1. The following standing committees may be appointed by the Chair:

- (a) Land Use Committee;
- (b) Thoroughfare Committee;
- (c) Public Facilities Committee;
- (d) Housing and Codes Committee;
- (e) Economic Development Committee;
- (f) Budget and Finance Committee;
- (g) Public Relations Committee;
- (h) Comprehensive Plan Committee.

Section 2. The standing committees may be appointed for any length of time.

Section 3. Special committees may be appointed by the Chair for purposes and terms which the Commission approves.

Article IX: Support Staff

Section 1. The Recording Secretary for the Commission shall be the secretary of the Community Development Department who will perform the duties of a secretary and perform such other duties as may be assigned to him/her by the Chair of the Planning Commission.

Section 2. The Recording Secretary shall keep the minutes and records of the Commission and maintain them at the Office of the Planning Commission located in the Community Development Offices at City Hall, 324 Laramie Avenue; prepare with the Chair, agendas for regular or special meetings; provide notice of meetings to Commission members; arrange proper and legal notice of meetings; attend to correspondence of the Commission; and to such other duties as are normally carried out by a Secretary.

Section 3. The City of Alliance may employ such staff and/or experts as it sees fit to aid the Commission in its work.

Article X: Amendments

These By-Laws may be amended by a two-thirds vote of the entire membership of the Planning Commission.

Adopted this _____ day of _____, 20__.

Recording Secretary

Chair