

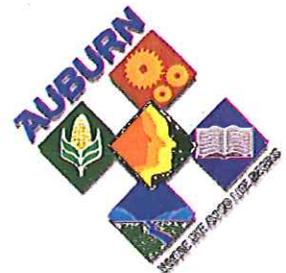
AUBURN, NEBRASKA

COMPREHENSIVE PLAN - 2017



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CITY OF AUBURN, NEBRASKA

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AUBURN, NEBRASKA

COMPREHENSIVE PLAN UPDATE - 2017

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CHAPTER 1
**THE AUBURN
PLANNING PROCESS**

SECTION 1

THE AUBURN PLANNING PROCESS

THE COMPREHENSIVE PLAN

The **Auburn Comprehensive Plan** is designed to serve as a tool to assist the City in planning for future stability and development in the Community and its respective One-Mile Planning Jurisdiction. The Plan contains information about existing conditions within the City, including population, land use, housing and public facilities, utilities and transportation, and serves as an update to the current Auburn Comprehensive Plan, completed in 1993. The projection of these community planning elements are presented in an attempt to create a community and economic development “**Vision**” for Auburn for the next 10 years.

The planning process included the development of a **General Plan**, which establishes specific and practical guidelines for improving existing conditions and controlling future growth. The Plan, itself, presents a planning program designed to identify and develop policies in the areas of **land use, population, economics, public facilities, utilities and transportation.**

The **Comprehensive Plan** was prepared under the direction of the Auburn Planning Commission, with the assistance of the City Council, City Staff, and Consultants, Hanna:Keelan Associates, P.C., of Lincoln.

PLANNING PERIOD

The planning time period for achieving the goals, programs and community development activities identified in this Auburn Comprehensive Plan is 10 years.

PLANNING JURISDICTION

The planning jurisdiction of the City of Auburn includes the Auburn Corporate Limits and the area within the One-Mile Planning Jurisdiction. The City enforces planning, zoning and subdivision regulations within the one-mile limit, in accordance with Nebraska State Statutes.

AUTHORITY TO PLAN

This Comprehensive Plan for Auburn is prepared under the Authority of Section 19-924-929, Nebraska State Statutes 1943, as Amended.

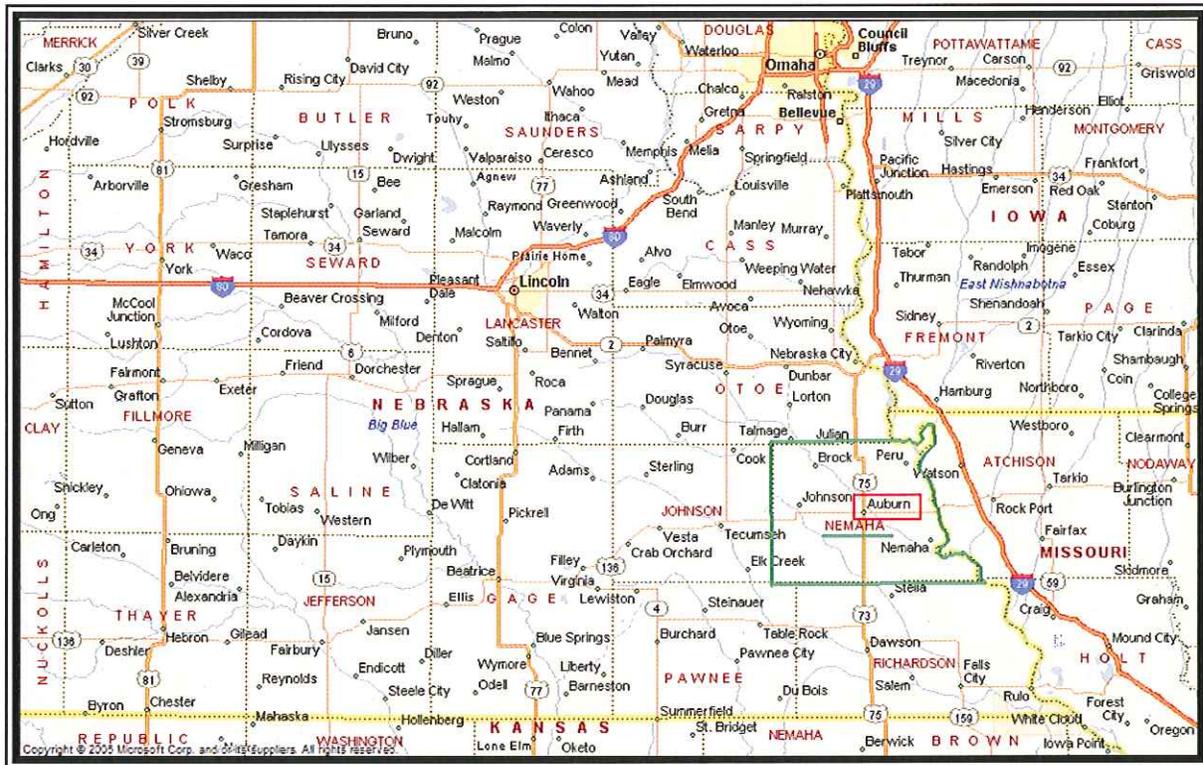
RESPONSIBLE GROWTH & DEVELOPMENT

The City of Auburn is located in southeast Nebraska, an estimated 70 miles east/southeast of Lincoln, Nebraska (the State Capital) and 65 miles south of Omaha, at the junction of Highway 75, a major north/south route, and Highway 136. The City of Auburn, the County Seat of Nemaha County, is in a position to decide what community and economic development enhancements it needs and desires to better service persons and families interested in small town living. The Community offers a Downtown business district, a Courthouse Square and a highway commercial corridor, along "J" Street (Highway 75), as well as farming and other agricultural support services, to maintain a stable and diverse population and economy. Auburn is a center of business and commercial activities in Nemaha County and portions of southeastern Nebraska. Because of its strategic location, one can live in the City of Auburn and commute to Nebraska City or the Cooper Nuclear Power Station, near Brownville, for employment.

The Auburn Comprehensive Planning Process promotes responsible growth. This includes a firm understanding of the growth potential within the existing built environs of Auburn, as well as the support for preserving the agricultural and associated natural resources adjacent the City. Undeveloped areas, within the One-Mile Planning Jurisdiction of Auburn, will be assigned land uses and zoning classifications capable of preserving the integrity of these areas, while providing for controlled, well planned growth potential throughout the 2007 to 2017 planning period.

Responsible growth and **development activities** will include the ongoing planning and implementation of needed public facilities in Auburn. The Community is cognizant of its social and recreational needs, but will need to continue to upgrade and develop modern, accessible public facilities and infrastructure.

ILLUSTRATION 1.1 AREA LOCATION MAP AUBURN, NEBRASKA



THE PLAN AS A COMMUNITY & ECONOMIC DEVELOPMENT TOOL

The City of Auburn Comprehensive Planning has been designed to **enhance both community and economic development efforts**, which will promote stability within the Community and the local economy. To accomplish this, community leaders will need to react to changing economic conditions and access programs available to meet these changes. Local decisions will need to enhance community and economic development opportunities, as well as preserve local values. Citizen input will be needed to assist and enhance this political decision making process.

The continued use of the Auburn Community Redevelopment Authority (CRA), as a vehicle to plan and implement residential, commercial, and industrial development activities in Auburn, is strongly urged to be continued. The Future Land Use Plan, identified in this document, encourages growth and expansion of the City during the 10-year planning period, with special attention to the annexing of additional land area. The City must also continue to enhance and redevelop the older portions of Auburn, not just the Downtown and highway commercial and industrial areas, but aging residential neighborhoods, as well. The City of Auburn must continue to provide incentives for public and private partnerships for redevelopment to coincide with community growth and expansion. Incentives such as Tax Increment Financing, Historic Preservation Tax Credits, Community Development Block Grants (CDBG) and a variety of housing and economic development funding sources coupled with local lending support, should be utilized by the Community to achieve the goals contained within this Comprehensive Plan-Update.

Providing safe, modern and affordable housing in Auburn, during the next 10 years, will ensure a population base capable of supporting various important businesses and services in the Community. Housing rehabilitation activities, coupled with new housing opportunities for both elderly and young families, should be considered. The City should support housing improvement and development efforts as a means of both stabilizing the population and increasing the local tax base.

ORGANIZATION OF THE PLAN

The City of Auburn Comprehensive Planning process utilized both a **qualitative and quantitative approach** to gathering pertinent information. The **qualitative approach** included a citizen participation process consisting of involvement and input from members of the Auburn Planning Commission, City Council and City Administration.

The **quantitative approach** included the analysis of the various components of the Comprehensive Plan utilizing numerous statistical data bases provided by the 1980, 1990, and 2000 Census, and Census projections, as well as other pertinent local, state and federal agencies.

This quantitative approach also included numerous field research activities to determine the present condition and profiles of local land use, housing, public infrastructure and facilities, transportation and environmental issues. **Combining the results of these two important approaches produced a Comprehensive Plan.**

This Comprehensive Plan includes the following five Sections:

- ▶ The Auburn Planning Process
- ▶ Goals, Policies & Action Strategies
- ▶ Population & Economic Profile
- ▶ Future Land Use Plan
- ▶ Public Facilities, Utilities & Transportation Plan

The system embodied in this community planning framework is a process that relies upon continuous feedback, as goals change and policies become more clearly defined. Planning is an ongoing process that requires constant monitoring and revision throughout the proposed planning period.

ELEMENT 1

The Comprehensive Plan is organized in three elements. The first element of the Comprehensive Plan is the **Goals, Policies and Action Strategies**. The Goals and Policies represent the foundation for which planning components are designed and eventually implemented. The Goals and Policies identified in this Auburn Comprehensive Plan address each component of the Plan itself. Action Strategies identify specific activities the community should undertake to accomplish the goals and policies.

ELEMENT 2

The second element is the **Background Analysis**, which presents the research, both quantitative and qualitative, necessary for the development of the Plan's Goals, Policies and Action Strategies. This research included the investigation of demographic, economic, land use, housing, transportation and public facilities and utilities in Auburn. The careful research of past and present data allowed for the projection of future population and development needs.

ELEMENT 3

The third and final element of the Comprehensive Plan is the **Planning Components**, which present general background analysis and future plans for land use, housing, public facilities, utilities and transportation.

CHAPTER 2
**GOALS, POLICIES &
ACTION STRATEGIES**

SECTION 2

GOALS, POLICIES & ACTION STRATEGIES

INTRODUCTION

A **Comprehensive Plan** is an essential and the most appropriate tool to properly guide the development of a modern community. An important aspect of the Plan is the **planning goals, policies and action strategies**, which provide local planners direction in the administration and overall implementation of the Comprehensive Plan. In essence, the goals and policies are the most fundamental elements of the Plan; the premises upon which all other elements of the Plan must relate.

Goals are broad statements, identifying the state or condition the citizenry wishes the primary components of the planning area to be or evolve into within a given length of time. Primary components include **Community Image, Land use and Development, Housing, Public Facilities, Utilities and Transportation, and Plan Maintenance and Implementation**. Goals are long-term in nature and, in the case of those identified for the Auburn Comprehensive Plan, will be active throughout the planning period 2007 to 2017.

Policies help to further define the meaning of goals. In essence, policies represent a specific statement or achievement to be accomplished as a step towards fulfilling a goal. Policies, or often referred to as objectives, are sub-parts of a Goal and are accomplished in a much shorter time span.

Action Strategies represent very specific activities to accomplish a particular Goal. In many cases, specific time lines are attached to Action Strategies. Action Strategies are the most measurable component of the Auburn Comprehensive Plan.

COMMUNITY GOALS

The first step in developing goals, policies and action strategies for this Plan is the identification of general **Community Goals**. The following community goals were developed via input from the Auburn Planning Commission, Planning Steering Committee and City Staff, at public meetings, in an effort to "highlight" **six important elements** of the Comprehensive Planning process. These six elements include **Community Image; Land Use Development; Housing; Public Facilities, Utilities and Transportation; and Plan Maintenance and Implementation**.

The following represent general Community Goals for Auburn:

1. *Strive to improve the quality of life and sense of community for all residents of Auburn.*
2. *Foster the value of family in Auburn. Encourage the development of local action to preserve and strengthen families, while emphasizing Auburn's cultural diversity.*
3. *Implement appropriate community and economic developments to stabilize population declines since the 1980 Census, by planning for a slight decline in the population of Auburn by an estimated -0.2 percent per year, for the next 10 years, or a total decline of 60 people.*
4. *Provide all residents with access to a variety of safe, decent, sanitary housing types, including elderly households and persons with disabilities.*
5. *Stabilize and diversify the economic base in Auburn to create and expand employment opportunities and expand job availability for existing and future households.*
6. *Preserve and improve the physical appearance and character of Auburn, including the Downtown and the Highway 75 and Highway 136 corridors.*
7. *Update and maintain the community land use plan and zoning and subdivision regulations.*
8. *Utilize the Future Land Use Plan as a tool to identify lands adjacent, but beyond the Corporate Limits, that should be annexed into the City of Auburn to ensure sufficient land is available for growth and expansion of the City.*
9. *Maintain a modern utility system. Future public facilities, services and transportation systems will need to be both updated and expanded during the planning period.*
10. *Encourage an ongoing forum for citizen participation to build consensus for local action associated with improved economic and social conditions in Auburn.*
11. *Include the Community's citizens in the ongoing update of the Auburn Comprehensive Plan.*

COMMUNITY IMAGE

Goal 1

Establish Community Initiatives supportive of a stabilized population growth rate and improved economic conditions for the Auburn citizenry.

- Policy 1.1

Stabilize a declining population in the “Community” of Auburn (including the One-mile Planning Jurisdiction), to -0.2 percent annually.

Action Strategy 1.1.1

Create housing, facilities and services to retain the older adult population of Auburn. Expand efforts to attract seniors living in rural Nemaha County to retire in Auburn. A large portion of the rental housing units to be constructed during the next 10- year planning period should be targeted towards a variety of multifamily elderly retirement options.

Action Strategy 1.1.2

Plan and implement programs to encourage youth retention and recruitment. Strive to attract former residents back to the community to start their own businesses and raise a family.

Action Strategy 1.1.3

Maintain and improve both public and private services, business and industry in Auburn, in an effort to increase and diversify employment opportunities.

Action Strategy 1.1.4

Housing initiatives should be coupled with job creation activities.

Action Strategy 1.1.5

Promote Auburn as a great place to live, work, raise a family and retire.

- Policy 1.2

Improve and beautify Auburn.

Action Strategy 1.2.1

Remove dilapidated buildings. Promote infill developments on vacant parcels within areas planned for residential and commercial development.

Action Strategy 1.2.2

Encourage the planting of landscapes and the maintenance and preservation of trees.

Action Strategy 1.2.3

Create and implement a revitalization plan, including greenery, landscape and facade restoration, in Auburn's commercial areas.

Action Strategy 1.2.4

Focus on the "Gateway Entrances" to the City. Landscaping, lighting, new entry signs, trees and shrubbery should be combined to create a greater sense of arrival to the City. Consider pole banners mounted on street light poles to continue the entry process all the way into Downtown Auburn.

Goal 2

Secure resources for the future betterment of Auburn.

- **Policy 2.1**

Create and implement a program of securing both public and private funding to finance improved living conditions and job creation in Auburn.

Action Strategy 2.1.1

Expand upon successful public/private partnerships for the development and redevelopment of residential, commercial and industrial areas in Auburn.

Action Strategy 2.1.2

Maintain a program of actively pursuing federal, state and local funds, to preserve and improve the Community.

Action Strategy 2.1.3

Strive to combine multiple sources of funding to expand available capital in order to complete needed public improvement projects on a shorter timetable. For example, combine Tax Increment Financing with Community Development Block Grants, Donations and Contributions, local, state and national foundations to finance the cost of major public improvement projects.

LAND USE & DEVELOPMENT

Goal 1

Adopt a Future Land Use Plan capable of fulfilling the residential, recreational, social, shopping and employment needs of the Auburn Community citizenry through the year 2017.

- **Policy 1.1**

Maximize the existing land areas presently served by municipal infrastructure.

Action Strategy 1.1.1

Designate at a minimum, between 59 to 70 acres of land area for future residential development.

Action Strategy 1.1.2

Increase residential land use density in established neighborhoods having redevelopment potential. Focus efforts on residential neighborhoods included in the designated redevelopment areas within the City of Auburn.

Action Strategy 1.1.3

Conduct infill residential development activities.

Action Strategy 1.1.4

Locate future higher density residential developments to buffer commercial and industrial areas from lower density single family and duplex developments.

Action Strategy 1.1.5

Encourage the identification of new housing subdivisions in the designated residential growth areas adjacent, but beyond the current Corporate Limits of Auburn, towards the northwest and southern portions of the community for long range growth and development opportunities over the next 25 to 50 years.

- **Policy 1.2**

Designate future commercial land areas that provide greatest access for both locals and highway travelers.

Action Strategy 1.2.1

Maintain existing and expand all general commercial and service land uses in the Downtown and existing Highway 75 and Highway 136 Corridors.

Action Strategy 1.2.2

Future highway commercial land areas should be concentrated along the northern and southern portions of the Highway 75, as well as to a more limited extent along the eastern and western portion of Highway 136.

Action Strategy 1.2.3

Large scale commercial development, big box retailers in association with motel/hotel and fast food outlets are planned to continue to develop along the north/south Highway 75 commercial corridor. These uses are ideally located to attract Residents from Auburn and surrounding communities.

Action Strategy 1.2.4

Downtown Auburn and the Courthouse Square commercial areas should be reserved for personal services, specialty retail, and entertainment commercial types.

- **Policy 1.3**

Designate up to 150 acres of additional industrial land use. Developments should be compatible with neighboring land uses, while optimizing the ability to attract new and appropriate industrial types to Auburn, throughout the 10-year planning period.

Action Strategy 1.3.1

Future industrial areas should be located in highest concentrations in both the northwestern industrial park, east central industrial park and southeastern portion of the One-mile Planning Jurisdiction for value added agricultural process facilities. Secondary locations of generally "Light Industrial" land uses should remain along the Burlington Northern Santa Fe Railroad corridor, to the northeast of Downtown Auburn.

- **Policy 1.4**

Encourage increased planned open spaces/recreational areas in Auburn. Focus should be on additional neighborhood parks in new subdivisions with linear trails connecting the neighborhood parks to schools and other public facilities.

Action Strategy 1.4.1

Continue efforts to fully develop new park facilities in conjunction with future development of residential growth areas identified in the northeast, north and northwest portions of the City. Concurrently, existing parks and recreational facilities in Legion Park and Auburn Recreation Complex are in need a variety of new playground equipment, to accommodate the needs of persons with disabilities and in general, the current and future residents of Auburn.

Action Strategy 1.4.2

Maintain a program of sufficient open spaces and parklands in Auburn, at such locations as is necessary, to provide outdoor recreation, to conserve natural resources and to preserve historical sites and as a means of giving the Community a sense of identity.

Action Strategy 1.4.3

Encourage the development of a trails system in Auburn that serves the residents of the Community and provides connections to existing parks and school facilities throughout the City. The Longs Creek environs, and its tributaries, could potentially serve as a main branch of the trail system, connecting existing and future residential areas to the Auburn Recreation Complex, the Auburn High School, to the Community and potentially to the Little Nemaha River.

A "regional trail" is also identified as the Southeast Trails Development Plan, part of the "Nebraska Network of Discovery" trails plan. Shoulders of Highway 136 are planned to connect Auburn with Brownville, where the north/south Heritage Railroad corridor and Highway 67 that links Nebraska City with Falls City.

- **Policy 1.5**

Maintain proper land use development ordinances and regulations in Auburn.

Action Strategy 1.5.1

Adopt revised zoning and subdivision regulations, while maintaining appropriate building codes, all which conform with the future land use plan of the City and are compatible with current development trends and local attitudes.

Action Strategy 1.5.2

Utilize both voluntary and involuntary annexation policies in conformance with Nebraska State Statutes. These policies should serve as a guide to integrate residential, commercial and industrial growth areas.

Goal 2

Adopt a land use plan supportive of redevelopment efforts in Auburn.

- **Policy 2.1**

Prioritize redevelopment efforts to address areas of greatest needs for renovation and restoration.

Action Strategy 2.1.1

Areas of greatest redevelopment need in Auburn include the Downtown, Courthouse Square and Highway 75 commercial corridor, with adjacent residential neighborhoods. Lastly, the existing industrial and residential areas along the railway corridor, to the northeast of Downtown.

Action Strategy 2.1.2

Continue to conduct blight/substandard determination studies and redevelopment plans in areas of greatest redevelopment need and opportunity.

- **Policy 2.2**

Create programs of redevelopment that combine selected residential uses with neighborhood (local) commercial land uses.

Action Strategy 2.2.1

Emphasize mixed land uses in the Downtown which promote general commercial, service, public and residential activities.

- **Policy 2.3**

Utilize both public and private resources to finance redevelopment efforts in Auburn. This would include the use of local, state and federal funding sources to aid in financing redevelopment programs.

Action Strategy 2.3.1

Utilize all available public programs of financing to aid in funding redevelopment programs including, but not limited to HOME funds, tax increment financing, community development block grants, SAFETEA-LU (Transportation Enhancement Act), Nebraska Housing Trust Fund, etc.

Action Strategy 2.3.2

Continue to support the redevelopment budget to assist in financing both redevelopment planning and implementation programs.

Goal 3

Adopt a land use plan that encourages the preservation and protection of environmental resources.

- **Policy 3.1**

Future development should be encouraged to locate in areas which are free of environmental problems related to ground and surface water features, soil and topographic slope. As an example, identified residential growth areas northeast of the Community are not located within 100-year flood plain areas.

Action Strategy 3.1.1

Preserve unique and sensitive or critical natural areas within the planning jurisdiction of Auburn from adverse development. These areas include bodies of water, unique scenic vistas, and unique natural habitats, associated with both the Longs and Codington Creek environs.

Action Strategy 3.1.2

Prohibit intensive agricultural developments, such as large scale feedlot operations, to develop or expand within the one-mile Planning Jurisdiction of Auburn.

Action Strategy 3.1.3

Future development and redevelopment activities should be supported by a modern infrastructure system of public and private utilities.

Action Strategy 3.1.4

All future, major developments in Auburn should be accompanied with a stormwater drainage plan. Usage fees should provide the necessary funding to develop the City-wide stormwater drainage system.

Action Strategy 3.1.5

All new development/redevelopment activities should include a safe and sanitary environment, free of air, water and noise pollution.

Action Strategy 3.1.6

Complete current efforts to replace the existing water and sanitary sewer treatment facilities. The City is in need of a redesigned or entirely new waste water treatment facility to sustain current and support additional businesses, industries and residents of Auburn. Additionally, the water reservoir has adequate capacity to meet the needs of the community, however, components of the storage and supply systems need to be upgraded. The continued growth and development of the City of Auburn is dependent upon these public facility improvements.

HOUSING

Goal 1

Provide all Auburn residents with access to a variety of safe, affordable and sanitary housing types.

- **Policy 1.1**

Establish a plan of action for the development of residential options for residents of all ages and income levels.

Action Strategy 1.1.1

Develop up to 82 units of housing in Auburn during the next five years. Plan for both rental and owner housing units for all income levels, age sectors and family types/sizes in the Community.

Action Strategy 1.1.2

Plan housing for a) new households, b) the replacement of up to 40 percent of substandard housing units and c) affordable units for local households with a housing cost burden status.

Action Strategy 1.1.3

Provide additional housing in Auburn to eliminate the "pent-up" demand for housing for the current citizens of the Community, especially retirees and non-traditional households.

Action Strategy 1.1.4

Develop housing programs and projects to alleviate any housing vacancy deficiency that might occur in Auburn, during the planning period.

Action Strategy 1.1.5

Plan for a continuum of residential options for retirees and other older adults in Auburn and Nemaha County.

Action Strategy 1.1.6

Produce housing for special populations, including both owner and rental options for persons with a disability. Participate in the state-wide "home modification" program for persons with disabilities and the elderly.

Action Strategy 1.1.7

Actively pursue affordable housing programs available from local, state and federal agencies/departments.

Action Strategy 1.1.8

Maintain a minimum community housing vacancy rate of 5 percent for modern, marketable housing stock.

Action Strategy 1.1.9

Encourage future residential development which is compatible and complements existing neighborhoods.

• **Policy 1.2**

Protect and preserve both existing and future neighborhoods through the implementation of programs and policy supporting best building practices.

Action Strategy 1.2.1

Rehabilitate up to 323 housing units, in Auburn, by 2017.

Action Strategy 1.2.2

Remove and replace up to 35 units of single family dwellings and housing that are substantially deteriorated, by 2017.

Action Strategy 1.2.3

Enforce existing building, plumbing, electrical and fire codes for all residential developments, to insure Auburn residents live in sound, decent, affordable housing.

Action Strategy 1.2.4

Promote maximum energy efficient housing standards and provide incentives for implementation.

Action Strategy 1.2.5

All new residential development should be served by a modern municipal utility system.

Goal 2

Coordinate housing programs with economic development efforts and available public and private funding sources.

• **Policy 2.1**

Maximize local public and private resources and organizations to assist in the promotion and development of housing opportunities.

Action Strategy 2.1.1

Secure grants and other financial assistance to develop both owner and renter housing rehabilitation/repair programs for low-and moderate income households to upgrade their homes to minimum housing quality standards.

Action Strategy 2.1.2

Coordinate the development of affordable housing needs of Auburn with related educational, health and social services programs, both public and private.

Action Strategy 2.1.3

Support and utilize the State of Nebraska Consolidated Housing Plan to create affordable housing opportunities in Auburn.

Action Strategy 2.1.4

Promote housing opportunities in and around the Downtown, by either replacing the substantially deteriorated structures or converting the upper floors of commercial buildings to residential use.

Action Strategy 2.1.5

Develop and adopt regulations which encourage development of affordable housing subdivisions.

PUBLIC FACILITIES, INFRASTRUCTURE & TRANSPORTATION

Goal 1

Maintain and improve the existing public facilities and utilities in Auburn and develop, as needed, new facilities and services to reflect the community's needs and demands.

- **Policy 1.1**

Provide public services in an efficient and economic manner in order to protect and enhance the safety and welfare of the Auburn residents to address health, educational and supportive services needs.

Action Strategy 1.1.1

Insure public services are expanded to keep pace with population growth.

Action Strategy 1.1.2

Maintain the county-wide family preservation and support programs.

Action Strategy 1.1.3

Continue to maintain and improve school facilities to encourage and support excellence in education. Raise funds necessary to support the cost of expanding the City Library upon the existing site.

Action Strategy 1.1.4

Conduct a human services needs assessment for Auburn as a first step to completing a Human Services Comprehensive Plan.

Action Strategy 1.1.5

*Foster the **partnership** of human services delivery in Auburn and throughout Nemaha County.*

Action Strategy 1.1.6

Reinforce and develop continuing education programs to address current and future needs of youths, new families, adults and senior citizens.

Action Strategy 1.1.7

Provide adequate law enforcement and fire protection services, with increased emphasis on community relations as well as adequate civil defense and emergency service. Ensure facilities necessary to support such services are available throughout the Community and promote the coordination of these services among the various governmental and quasi-governmental entities.

- **Policy 1.2**

Preserve and expand existing parks and open spaces throughout the Community to provide improved recreational opportunities in Auburn.

Action Strategy 1.2.1

Provide and improve recreation programs for the youth, elderly, persons with disabilities and families.

Action Strategy 1.2.2

Implement a linear hiker/biker trails plan to connect existing City parks and buffer varied land uses along Longs and Codington Creeks and throughout the Community.

Action Strategy 1.2.3

The City of Auburn should strive to apply for Federal and State programs such as SAFETEA-LU grants to develop linear trails for expanded recreational opportunities for current and future residents.

- **Policy 1.3**

Maintain the provision of facilities and services necessary to prevent pollution of the environment. Provide sewage treatment, refuse collection and disposal, street cleaning, flood control and similar environmental control processes.

Action Strategy 1.3.1

Provide adequate, efficient and appropriate utilities and services throughout the Community of Auburn to existing and future residential, recreational, commercial and industrial areas.

Action Strategy 1.3.2

Maintain an adequate supply of potable water and expanded distribution system suitable for present and future consumption and fire protection within Auburn. Continue to pursue funding for upgrading of the water system, including the clear well and water filtration plant to provide residents, businesses and industries sufficient quantity and quality of water.

Action Strategy 1.3.3

The sanitary sewer treatment facility is reaching the hydraulic capacity of the plant and the discharge of treated waste from the facility into the Little Nemaha River is anticipated to require higher standards upon reclassification of the river to a Recreational Stream. This will require improvement to the existing facility, or potentially the construction of a new waste water treatment facility within the 10-year Planning Period.

Action Strategy 1.3.4

Segments of the municipal water main distribution and sanitary sewer collection systems will need to be upgraded and extended within the 10-year Planning Period. The Board of Public Works will need to prioritize needed improvement projects throughout the City of Auburn to maintain the high level of excellence currently provided to the City.

Action Strategy 1.3.5

Coordinate development efforts with the future land use plan to target the portions of the community ideally suited for development, where all appropriate infrastructure can be extended in a cost effective manner.

Goal 2

Provide an efficient transportation system throughout Auburn for the safe and efficient movement of people, goods and services.

- **Policy 2.1**

Maintain and adopt a coordinated plan for maintenance, improvement and future location of all streets, roads, and highways in the community, including paving, curbs, gutters, street lighting, curb cuts, replacements, all in an effort to reduce excessive travel delays.

Action Strategy 2.1.1

Maintain design standards and policies for various classes of streets, roads and highways to enhance the function and safety of the roadway and street system in Auburn.

Action Strategy 2.1.2

Coordinate the future land use plan and the One- and Six Year Street Improvements Plans, to prepare the City of Auburn for future growth and development. Emphasis should be given to seeking cost effective methods to reduce/calm traffic along "J" Street (Highway 75) and Central Avenue (12th Street, or Highway 136).

Action Strategy 2.1.3

New residential developments in Auburn should have appropriate and adequate streets, curbs, gutters and sidewalks.

- **Policy 2.2**

Downtown Auburn serves as the focus for retail commerce, government, public services and social activities. As such, a renewed emphasis on landscaping and pedestrian movement is imperative.

Action Strategy 2.2.1

Reinforce recent Downtown revitalization efforts by implementing redevelopment techniques such as tax increment financing, historic preservation tax credits and CDBG projects in Downtown Auburn.

Action Strategy 2.2.2

Concentrate efforts within the Downtown to alleviate conflicts between pedestrians and motorized vehicles, particularly along "J" Street and Central Avenue.

Action Strategy 2.2.3

Partially "screen" parking areas with shrubbery and flowering plants to enhance the appearance of the Downtown.

PLAN MAINTENANCE & IMPLEMENTATION

Goal 1

Maintain a current and modern Comprehensive Plan and associated regulatory ordinances.

- **Policy 1.1**

Update the Auburn Comprehensive Plan annually to consider changes occurring in the Community during the previous year. Unforeseen changes to the population, land use development methods or the development of a new large industry, for example, could require changes to the current planning documents.

Action Strategy 1.1.1

Establish an annual review process of the Comprehensive Plan and associated zoning and subdivision regulations. Elected officials and local governmental volunteers and community and economic development groups should be involved in this review.

CHAPTER 3
**POPULATION &
ECONOMICS PROFILE**

SECTION 3

POPULATION & ECONOMIC PROFILE

INTRODUCTION

Population and economic trends in the City of Auburn and its respective Planning Jurisdiction serve as valuable indicators of future development needs and patterns for the Community and provide a basis for the realistic projection of the future population.

The population trends and projections for the years 1980 through 2017 were studied and forecasted for Auburn, utilizing a process of both trend analysis and popular consent. Auburn is projected to decrease, slightly, in population during the next 10 years. To maintain a stable population base, the City of Auburn will need to develop existing land within the Corporate Limits, while developing land adjacent the City.

This population goal would also require the creation of additional housing stock and related public features and utilities for the City. The recently completed **Nemaha County / Communities Housing Study** identifies the future housing needs and desires of Nemaha County, including the City of Auburn. The Housing Study identifies an expected need for up to 82 new housing units, during the next five years. The Study provides an "Action Plan" for completing housing projects deemed most needed by the local citizens of Auburn.

GENERAL POPULATION TRENDS & PROJECTIONS

The analysis and projection of population are at the center of all planning decisions. This process assists in the understanding of important changes which have and will occur throughout the planning period.

Estimating population size is critical to a community planning process. Further, projecting the population of a community is extremely complex. Because projections are based upon various assumptions about the future, projections must be carefully analyzed and continually reevaluated due to the changing economic and social structure of a community.

POPULATION

- ◆ **Table 3.1 identifies population trends and projections for the City of Auburn and Nemaha County. The population of Auburn has decreased from 1980 to 2007. The current (2007) estimated population of Auburn is 3,317. It is estimated, the “medium” population projection of Auburn will result in a slight decrease from 2007 to 2017, to an estimated population of 3,257 persons. A “high” projection would result in a 10-year population increase of 55 persons.**

**TABLE 3.1
POPULATION TRENDS AND PROJECTIONS
AUBURN / NEMAHA COUNTY, NEBRASKA
1980-2017**

	<u>Year</u>	<u>Population</u>	<u>Total</u>		<u>Annual</u>	
			<u>Change</u>	<u>Percent</u>	<u>Change</u>	<u>Percent</u>
Auburn:	1980	3,482	---	---	---	---
	1990	3,443	-39	-1.1%	-3.9	-0.1%
	2000	3,350	-93	-2.7%	-9.3	-0.3%
	2007	3,317	-33	-1.0%	-5.5	-0.2%
	Low	2017	3,188	-129	-3.9%	-12.9
Medium	2017	3,257	-60	-1.8%	-6.0	-0.2%
High	2017	3,372	+55	+1.7%	+5.5	+0.2%
Nemaha County:	1980	8,367	---	---	---	---
	1990	7,980	-387	-4.6%	-38.7	-0.5%
	2000	7,576	-404	-5.1%	-40.4	-0.5%
	2007	7,316	-260	-3.4%	-43.3	-0.6%
	2017	7,002	-314	-4.3%	-31.4	-0.4%

NOTE: Census Estimates - Auburn - 2001-3,274; 2002-3,215; 2003-3,132; 2004-3,103; 2005-3,076
Nemaha County - 2001-7,414; 2002-7,287; 2003-7,144; 2004-7,067; 2005-6,965
Source: 1980, 1990, 2000 Census; 2001-2005 Census Estimates
Hanna:Keelan Associates, P.C., 2006

- ◆ For planning purposes, the various cohorts of population are important indicators of the special needs of a community. The cohorts of age, sex and family structure can assist in determining potential labor force and the need for housing, public facilities and other important local services.

An analysis of age characteristics can be used to identify the potential need for public school, recreational areas and short- and long-term health care facilities.

AGE DISTRIBUTION

- ◆ **Table 3.2 provides age distribution** for the City of Auburn, from 1990 to 2017. Auburn will experience a slight population decline during the next 10 years, with a decrease in the majority of the age categories. By 2017, it is estimated that the 19 and Under and the 35 to 54 age groups will comprise the largest portions of the population. The 85+ age group will remain the smallest with 89 persons. The 55 to 64 group is the only age category expected to increase in population during the next 10 years.

Median age in the City of Auburn is projected to increase from an estimated 40.6 years in 2007, to 42.1 years, by 2017.

**TABLE 3.2
POPULATION AGE DISTRIBUTION
AUBURN, NEBRASKA
1990-2017**

<u>Age Group</u>	<u>1990</u>	<u>2000</u>	<u>1990-2000 # Change</u>	<u>2007</u>	<u>2017*</u>	<u>2007-2017 # Change</u>
19 and Under	944	903	-41	891	872	-19
20 - 34	651	495	-156	487	473	-14
35 - 54	788	1,018	+230	1,022	1,013	-9
55 - 64	288	283	-5	285	289	+4
65 - 74	344	280	-64	273	264	-9
75 - 84	283	270	-13	264	257	-7
85+	<u>145</u>	<u>101</u>	<u>-44</u>	<u>95</u>	<u>89</u>	<u>-6</u>
TOTALS	3,443	3,350	-93	3,317	3,257	-60
Median Age	37.5	40.2	+2.7	40.6	42.1	+1.5

Source: 1990, 2000 Census
Hanna:Keelan Associates, P.C., 2007

INCOME TRENDS & PROJECTIONS

Table 3.3 identifies household income trends and projections for Auburn, Nebraska. In 2000, 34.5 percent of the Auburn households earned an annual income of \$50,000 or more. By 2017, an estimated 45.9 percent of all households are projected to earn annual incomes of \$50,000 or more, an 11.4 percent increase from 2000. The median household income is anticipated to increase from an estimated \$42,680, in 2007, to an estimated \$60,590, by 2017.

HOUSEHOLD INCOME

- ◆ By 2017, an estimated 38.5 percent of all households in Auburn will earn an annual income of \$35,000 or less. This will represent a 6.4 percent decrease from 2007.

**TABLE 3.3
HOUSEHOLD INCOME
TRENDS AND PROJECTIONS - ALL HOUSEHOLDS
AUBURN, NEBRASKA
1990-2017**

<u>Income Group</u>	<u>1990</u>	<u>2000</u>	<u>2007</u>	<u>2017</u>	<u>% of Change 2007-2017</u>
Less than \$10,000	378	153	98	42	-57.1%
\$10,000 - \$14,999	286	263	250	218	-12.8%
\$15,000 - \$34,999	332	334	330	320	-3.0%
\$35,000 - \$49,999	204	215	221	235	+6.3%
<u>\$50,000 or More</u>	<u>230</u>	<u>509</u>	<u>612</u>	<u>692</u>	<u>+13.1%</u>
TOTALS	1,430	1,474	1,511	1,507	-0.3%
Median Income:	\$21,992	\$34,207	\$42,680	\$60,590	+42.0%

Source: 1990, 2000 Census
Hanna:Keelan Associates, P.C., 2007

SOCIAL SECURITY RECIPIENTS

- ◆ **Table 3.4 identifies the number of persons receiving Social Security Income (SSI) and/or Supplemental Social Security Income in Nemaha County. A total of 1,660 persons received Social Security Income in Nemaha County, in 2000. Of this total, 63.9 percent or 1,060 persons were retired workers.**

A total of 111 people received Supplemental Social Security Income in 2003. A total of 97 recipients, or 87.4 percent, were blind or disabled. This number identifies a **special consumer group in Nemaha County**, in need of special services.

**TABLE 3.4
PERSONS RECEIVING
SOCIAL SECURITY INCOME
NEMAHA COUNTY, NEBRASKA
2000**

<u>Social Security Income</u>	<u>Number of Beneficiaries</u>
Retired Workers	1,060
Disabled Workers	125
Widow(er)s	225
Spouses	130
<u>Children</u>	<u>120</u>
TOTAL	1,660
Aged 65+	1,325
% Aged 65+	79.8%
Supplemental Social Security	
<u>Income (2003)</u>	<u>Number of Beneficiaries</u>
Aged (65+)	14
<u>Blind and Disabled</u>	<u>97</u>
TOTAL	111

Source: Social Security Administration, 2007
Hanna:Keelan Associates, P.C., 2007

PER CAPITA INCOME

- ◆ **Table 3.5 identifies per capita income trends and projections in Nemaha County and the State of Nebraska, from 1994 to 2017. The 2007 Nemaha County per capita income is estimated to be \$36,980. By 2017, per capita income is expected to increase an estimated 57.8 percent to \$58,370. This is an estimated 12 percent more than the State projection for 2017.**

**TABLE 3.5
PER CAPITA INCOME
TRENDS AND PROJECTIONS
NEMAHA COUNTY, NEBRASKA / STATE OF NEBRASKA
1995-2017**

	<u>Nemaha County</u>		<u>Nebraska</u>	
	<u>Income</u>	<u>% Change</u>	<u>Income</u>	<u>% Change</u>
1995	\$20,039	---	\$21,730	---
1996	\$22,732	+13.4%	\$23,530	+8.3%
1997	\$22,972	+1.1%	\$24,061	+2.3%
1998	\$25,660	+11.7%	\$25,542	+6.2%
1999	\$26,143	+1.9%	\$26,465	+3.6%
2000	\$28,696	+9.8%	\$27,625	+4.4%
2001	\$31,213	+8.8%	\$28,684	+3.8%
2002	\$25,925	-16.9%	\$28,672	0.0%
2003	\$30,038	+15.9%	\$30,179	+5.3%
2004	\$35,597	+18.5%	\$32,341	+5.2
2007	\$36,980	+3.9%	\$35,860	+10.9%
1995-2004	\$20,039-\$35,597	+77.6%	\$21,730-\$32,341	+48.8%
2007-2017	\$36,980-\$58,370	+57.8%	\$35,860-\$52,120	+45.3%

Source: Bureau of Economic Analysis, 2007
Hanna:Keelan Associates, P.C., 2007

COST BURDENED HOUSEHOLDS

- ◆ **Tables 3.6, 3.7 and 3.8 identify households with housing problems/cost burdened in the City of Auburn, in 2000, 2007 and 2017. Cost burdened households are households that spend 30 percent or more of their household income on housing costs. Housing costs include any cost directly attributable to the cost of living, and may include rent, mortgage, insurance, taxes and utilities. Housing problems may also include a lack of plumbing facilities or overcrowded housing conditions. Overcrowded housing conditions exist when more than 1.01 person per room exist in a housing unit.**

Table 3.6 identifies owner households with housing problems/cost burdened. In 2007, an estimated 113 households, between 0 and 80 percent AMI, are cost burdened / have housing problems.

Table 3.7 identifies renter households with housing problems/cost burdened. In 2007, an estimated 110 households, between 0 and 80 percent AMI, are cost burdened / have housing problems.

Table 3.8 identifies elderly renter households experiencing housing problems/cost burden. In 2007, an estimated 40 elderly renter households are cost burdened / have housing problems.

**TABLE 3.6
ESTIMATED OWNER HOUSEHOLDS BY INCOME
COST BURDENED WITH HOUSING PROBLEMS
AUBURN, NEBRASKA
2000/2007/2017**

Income Range	2000 # / #CB-HP	2007 # / #CB-HP	2017 # / #CB-HP
0%-30% AMI	56 / 38	57 / 38	57 / 38
31%-50% AMI	83 / 51	84 / 52	83 / 52
<u>51%-80% AMI</u>	<u>166 / 23</u>	<u>168 / 23</u>	<u>168 / 23</u>
TOTALS	305 / 112	309 / 113	308 / 113

= Number of Households, #CB-HP = Households with Cost Burden - Housing Problems
AMI = Area Median Income of a four person household
Income Levels: 0-30% AMI = Extremely Low-Income; 31-50% AMI = Low-Income
51-80% AMI = Low- to Moderate-Income

Source: 2000 Census, 2000 CHAS Tables

Hanna:Keelan Associates, P.C., 2007

TABLE 3.7
ESTIMATED RENTER HOUSEHOLDS BY INCOME
COST BURDENED WITH HOUSING PROBLEMS
AUBURN, NEBRASKA
2000/2007/2017

<u>Income Range</u>	<u>2000</u> <u># / #CB-HP</u>	<u>2007</u> <u># / #CB-HP</u>	<u>2017</u> <u># / #CB-HP</u>
0%-30% AMI	99 / 65	99 / 66	99 / 66
31%-50% AMI	101 / 36	102 / 36	101 / 36
<u>51%-80% AMI</u>	<u>70 / 8</u>	<u>71 / 8</u>	<u>71 / 7</u>
TOTALS	270 / 109	272 / 110	271 / 109

= Number of Households, #CB-HP = Households with Cost Burden - Housing Problems
 Source: 2000 Census, 2000 CHAS Tables
 Hanna:Keelan Associates, P.C., 2007

TABLE 3.8
ESTIMATED ELDERLY (62+) RENTAL HOUSEHOLDS BY INCOME
COST BURDENED WITH HOUSING PROBLEMS
AUBURN, NEBRASKA
2000/2007/2017

<u>Income Range</u>	<u>2000</u> <u># / #CB-HP</u>	<u>2007</u> <u># / #CB-HP</u>	<u>2017</u> <u># / #CB-HP</u>
0%-30% AMI	51 / 31	52 / 31	53 / 32
31%-50% AMI	39 / 4	40 / 5	41 / 5
<u>51%-80% AMI</u>	<u>12 / 4</u>	<u>13 / 4</u>	<u>15 / 4</u>
TOTALS	102 / 39	105 / 40	109 / 41

= Number of Households, #CB-HP = Households with Cost Burden - Housing Problems
 Source: 2000 Census, 2000 CHAS Tables
 Hanna:Keelan Associates, P.C., 2007

EMPLOYMENT & ECONOMIC TRENDS

The most recent and comprehensive employment data available for Nemaha County was obtained from the Nebraska Department of Labor. Since these figures are only available county-wide, a review and analysis of Nemaha County labor force statistics will be needed to provide a general understanding of the economic activity occurring in and around the City of Auburn.

CIVILIAN LABOR FORCE AND EMPLOYMENT

- ◆ Since the City comprises a percentage of the total County Civilian Labor Force, it can be assumed the economic pattern of Nemaha County reflects the economic pattern of Auburn. However, some variations due to differences in rural and urban may not be truly identified, based upon this assumption.

Table 3.9 identifies the **civilian labor force and employment trends and projections** in Nemaha County, from 1980 to 2017. During the next 10 years, it is estimated the number of employed persons in Nemaha County will decrease, slightly, as the labor force declines.

**TABLE 3.9
CIVILIAN LABOR FORCE AND EMPLOYMENT
TRENDS AND PROJECTIONS
NEMAHA COUNTY, NEBRASKA
1980-2017**

<u>Nemaha County</u>	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2007</u>	<u>2017</u>
Civilian Labor Force	3,966	3,527	3,800	3,671	3,548
Unemployed	241	139	146	155	122
Rate of Unemployment	6.1%	3.9%	3.8%	4.2%	3.4%
Employed	3,725	3,388	3,654	3,516	3,426
<u>Change in Total Employment</u>					
	<u>Number</u>	<u>Annual</u>	<u>% Change</u>	<u>% Annual</u>	
1980-1990	-337	-33.7	-9.0%	-0.9%	
1990-2000	+266	+26.6	+7.8%	+0.8%	
2007-2017	-90	-9.0	-2.6%	-0.3%	

Source: Nebraska Department of Labor,
Labor Market Information, 2007
Hanna:Keelan Associates, P.C., 2007

WORK FORCE EMPLOYMENT BY TYPE

- ◆ Table 3.10 identifies work force employment by type, in Nemaha County, Nebraska, from 2001 to 2005. Between 2001 and 2005, Nemaha County experienced an overall decrease of 7.1 percent in non-farm employed persons. The largest increases were experienced in the financial activities and leisure & hospitality sectors, while the largest decreases were experienced in the professional & business and state government sectors.

TABLE 3.10
WORK FORCE EMPLOYMENT BY TYPE
NEMAHA COUNTY, NEBRASKA
2001-2005

Work Force	2001	2003	2005	% Change 2001-2005
Non-Farm Employment (Wage & Salary)	3,861	3,469	3,586	-7.1%
Goods Producing	730	617	705	-3.4%
Service Providing	3,131	2,852	2,881	-8.0%
Total Trade	*	*	*	*
Wholesale Trade	*	*	*	*
Retail Trade	312	285	299	-4.2%
Information	*	*	*	*
Financial Activities	108	115	129	+19.4%
Professional & Business	285	197	177	-37.9%
Education & Health	*	*	*	*
Leisure & Hospitality	218	212	233	+6.9%
Other Services	*	*	76	*
Total Government	1,717	1,580	1,583	-7.8%
Federal	42	43	40	-4.8%
State	357	226	256	-28.3%
Local	1,319	1,311	1,288	-2.4%

*Data not available because of disclosure suppression.

Source: Nebraska Department of Labor, Labor Market, Information, 2007
Hanna:Keelan Associates, P.C., 2007

PLACE OF EMPLOYMENT

- ◆ **Table 3.11 identifies place of employment for Auburn, Nebraska, in 2000. A total of 58.1 percent or 941 residents were employed within the City of Auburn, in 2000. Conversely, on a daily basis, 680 persons commuted outside the City for employment.**

**TABLE 3.11
EMPLOYMENT IN PLACE
AUBURN, NEBRASKA
2000**

<u>Place of Employment</u>	<u>City of Auburn Residents</u>	
	<u>Number</u>	<u>Percent</u>
City of Auburn	941	58.1%
<u>Outside of Auburn</u>	<u>680</u>	<u>41.9%</u>
TOTALS	1,621	100.0%

Source: 2000 Census
Hanna:Keelan Associates, P.C., 2007

ECONOMIC SUMMARY

- ◆ Overall, the economic outlook for Auburn could be considered “good” for the planning period (2007 to 2017). Economic opportunities exist, as the population diversifies and jobs expand in Nemaha County. Additional commercial and industrial business, as well as the expansion of existing tourism-related businesses in Auburn and Nemaha County, should be pursued if the Community desires more commerce.

CHAPTER 4
FUTURE LAND USE PLAN

SECTION 4

FUTURE LAND USE PLAN

INTRODUCTION

The **Future Land Use** section of this Comprehensive Plan identifies the land use development patterns, which have occurred in Auburn since the adoption of the last Comprehensive Plan, in 1993. The land use component examines **development opportunities, requirements and future utilization of land in and around the Community**. A discussion of the **environmental and physical characteristics** of the Community of Auburn precedes a description and analysis of **existing and future land use conditions** in the City.

PROPER LAND USE PRACTICES

Proper land use practices can protect the natural resources of a community and be a compliment to the built environment. The natural environment of the community provides both opportunities and constraints for existing and future developments. As humans strive to create a sustainable living environment, they must work and live in harmony with their natural surroundings. This can occur by designing with nature, conserving unique features, protecting watersheds and using sensitive development practices. In Auburn, the major development constraints and opportunities are associated with steep slopes, the soils conditions, and the Little Nemaha River environs and its associated tributaries and drainage ways.

IDENTIFICATION OF FUTURE GROWTH AREAS

The **proposed Auburn Community and Planning Jurisdiction**, during the 2007 to 2017 planning period, gives special attention of future residential, public, parks and recreational, commercial and industrial growth areas. Available vacant land within the Corporate Limits of the City of Auburn is at a premium. Identifying land uses both within undeveloped areas of both the Corporate Limits and beyond into the Planning Jurisdiction is imperative to support growth opportunities throughout the next 10 years.

LOCATION

The City of Auburn is located in southeastern Nebraska, along the Little Nemaha River, in Nemaha County. The Community is connected with the major transportation corridors of the region; Highways 75 and 136. This geographic setting directly links Auburn to the trading centers in the Midwest and points beyond, as it creates a viable and prosperous Community. Located 70 miles southeast of Lincoln along Highway 2, and 65 miles south of Omaha, via Highway 75, Auburn's railroad and highway corridors are considered to be vital to the future of the Community.

HISTORICAL DEVELOPMENT

Auburn's location is a direct result of its favorable soils and elevated location above the flood plains, between the Big and Little Nemaha Rivers in southeastern Nebraska. The present-day location of Auburn incorporates three separately platted town sites, St. George, Sheridan and Calvert. The Burlington & Missouri River Railroad built a depot at the site that was to become Calvert in 1881. The town of Sheridan had absorbed the town of St. George in 1869, and later Sheridan itself merged with Calvert in 1882, when the two communities combined in order to compete for the county seat of Nemaha County.

A two-story, white limestone courthouse was built on "Court House Square" in the former Calvert business district in 1900. As a result of the original historical towns, Auburn today has two distinct "downtowns"; the southern "downtown" around the Courthouse Square is the Calvert Business District and the northern "downtown", at the junction of Highways 75 and 136, is the Sheridan Business District. The Sheridan Business District serves as the main Downtown for Auburn. Modern highways connect Auburn to some of the major transportation routes in the region.

THE NATURAL ENVIRONMENT

SOILS

The soils in and around Auburn are classified into two soil groups, or associations, each with a broad range of characteristics. **Illustration 4.1** graphically displays the soil types super-imposed over an image of Auburn. The U.S. Department of Agriculture, Natural Resources Conservation Service conducted the field soils survey and developed the boundaries of the soil types found on the Illustration. The two soil associations depicted in **Illustration 4.1** are the Nodaway-Zook-Ackmore and the Sharpsburg Associations.

NODAWAY-ZOOK-ACKMORE ASSOCIATION

The northern and northeastern portions of the One-Mile Planning Jurisdiction of Auburn are comprised of the **Nodaway-Zook-Ackmore Association** (see **Illustration 4.1**). This Association is generally described as, “*deep, nearly level to strongly sloping, moderately well-drained to poorly drained, silty soils formed in alluvium, on bottom land.*” These soils are high in natural fertility, have good tilth, and few limitations.

Development limitations for Nodaway-Zook-Ackmore Soils are primarily related to severe limitations due to flooding and wetness for septic tank absorption fields and sewage lagoons, especially where hills are steeply sloped. Moderate to severe limitations exist for foundations of buildings due to flooding, wetness and shrink-swell potential.¹

SHARPSBURG ASSOCIATION

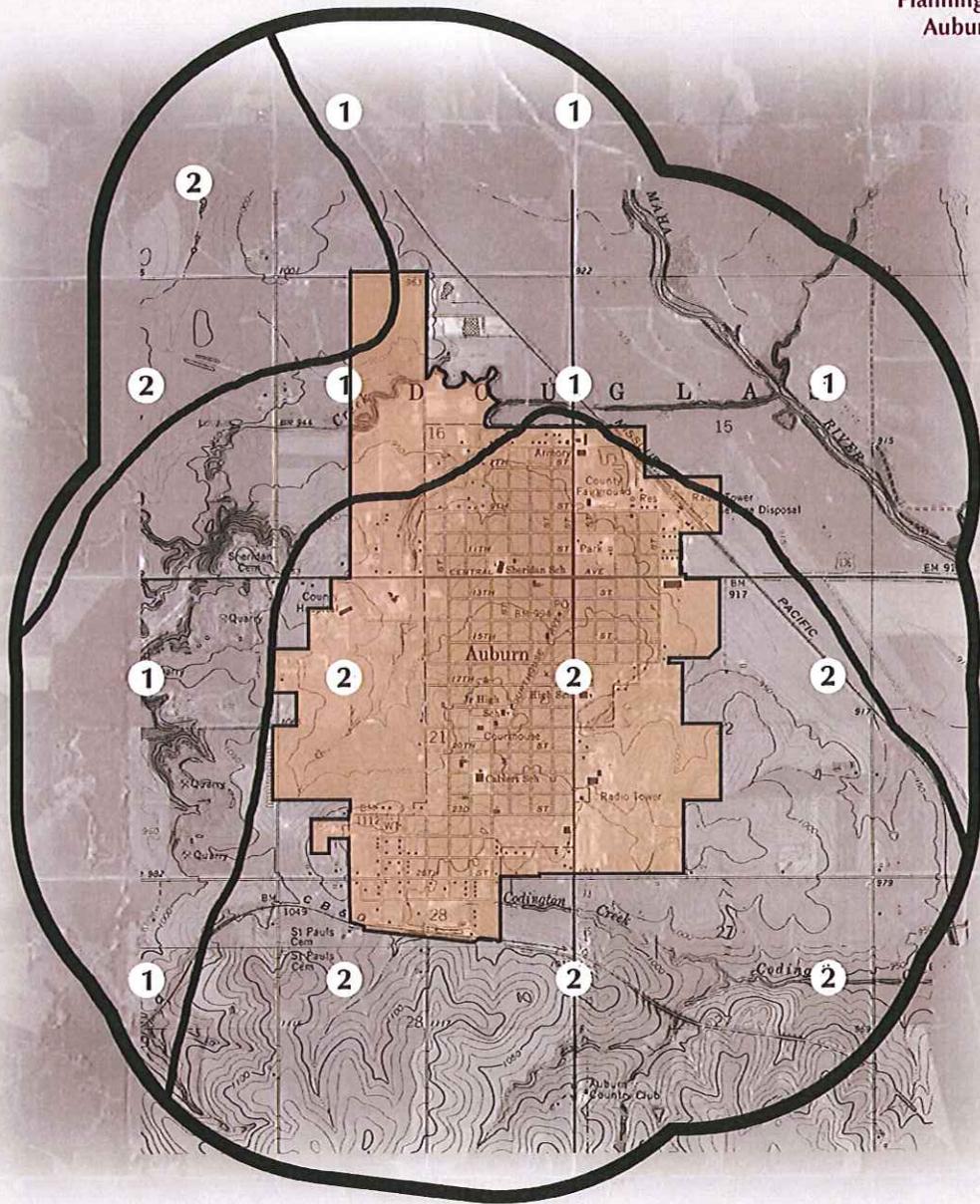
The majority of the southern portions of the Corporate Limits of Auburn and the One-Mile Planning Jurisdiction, are included in the **Sharpsburg Association** (see **Illustration 4.1**). Soils of this Association are described as “*deep, nearly level to strongly sloping, moderately well drained, silty soils formed in loess, on uplands.*” This soils Association includes nearly all of the incorporated area of Auburn, as well as the majority of the southern and western portions of the One-Mile Planning Jurisdiction.

Cash-grain crop farming is the dominant land use in the Sharpsburg Soil Association. Wetness and flooding are the main environmental hazards. Land grading and leveling improve drainage. Limitations for dwellings with basements, sewage lagoons and septic tanks and leach fields are stated as moderate to severe due to slopes and shrink-swell potential associated with the natural topography of these soils regions.²

WATERSHEDS

The topography and terrain of Auburn and the One-Mile Planning Jurisdiction can best be described as gently rolling. The City of Auburn generally rests above the valley of the Little Nemaha River, with the exception of northwestern portions of the Community. The natural topography of the Community is gently rolling, with both the western and southern hilly areas of the community sloping to the north and northeast portion of the City along the Valley. The Little Nemaha River and its tributaries and drainage ways generally flow to the southeast, converging with the Missouri River near the town of Nemaha, Nebraska. **The City of Auburn is included the jurisdiction of the Nemaha Natural Resource District.**

General Soils Map
 Planning Jurisdiction
 Auburn, Nebraska



- 1** Nodaway-Zook-ackmore Soils Association
- 2** Sharpsburg Soils Association

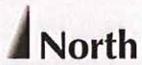


ILLUSTRATION 4.1

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The City's "Flood Insurance Study," commissioned by the U.S. Department of Housing and Urban Development, Office of Federal Insurance Administration, was rescinded on September 10, 1984. Thus there is not a designated 100-Year Flood Hazard Zone within the Corporate Limits of Auburn, Nebraska.

No flood protection structures exist or are planned for the subject watershed. As the Community continues to grow, future development within the flood-way and flood plain of the Nemaha River should be discouraged.

UNDERGROUND WATER SUPPLY

Surface drainage, streams and subsurface water account for a large percentage of the water resources in the Auburn Planning Jurisdiction. The underground water supply for the City is part of buried valleys formed in bedrock before glaciers advanced across Nebraska, during the last Ice Age. Glaciers later filled the valleys as they receded. Where the buried valleys contain sand and gravel, wells capable of producing several hundred gallons per minute can be developed. Today, the depth of the municipal wells averages 45 feet.

The City of Auburn relies upon the storm and groundwater run-off to recharge the underground water supply of its 11 municipal wells. A description of the municipal water system is provided in **Section 5** of this document.

The underground water supply is vital to the region. It is the source of water for numerous private and irrigation wells. Any endangerment to the supply threatens public health, as well as the local farm economy. This natural resource must be protected.

Securing the quality of drinking water from private wells in the rural areas within the Auburn One-Mile Planning Jurisdiction is very important. A minimum lot size of three acres is recommended for residences in agriculturally zoned areas. This standard generally ensures that adjacent households do not contaminate each others drinking water. Lot sizes less than three acres would allow rural residences to locate too close to one another. Rural dwellings typically have septic tanks and, or leach fields. If located too close to each other, contamination might occur. Adequate residential lot sizes are the means by which residents health, safety and welfare are ensured into the future.

CLIMATE

The climate of the Auburn area is continental and characterized by widely ranging seasonal temperatures and rapidly changing weather patterns. The temperature ranges from an average daily minimum of 12.8° F in January to an average daily maximum of 89.6° F in July. The average annual precipitation in Auburn is 34 inches of rain and 26.7 inches of snow. These climatic characteristics and fertile soils create an environment for a productive agricultural industry.³

THE BUILT ENVIRONMENT

The built environment of Auburn is characterized by its districts, paths, edges, nodes and landmarks. The combination of these items create a sense of place and image for the citizens and patrons of Auburn. The natural terrain enhances the built environment by providing a varying and aesthetic base for urban development.

The districts and neighborhoods are defined by their edges or boundaries. The major transportation corridors and the physical barriers of the terrain generally create the edge of each district with the paths, thus, giving the neighborhoods distinct boundaries.

Designating the proper land use adjacent to the Highway 75 transportation corridor is essential. The general trend is to guide commercial development along either side of the Highway corridor to the eastern portion of the City, and keep more limited areas of Industrial uses to the western entry of Auburn. Commercial development is also encouraged to continue within the main Downtown district and Court House Square district in Auburn, while automotive-oriented commercial uses should be located along the northern and southern Highway 75 entries to town. The Community should take advantage of the development opportunities associated with this primary transportation corridor, to achieve the land use goals and policies in this Plan.

Land use is important within the neighborhood districts, as well. Transportation systems in each neighborhood should meet the daily needs of residents. Some neighborhoods lack needed infrastructure, have conflicting land uses and need to be redeveloped to improve the quality of life for the residents.

LAND USE ANALYSIS

EXISTING LAND USE PROFILE

Existing Land Use in and around Auburn is identified in Table 4.1 and Illustrations 4.2 and 4.3. Table 4.2 compares the results of the 1993 Comprehensive Plan with the new 2007 Plan.

Table 4.1 identifies the existing land use in Auburn, as of 2008, per land use type and acres per 100 people. As a reference, the planning standard for acres per 100 people per land use category is also shown. The total area within the City of Auburn is currently estimated to be approximately 1,397 acres.

**TABLE 4.1
EXISTING LAND USE
CITY OF AUBURN, NEBRASKA
2008**

<u>Land Use Type</u>	<u>Acreage</u>	<u>Percent</u>	<u>Acres per 100 People</u>	<u>Planning Standard</u>
Parks/Recreation	73.9	5.3%	2.2	2.0
Public/Quasi-Public	78.3	5.6%	2.4	2.8
Residential	545.7	39.1%	16.5	10
●Single Family	501.9	35.9%	15.1	7.5
●Multifamily	34.4	2.9%	1.0	2.0
●Mobile Home	9.4	0.7%	0.3	0.5
Commercial	61.8	4.4%	1.9	2.4
Industrial	58.0	4.2%	1.7	2.3
Railroad Corridor	15.8	1.1%	0.5	--
<u>Streets/Alleys</u>	<u>123.2</u>	<u>8.8%</u>	<u>3.7</u>	<u>--</u>
TOTAL DEVELOPED	956.7	68.5%	28.8	--
<u>Vacant</u>	<u>440.0</u>	<u>31.5%</u>	<u>13.2</u>	<u>--</u>
TOTAL CITY AREA	1,396.7	100.0%	42.1	--

Source: Hanna:Keelan Associates, P.C., 2008

The following provides a profile of existing land uses in Auburn:

VACANT

Vacant land in Auburn equals an estimated 440 acres, or approximately 31.5 percent of the total platted City area. No planning standards exist for this land use classification. An estimated 30 percent of the vacant land in Auburn is not suited for development, due to flood plains, steep topography or unsuitable soils.

PUBLIC/QUASI-PUBLIC

Public/Quasi-Public land acreage in Auburn totals an estimated 78.3 acres, or 5.6 percent of the total platted Community area. This land classification includes schools, municipal and county buildings, churches and cemeteries, as well as various other public uses. This land use classification equals an estimated 2.4 acres per 100 people and is 14 percent less than the required planning standard.

PARKS/RECREATION

Lands associated with Parks/Recreation comprise's an estimated 73.9 acres of developed land in the City of Auburn. Land attributed to parks and recreational use accounts for 5.3 percent of the total developed land in Auburn. The 2.2 acres of park land per 100 people is 10 percent more than the planning standard.

RESIDENTIAL

Residential land usage consists of an estimated 39 percent of the total platted area. The 16.5 acres of residential land per 100 persons in Auburn is 65 percent more than the planning standard of 10 acres.

- *Single Family* land usage calculates to an estimated 501.9 acres, or 36 percent of the total City land area. This total is approximately 101 percent more than the planning standard of 7.5 per 100 people.
- *Multifamily* land usage in Auburn equals an estimated 34.4 acres, or 2.5 percent of the Community's total land area. This total is 50 percent less than the acres needed per 100 people, based on current planning standards.
- *Mobile Homes* comprise an estimated 0.7 percent of the total platted land within the Auburn Corporate Limits. An estimated 9.4 acres of mobile home park area equals 0.3 acres per 100 persons. This total is 40 percent less than the recommended planning standard of 0.5 acres per 100 persons.

COMMERCIAL

Commercial land usage in Auburn totals nearly 62 acres. This amount is 20.8 percent less than the planning standard for commercial land area, of 2.4 acres per 100 people.

INDUSTRIAL

Industrial Land Use. The total acreage of classified industrial land is 58 acres within the Corporate Limits. Industrial acres per 100 people total 1.7, which is 26 percent less than today's planning standard requirement of 2.3 acres per 100 persons. These totals do not include industrial industries adjacent, but beyond the current northwestern Corporate Limits of Auburn.

LAND USE COMPARISONS

Table 4.2 compares the results of the 2008 land use field analysis with that of the previous Auburn Comprehensive Plan.

TABLE 4.2		
EXISTING LAND USE CALCULATIONS		
CITY OF AUBURN, NEBRASKA		
1993/2008	<u>Acres</u>	
<u>Land Use Type</u>	<u>1993</u>	<u>2008</u>
Residential	328.2	545.7
Commercial	39.9	61.8
Industrial	65.2	58
Public/Parks	128.9	152.2
<u>Streets/Alleys & RR</u>	<u>295.5</u>	<u>139.0</u>
Total Developed Area	864.8	956.7
<u>Vacant</u>	<u>105.3</u>	<u>440</u>
TOTAL PLATTED LAND	962.8	1,396.7
Source: 1993/2008 Comprehensive Plans Hanna:Keelan Associates, 2008		

Generalized Existing Land Use Map

Corporate Limits
Auburn, Nebraska

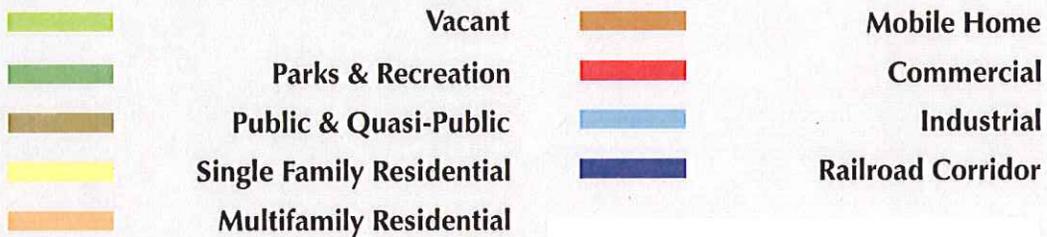
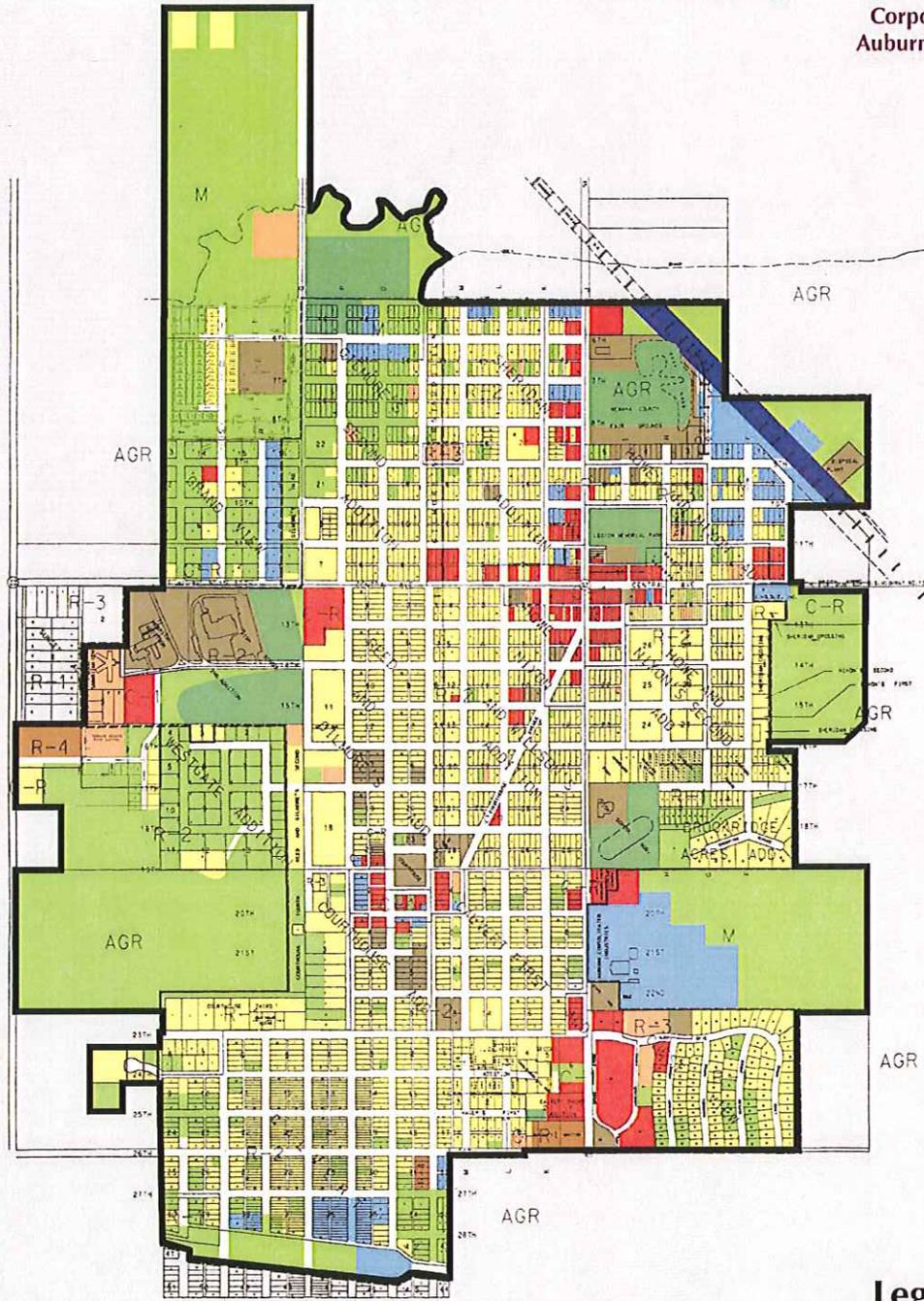


ILLUSTRATION 4.2

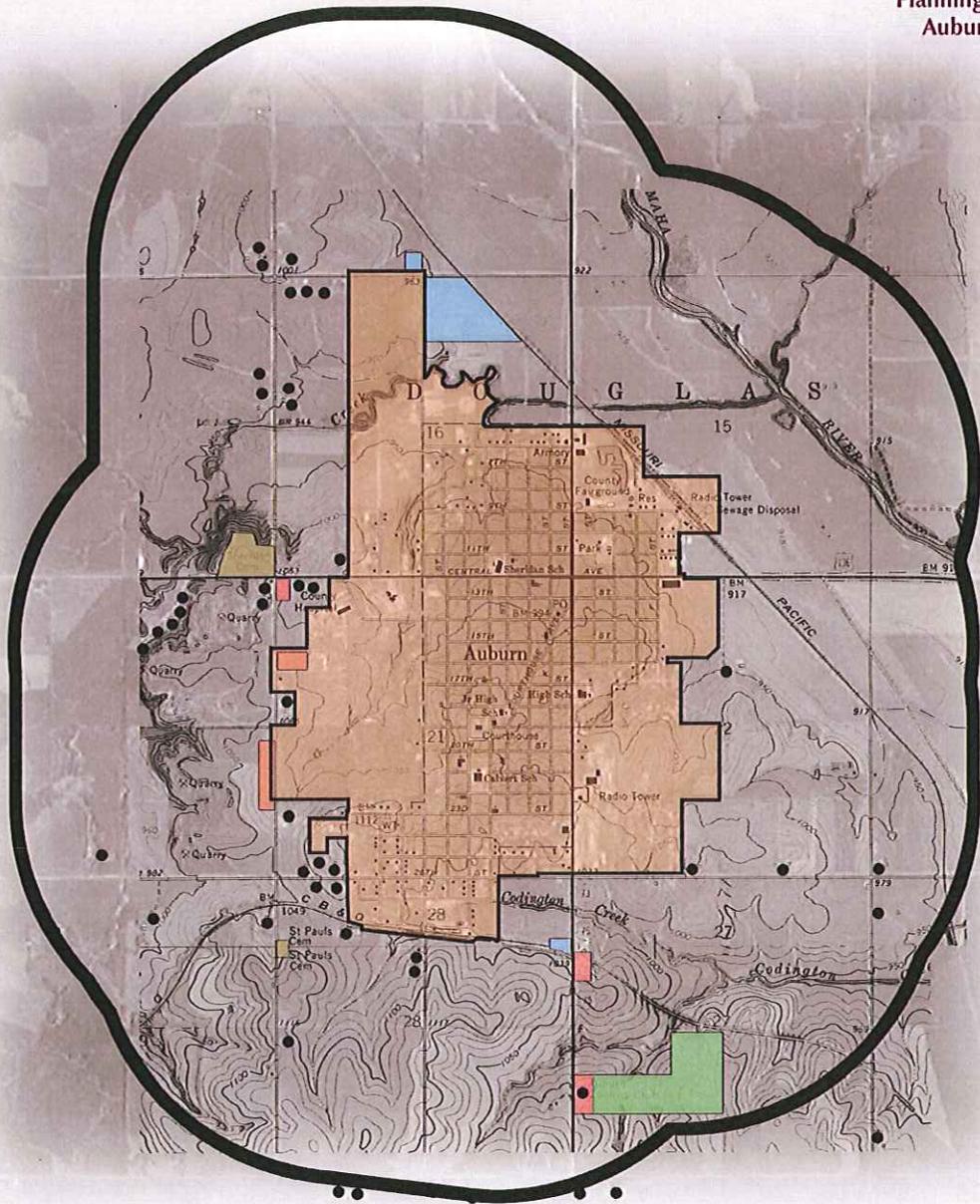
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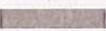
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Generalized Existing Land Use Map

Planning Jurisdiction
Auburn, Nebraska



- | | | | |
|---|----------------------------------|--|------------------------------|
|  | Corporate Limits |  | Industrial |
|  | Vacant / Agricultural |  | Stream / Creek |
|  | Parks / Recreation |  | Commercial |
|  | Single Family Residential |  | Public / Quasi-Public |
|  | Mobile Home |  | Mobile Home Park |
|  | Abandoned Residential | | |

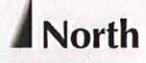


ILLUSTRATION 4.3

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SUMMARY STATEMENT

The City of Auburn has developed in a manner acceptable to the majority of local residents. The primary new land use developments, since 1993, have included single family residential, multifamily residential and commercial development. Additionally, park/recreational, residential, commercial, and vacant lands has increased due to significant annexations in the last few years in the north/northwest, east and western portions of the City of Auburn.

Planning and land use development in Auburn is somewhat of a difficult task, due to several factors. These factors include the physical man-made barriers, such as highways and railroads, industrial development and the natural hazards of the steep topography at the western and southern portions of the City, and the Little Nemaha River with its associated flood prone lands.

These impediments to land use development can only be addressed by a commitment of the Community to (1) reinvest in existing land uses and prepare redevelopment plans to produce more efficient land uses and (2) expand community efforts to mitigate natural hazards by providing growth in non-sensitive areas.

The analysis of the existing land use situations in Auburn revealed a deficiency of all multiple family residential land use types, as well as commercial and public/quasi-public acreage. These deficiencies should be corrected in the development of a new and balanced future Land Use Plan for the City and its respective planning jurisdiction.

FUTURE LAND USE PROFILE

The City of Auburn, has proposed a goal of slowing the decline of population to at least a **-0.2 percent annual decline in population** during the planning period 2007 to 2017. If achieved, this goal will reduce the loss of persons in Auburn to approximately six per year, or a total estimated **decline of 60 persons, by 2017**. Although the total number of persons is anticipated to remain stable, or slight decline during the 10-year planning period, the demand for new households will still exist in Auburn. A percentage of current and new residents will demand a variety of alternative housing types, such as larger, or smaller; historic or new; or, potentially, smaller scale retirement housing options. This growth will require special consideration be given to the identification of potential residential, commercial, planned open space and industrial land use acres.

INFILL DEVELOPMENTS

The strategic development of infill lots and other vacant land areas within the Corporate Limits would allow for managed growth and the utilization of the existing infrastructure, including streets, electrical, gas, water and sewer systems.

Illustration 4.4 identifies the proposed **Generalized Future Land Map**, within the City's existing Corporate Limits. **Illustration 4.5** highlights the Plan in the area beyond the Corporate Limits, within the One-Mile Planning Jurisdiction of the City. The following describes the future land use needs of these areas.

RESIDENTIAL GROWTH AREAS

Future residential development in and around the City of Auburn should be of a high priority to the community during the planning period. At least an estimated **30 to 40 acres** will be needed for residential development, if the City makes a conscious effort to provide additional housing options to all income sectors, age groups and family types/sizes.

The **Generalized Future Land Use Maps** identify the newly designated residential areas in and around Auburn as low- and medium- to high density. These designations will allow developers the option of providing a variety of housing for families, singles, older adults and special populations. The following narrative provides a description of the future residential land use compositions for the Community.

- **Single Family Housing** development should first occur in established neighborhoods and new subdivision areas, within the City. Recent annexations in the northwest, east and western portions of the City should be targeted for new development. Redevelopment efforts of existing residential housing should focus on infill adjacent the Downtown and the Redevelopment Areas in the northeastern and northwestern sections of Auburn.

Secondly, the development of future, low density, single family residential subdivisions should be encouraged within the planned single family growth areas. The consensus of the Planning Commission was that new single family construction should occur in planned growth areas, beyond the Corporate Limits, to the northwest and south/southwest portions of the City of Auburn. The cost of development in these growth areas will be significantly more, than on vacant parcels within existing neighborhoods of Auburn that have direct access to the existing infrastructure systems.

Generalized Future Land Use Map

Planning Jurisdiction
Auburn, Nebraska

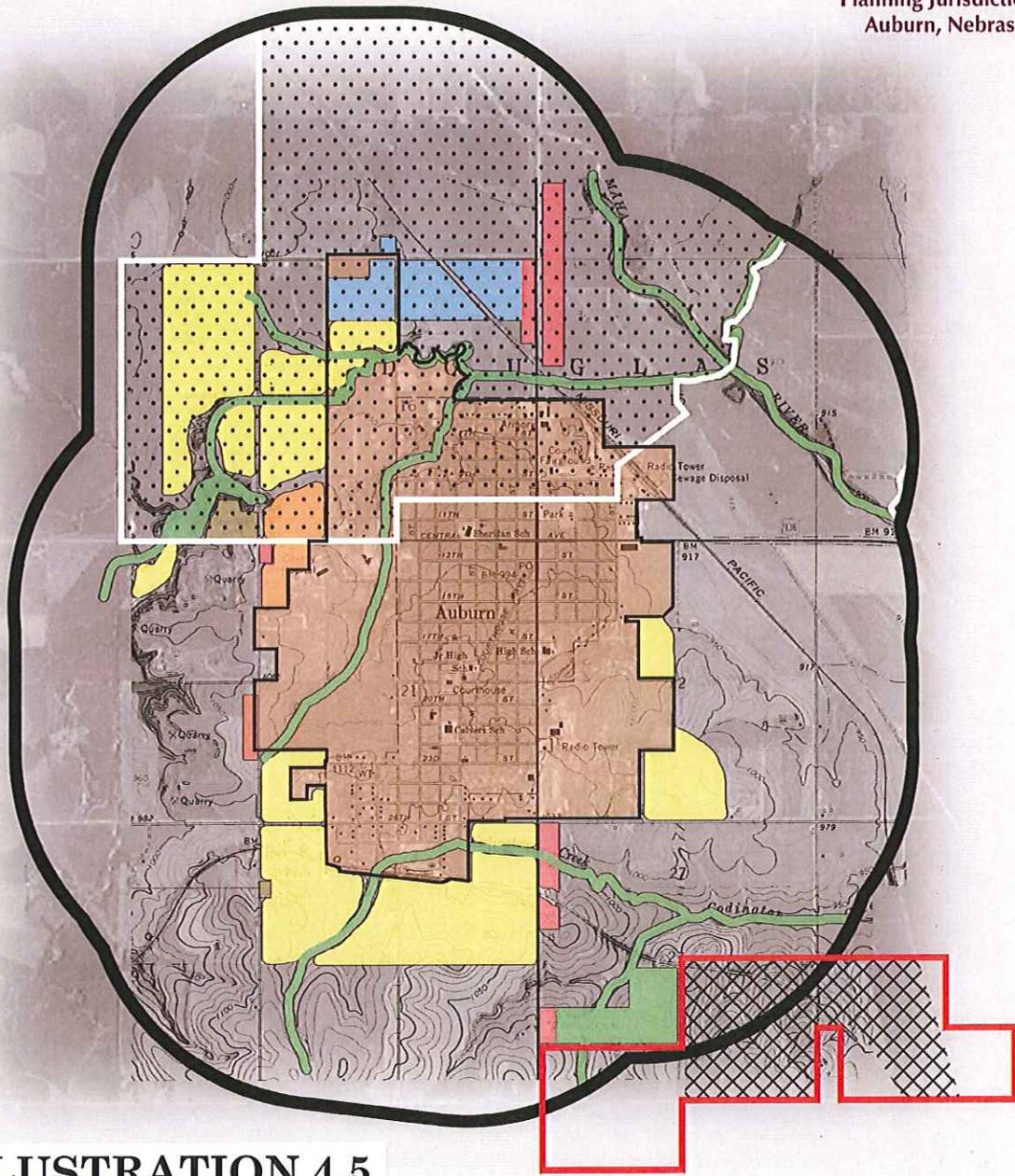
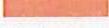


ILLUSTRATION 4.5

- | | | | |
|---|----------------------------------|--|------------------------------|
|  | Corporate Limits |  | Industrial |
|  | Vacant / Agricultural |  | Stream / Creek |
|  | Parks / Recreation |  | Commercial |
|  | Single Family Residential |  | Public / Quasi-Public |
|  | Mobile Home |  | Mobile Home Park |
|  | Abandoned Residential |  | Wellhead Protection |
|  | North |  | Redevelopment Area 2 |

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Architecture  NE
An Association of Kohn & Associates, Inc. & James M. Koenig, AIA

Existing rural subdivisions and individual dwellings beyond the Corporate Limits within the designated growth areas should be considered for annexation, in conjunction with the demand for vacant land for new housing construction. However, vacant land within the Corporate Limits of Auburn, with direct access to infrastructure, should have a higher priority for development than lands located beyond the Corporate Limits, for new housing construction.

- **Multifamily Housing** development should be pursued during the planning period. The development of additional units in higher densities allows for more affordable housing and greater efficiency of resources. Both Future Land Use Illustrations (4.4 and 4.5) identify areas for development or redevelopment of multifamily housing.

Multifamily land uses are also planned to buffer areas of higher density commercial uses from low density single family neighborhoods. Multifamily uses are recommended both within and adjacent both Downtown districts, as well as for northwestern portions of Auburn, near the Good Samaritan Center and Longs Creek Village assisted living facility and the Auburn Recreational Complex.

PARKS AND RECREATION

An estimated 74 acres of land in the City of Auburn is currently used for parks and recreation. This acreage represents 2.2 acres of park land per 100 people in the Community and is 10 percent more than the planning standard of two acres per 100 people. Approximately 30 acres in the northern portion of Auburn along Long's Creek, have been developed into the Auburn Recreational Complex. The City maintains a wide range of park types from natural reserves to dedicated parks with playground equipment and ball fields. However, an increased effort to expand available park and recreation facilities within existing municipal parks is need in conjunction with the development of new neighborhood parks as the City grows and develops.

Throughout the 10-year planning period of this document, the City of Auburn is recommended to concentrate efforts on upgrading existing park and recreation facilities in conjunction with connecting them with recreational trails to new neighborhood parks in the residential growth areas.

PUBLIC/QUASI-PUBLIC

Future public/quasi-public land uses in Auburn will be primarily comprised of additional acreage to accommodate existing public/quasi-public uses. Existing land use configurations will occupy their present land area with proposed expansion to meet the service requirements of a growing Community. Two major public facilities are proposed during the 10-year planning period, a Health and Wellness/Athletic Center and a joint new City/County Law Enforcement Facility are in the early planning stages.

COMMERCIAL

The Auburn future commercial land use areas are anticipated to include infilling of vacant parcels existing within both the Downtown and the Court House Square, as well as along the south Highway 75 corridor, and west along the Highway 136 corridor. Expansion of commercial areas are provided for in the Future Land Use Plan, **Illustration 4.5**. Although local and State economic incentives are available for several commercial districts, future development will proceed as the market dictates.

INDUSTRIAL

The need for additional industrial land exists in Auburn. Currently, Auburn has an estimated 58 acres of industrial land. However, this amount of land does not include industrial facilities located outside the City Corporate Limits, ie. the Magnolia Metal and the Armstrong Cabinets manufacturing facility. New value added agricultural facilities are imperative to further diversify the employment base in Auburn and to provide a variety of higher paying positions to residents of the Community. To provide jobs for an increasing population base and to continue to attract additional business and industry to Auburn, it is the recommendation of the Consultant that additional industrial land be identified. The City must maintain enough industrial land for growth and development. Local economic development organizations are encouraged to promote and continue their support for additional industrial land development.

The **Future Land Use Maps, Illustration 4.4 and 4.5**, identify the proposed future industrial land areas are to be in highest concentration in the northeast and northern portions of the City. Areas both outside and adjacent to the existing Corporate Limits are proposed. **Illustration 4.5** indicates that additional vacant/agricultural areas to the north of the Corporate Limits, are also proposed as a future industrial parks. These areas have access to the railway corridor and Highway 75, without having truck access through existing or planned residential areas.

Desirable transportation corridors are adjacent to the majority of present and future industrial districts, however those areas outside the Corporate Limits (currently on vacant lands) would require an extension of appropriate infrastructure to facilitate future developments. Areas west of the Auburn Corporate Limits and adjacent the railway corridor will create an opportunity for additional industrial development sites with access to the transportation corridors.

The current industrial tracts, within the Corporate Limits that are in a state of transition or possessing vacant parcels in close proximity to residential development, are encouraged to develop as "light" industry. The reason is twofold: one, it creates a more compatible land use with adjacent commercial and residential properties; and two, it satisfies a need in the Community.

ANNEXATION

Future annexation should occur in the non-agricultural land use districts identified in **Illustration 4.5, Generalized Future Land Use Map**. These identified residential, commercial and industrial growth areas should be annexed at a point-in-time when in conformance with and meeting the criteria of Nebraska State Statutes that address annexation. A certain amount of **vacant land** will also be needed in each district to provide an overall functional Community land use system. To develop the Community in the most efficient and orderly manner possible, Vacant available land within the City should be developed first.

Areas Targeted for Annexation

A significant amount of "Urbanized Development" has occurred adjacent and beyond the western Corporate Limits of Auburn. In conjunction with this Comprehensive Plan Update, much of the west central portion of the City of Auburn was expanded by several annexations to move the western Corporate Limits to County Road #223.

The **Northwest Residential Growth Area**, located north of Highway 136 and west of the Grand View and Glenrock Additions is primarily vacant agricultural land. However, this portion of the One-Mile Planning Jurisdiction is in a primary residential growth area, see **Illustration 4.5**. This area is also adjacent the recently platted and developing subdivision called the Glenrock Addition. Due to its proximity to a growing area of town, it is reasonable to assume that this growth area will become attractive to continued residential development within the 10-year planning period.

The topography of the **South/Southwest Growth Area** is unique in comparison to the above mentioned Areas. The terrain is much steeper and characterized as rolling hills separated by drainage ways that form the Codington Creek, which begins in the hills above this Growth Area. This southern growth area is planned as a single family residential growth area to the City of Auburn.

Each of the Growth Areas identified above are not necessary for the City of Auburn to meet projected demand for new housing, by 2017. However, they are important to be “locked in” for future residential and industrial development well into the next 25 to 50 years.

COMMUNITY DEVELOPMENT LAW

It is recommended that the City of Auburn continue to implement the designated Blight/Substandard Areas within the City, including a planned Ethanol Production Facility, southeast of the City. Redevelopment Areas will provide the means by which much of the goals of this Comprehensive Planning Process will be implemented, during the 10-year planning period. In adherence with the requirements of the Nebraska Community Development Law, the City of Auburn has completed two Blight/Substandard Determination Studies. See **Illustration 4.2, Generalized Existing Land Use Map**. Generally, these areas include the northwest portion of the City, in combination with the Courthouse Square and Downtown business districts, and the majority of “J” Street (Highway 75) commercial corridor within the City.

A second Redevelopment Area is being completed in conjunction with this Comprehensive Plan, located adjacent the southeast portion of the One-Mile Planning Jurisdiction of the City. This Area utilizes the provisions of the “Value Added Agricultural Facility” provision within the Nebraska Community Development Law. Auburn established a Redevelopment Area, or an “island”, or “skip annexation” area approximately one mile southeast of the City. This process will allow the City of Auburn to provide Tax Increment Financing as an incentive to attract agricultural oriented businesses.

The City, as a Second Class City, is eligible to declare up to 50 percent of the area within the Corporate Limits as blighted/substandard. The Nebraska Community Development Law was approved by the Unicameral in 1975. The law was developed to assist communities with economic growth and redeveloped activities. In order to use the Community Development Law to provide Tax Increment Financing, an area must first be declared blighted and substandard. **The City of Auburn will need to annex additional land, not to be included in a Redevelopment Area, in order to maintain the 50 percent requirement.**

ENVIRONMENTAL ASSESSMENT

This Land Use Plan should serve as a **guide** to the development of the City and its surrounding area. The Plan is not intended to dictate changes to the community, but rather evaluate existing conditions and recognize ongoing changes. In addition, the Plan is designed to allow change to occur in an orderly manner which will ensure the best interests of Auburn will be achieved.

Before the implementation of this Land Use Plan, two steps should be undertaken. **First**, the possible effects of the Plan should be explored. Identification of the possible results of any action, program or policy and the determination of the intensity of the results will be the most significant factors ensuring successful Plan implementation, with a minimum of negative effects. **Second**, the positive impacts of a Plan must be weighed against the negative impacts resulting from implementation activities. Alternative strategies should be considered to select the implementation activities that achieve the most benefits with the least problems.

The following **environmental assessment** will review the basic scope of the Land Use Plan and then identify any significant environmental impacts, both social and physical, of the Plan's proposed development and redevelopment actions. Precautionary measures will be noted, as well as unavoidable adverse effects. Actions which will lead to irreversible commitments of resources will be recognized as well as other long-term effects from immediate programs.

POTENTIAL ADVERSE IMPACTS

The Auburn Land Use Plan anticipates a continued growth and expansion community-wide, in response to the needs of an expanding local population. Although Auburn's population is currently slightly declining, there will still be demand for expanded housing and services in the Community. If the Community continues to grow as hoped, nearly all of the land use activities envisioned will have the potential for some type of adverse impact to the natural environment.

Continued growth will require additional commitment of construction materials, financial resources, fossil fuels and land resources which represent deductions from the total reservoir of resources. Additionally, continued economic and physical growth will mean the increased depletion of groundwater resources.

Aside from the impacts possible from commitment of resources toward the realization of community growth, there will also be a continuing requirement for resources necessary for operation and maintenance of existing homes, industries, businesses and utility systems.

Commitment of land resources, in many cases, will mean the conversion of agricultural land from the production of food and fiber to developed uses which also represent an adverse impact, but one which is basically unavoidable if the community continues to prosper and grow. Among the by-products of continued community growth, which will contribute to environmental degradation, are increased storm water runoff, additional amounts of air, water and noise pollution and increased vehicular traffic on area streets.

No potential adverse effects to the natural environment are expected during the planning period. None are expected to become especially significant, due to the implementation of the Future Land Use Plan.

BENEFICIAL IMPACTS

The **implementation** of the Auburn Land Use Plan includes a potential for diverse and far reaching beneficial impacts to both the man-made and natural environments during the planning period. One of the primary functions of the Plan will be to minimize negative impacts.

The overall effect of Plan implementation will be to either benefit the environment or lower the incidence and severity of adverse effects. Sound local **development standards and zoning regulations** will provide a significant beneficial influence towards partial mitigation of the potential for environmental damages due to continued land use development.

The most significant positive or beneficial environmental effects should be as follows:

- **Recognition of local environmental characteristics;**
- The encouragement of growth in areas contiguous to existing development and the **maximum use of existing utilities and streets;**
- The implementation of a coordinated and **comprehensive housing initiative and development program** will ensure the preservation of existing housing resources, combined with the provision of new housing units;

- The appropriate locating and provision of housing, commercial, educational, recreational and employment opportunities will act to positively reinforce the social structure of existing and future populations of the City;
- The provision of sufficient and efficient utility services will minimize the possible pollution associated with growth; and
- The proper mixing and separation of land uses and appropriate classification of the street system will minimize adverse effects of noise, odor, and air pollution.

The presence of land use or zoning regulations should continue to ensure an efficient and appropriate development pattern through: density control to prevent overcrowding, prevention of mixing of incompatible land uses and prevention of further improper development in sensitive or hazardous natural areas, such as steep slope, flood plain areas and creeks or streams.

ALTERNATIVES

Within the full scope of possible community actions, there are basically **three alternatives**. The first is to continue a planned approach to expand the Community. A second alternative would be a more rigidly controlled and intensely monitored regulation which would essentially restrict a high percentage of anticipated future growth. The **third** possible choice is a less intense regulation, which in terms of municipal planning, represents the "do nothing" alternative.

The last alternative has most often been typical of many Nebraska communities, large and small, and has often resulted in the maximum adverse impact to both the man-made and natural environments. The alternative of a more rigid control would avoid many of these potentially adverse impacts, but would be so restrictive as to hamper economic expansion, and thus, the ultimate growth and development of the entire Community.

The **most beneficial alternative** is to guide future community growth and expansion through a Land Use Plan, in combination with realistic land use control regulations. The Land Use Plan prepared for Auburn, coupled with the revisions to the existing zoning ordinance and subdivision regulations, will provide a means by which the Community may achieve proper development practices.

ACTIONS TO MITIGATE ADVERSE ENVIRONMENTAL EFFECTS

Adverse impacts resulting from continued growth and expansion of Auburn can be substantially mitigated through adoption and application of the land use regulations and design standards. These measures will provide a positive influence for conservation and proper use of land, materials and energy. As such, these measures will help to mitigate the adverse impacts of development upon the allocation of resources.

The Land Use Plan recognizes the character of the natural environment and charts a course for future growth, which will allow maximum efficient use of available resources without serious permanent alteration or depletion.

The future development of the City of Auburn, as outlined in this Land Use Plan, is expected to provide a beneficial impact on the man-made environment with few, if any, adverse impacts upon natural environments.

1. United State Department of Agriculture, Soil Conservation Service, in cooperation with the University of Nebraska Conservation Survey Division, "Soil Survey of Nemaha County, Nebraska, July 1982, pp.143-146.
2. Ibid. Pg.149.
3. Soil Conservation Service, Ibid, pp. 112.

CHAPTER 5
**PUBLIC FACILITIES, UTILITIES &
TRANSPORTATION PLAN**

SECTION 5 PUBLIC FACILITIES, UTILITIES & TRANSPORTATION PLAN

INTRODUCTION

Section 5 of the Auburn Comprehensive Plan discusses the existing conditions and planned improvements to the public facility, utility and transportation systems in the Community. **Public Facilities** provide citizens with social, cultural, educational, health care, law enforcement, fire protection and recreational facilities. **Public Utilities** address the water, sewage and other related utility systems in the Community. **Transportation** systems provide for safe travel of pedestrians and automobiles. Quality public facilities, utilities and transportation systems are provided to ensure a quality of life for all residents of Auburn.

PUBLIC FACILITIES

The **Public Facilities** component of this Comprehensive Plan serves to identify existing public facilities in Auburn and determine future needs and desires of pertinent public facilities during the planning period (2007 - 2017). The location of pertinent public facilities in Auburn is identified in **Illustration 5.1**.

PARKS AND RECREATION

An integral part of the quality of life in a City is the park system and recreation opportunities provided to its residents and visitors. Recreational opportunities and the availability of open space plays an important role in enhancing the quality of life in Auburn. The role of the Community in adequately planning for open space and providing a full range of recreational opportunities directly impacts community and economic development activities.

Auburn Parks

Legion Park is located on the east side of Highway 75. It contains playground equipment, lighted tennis courts, basketball courts, picnic shelters, a swimming pool with a 150-foot long water slide and a new skateboard park. The Legion baseball field is also located at Legion Park. On each patriotic holiday, the park displays over 830 American flags, with each white pole imprinted with the name of a war veteran from the area and the war of service.

The **Auburn Recreation Complex** is located at 409 "O" Street. The Park contains playground equipment, picnic shelter, two full-size soccer fields, four ball fields, batting cages, and an RV park.

Other recreational facilities in Auburn and its surrounding include the **Nemaha County Multiplex Building** which houses a wellness center, the **Nemaha County Fairgrounds**, **Rotary Lake**, where fishing is allowed, and another small park in Auburn with sand volleyball courts, playground equipment, and picnic shelter. The **Auburn Country Club** is a nine-hole course with a clubhouse and restaurant.

EDUCATION

Education is becoming increasingly important as the need for a broader-based education with emphasis on technical and human relation skills increases in today's society. Standards developed by educators and planners can provide guidance in the creation of, and additions to, the School District's educational facilities.

Schools in Auburn should meet the following standards/guidelines:

- Schools should be centrally located;
- Schools should not be located near high traffic or heavily concentrated areas with high noise levels;
- Land acquisition should be made with future expansion in mind; and
- Adequate open space should be available to students.

Area Public Schools

- ◆ The Auburn Public Schools serve the City of Auburn and vicinity. Students from Auburn attend grades "K through Third" at Calvert Elementary School, then attend grades "Fourth through Sixth" at Auburn Middle School, and then attend grades "Seventh through Twelfth" at Auburn Senior High School.

Auburn Public Schools

Calvert Elementary School, located at 2103 "O" Street, contains 12 classrooms and enrolls 223 students in grades Kindergarten thru Third. The Elementary School has "mini-labs" that include three to five computers in every classroom. Calvert Elementary employs 30 staff, 19 of which are certified. The student to teacher ratio is approximately 12:1. The Elementary School added two classrooms to the north side of the school in 2003. Along with basic elementary classes, Calvert Elementary also offers special education classes and Title I classes. **As of the 2009-2010 school year, the Elementary School will be expanded to include grades "K through Fifth", with the Middle School no longer serving classrooms, but utilized as an administration facility.**

Auburn Middle School will no longer serve as classroom space for the 2009-2010 school year. The Building is located at 1713 "J" Street, and did employ a certified staff of 12 to support an enrollment of approximately 206 students in grades Fourth thru Sixth. The school had a student to teacher ratio at 17 to 1. The Middle School historically had nine classrooms and a computer lab with Internet access.

Auburn Senior High School, located at 1829 Central Avenue, contains 29 classrooms and employs a certified staff of 30 to support an enrollment of 422 students. Grades Seventh and Eighth, as well as grades Ninth thru Twelfth. The student to teacher ratio is approximately 14:1. The High School was constructed in 1972, and houses approximately 125 computers in three stationary computer labs with high-speed Internet access. Auburn Senior High School offers college credit classes, and has a special education program. **As of the 2009-2010 school year, the Senior High will be expanded to include grades "Sixth through Twelve" with a wing designated as an attached "Junior High" facility.**

The City of Auburn takes great pride in the local area school system and will continue to improve and expand its resources during the coming years. School officials stated a need for expanding the Elementary and Middle Schools and would like to see a K through 5th, 6th through 8th system.

Created by the Nebraska Unicameral in 1965, "Educational Service Units" were intended to fill educational services gaps in local school districts budgets that did not provide for audio/visual aids, special education, school nurse services and other specialized personnel, equipment, or diagnostic needs.

Educational Service Unit #4 is headquartered in Auburn and serves an area of southeast Nebraska, including Nemaha County and the school districts surrounding Auburn.

Peru State College

- ◆ **Peru State College** is located approximately 10 miles east of Auburn in Peru, Nebraska. Peru State College is a four-year liberal arts college offering 13 undergraduate majors with 45 options, 26 endorsements, and 11 minors. The College also offers nine undergraduate degrees and two graduate degrees online.

Other Educational Facilities

- ◆ Some of the surrounding colleges and Universities within driving distance of the Auburn vicinity include:

Southeast Community College - Beatrice and Lincoln
Nebraska Wesleyan University - Lincoln
University of Nebraska - Lincoln and Omaha

Library

- ◆ The **Auburn Memorial Library** is located at 1810 Courthouse Avenue. The Library constructed a new 5,700 sq. ft. building that opened in 1995. The building meets ADA standards. Six persons staff the Library, two full-time and four part-time employees.

The Library contains 28,000 volume, with an average annual circulation of 63,000. Six computers with Internet access, two card catalog computers, and one computer for children with games can be found at Auburn Memorial Library. The Library also offers wireless Internet for patrons who want to use their laptop computer.

The Library offers such Programs as: Toddler Time, which is run for six week intervals, twice a year, for children ages three and under; Preschool Story Time, also run for six weeks, twice a year, for children between the ages of three and five; and a Summer Reading Program for children in grades PK-5th. The Library hopes to put in another 2,600 sq. ft. in order to open a 20-computer lab with Internet and a large community room for public use.

MEDICAL / ELDERLY SERVICES

The City of Auburn has all the necessary modern health and hospital services within reasonable distance of the Community. The Nemaha County Hospital is a full service hospital serving the needs of Auburn and the surrounding county.

Nemaha County Hospital

- ◆ The primary health delivery facility in the Auburn area is the **Nemaha County Hospital**, located at 2022 13th Street. A 26-bed Hospital was built in 1963, and offered a full range of medical services. Bed capacity was increased to 44 in 1970, but lowered several times to the current 20 bed facility. The Hospital has a cardiology clinic, physical therapy, respiratory therapy, a pharmacy, emergency rooms, a new operating room and procedure rooms. In 2003, the Nemaha County Hospital completed the construction of a \$4.75 million addition which added a new wing for outpatient services, new Operating and Procedure rooms, contemporary ER facilities, private patient rooms, and updates to many other departments. The Hospital currently employs 97 staff, including five

doctors, 25 RNs, and four LPNs.

Auburn Family Health Center

- ◆ **The Auburn Family Health Center** is located at 2115 14th Street, Suite 100. The Center has a staff of 25, including five doctors, two RNs, two LPNs, and a physician's assistant. A Women's Wellness clinic is offered one Saturday each month.

Good Samaritan Center

- ◆ **The Good Samaritan Center** is a long-term care facility located at 1322 "U" Street. Established in 1967, the 112-bed facility also has a 26-bed special care unit. The Good Samaritan Center employs 76 staff. In addition to 24-hour nursing care, the center provides adult day care service, respite care services to surrounding areas and hospice care. The center also has an Alzheimer's special care unit.

Longs Creek Village

- ◆ **Longs Creek Village**, a subsidiary of the Good Samaritan Center, is an assisted living facility that opened in 2000, located adjacent to Long's Creek, on the west side of "Q" Street. There are 24 one- and two-bedroom units, and 10 certified staff are available to serve the residents. Longs Creek Village has an activity room, a beauty shop, three-season porches, a library, and a wellness room.

Southeast Nebraska Home Health

- ◆ **Southeast Nebraska Home Health** is also a subsidiary of the Good Samaritan Center. It is located at 418 "Q" Street. Southeast Nebraska Home Health has nine certified staff members.

Auburn Senior Center

- ◆ **The Auburn Senior Center** is located in the Auburn City Hall building at 1101 "J" Street. It is open from 7 a.m. to 5 p.m. and has an average daily attendance of 80 to 115 people. The Senior Center is also available for rental for evening activities. The Auburn Senior Center offers activities such as an exercise program, cards and a variety of board games. It also offers a Meals-on-Wheels program, with volunteer drivers that serve 25 to 35 people daily.

GOVERNMENT / **PUBLIC SAFETY**

Public administration facilities are facilities which serve the citizens of the community and conduct the business of government and carry out its operations. Therefore, it is essential these services are centrally located and convenient to the majority of the citizens in the Community.

Police Protection

- ◆ **The Auburn Police Department** is located at 1805 “N” Street. The City of Auburn is served by five full-time police officers. Administrative offices are located in the County Law Enforcement Building. The City has no holding cells. Detainees are transferred to the County Law Enforcement Building, which has a capacity of 18 detainees.

The City of Auburn maintains three fully equipped police cruisers. Bulletproof vests are available for all officers, and radar equipment has been updated recently.

Fire Protection

- ◆ **The Auburn Volunteer Fire Department**, located at 17th and “P” Streets, has a total of 40 volunteers, 20 of which are EMTs. The Volunteer Fire Department covers a service area of about 17 square miles. The Fire Department has various types of equipment available, including a 3 pumper trucks and a Snorkel vehicle. **The City has an ISO rating of “5”.**

Civil Defense

- ◆ **Civil Defense** is coordinated and planned by the Nemaha County Emergency Management Agency, which coordinates civil defense along with the Auburn Police Department, the Auburn Fire Department, the Nemaha County Sheriff’s Office, various community service organizations, and the Nebraska Emergency Management Agency. The Nemaha County Emergency Management Agency (EMA) staff consists of a Director, a part-time Deputy Director, a volunteer Deputy Director, and twelve volunteers. The Emergency Operations Center is located at 601 “J” Street. There are also seven Storm Spotting volunteers trained by the National Weather Service.

Civil defense is responsible for notifying citizens in the case of an emergency. Tests of the Emergency Warning Systems are conducted on a regular basis. Additional emphasis has been placed on training for responding to incidents of terrorist activities. In 2006, a Department of Homeland Security training session was presented in Auburn, hosted by the Nemaha County Emergency Management Agency.

City Offices

- ◆ **Auburn City Hall** is located at 1101 “J” Street. The facility houses offices for the Mayor and City Clerk. The building is ADA compliant, as such, public meetings for the City Council and Planning Commission are held in the City Hall building.

Post Offices

- ◆ The **U.S. Post Office** of Auburn is located at 1320 Courthouse Avenue. Located in a one-story building built circa 1936, the Post Office employs twelve full- and part-time personnel, and is in compliance with all ADA standards. The Auburn Post Office provides house-to-house and cluster box services. Postal workers run four rural routes and three city routes in and around Auburn.

UTILITIES

The Auburn Board of Public Works offices are located at 1600 “O” Street. It is the responsibility of any community to provide a sound public infrastructure for its citizens, as well as to provide for anticipated growth. Therefore, it is important that the expansion of these systems be coordinated with the growth of Auburn. Analysis of these infrastructure systems, via conversations with the City maintenance person and utility personnel, confirmed that the City must continue to maintain and improve these utility systems.

WATER SYSTEM

- ◆ The Auburn Board of Public Works operates the municipal water system. The storage of the system consists of overhead and underground storage, with a capacity of 1,835,000 gallons.

There are 11 wells that supply the City of Auburn. The wells are approximately 45' in depth. The System's maximum daily capacity is 1,728,000 gallons. The static and residual pressure varies due to the hilly terrain, but ranges between 40 and 90 pounds. There are two pressure zones in Auburn, separated by 14th Street. There are currently no mandatory restrictions on water use. The water transmission mains range from 4" to 16" in diameter, and are constructed of either cast iron, ductile iron, or PVC pipe. The City's water treatment plant has a rated capacity of 1,200 gallons per minute. Water is filtered, disinfected, fluoridated, and aerated before distribution. The hardness of the water is 278 parts per million (ppm).

Since 2000, improvements include 14 blocks of new 12" water mains with fire hydrants, as well as two clearwell reservoirs completed in 2004. Several of the water mains are either undersized by current standards, or are between 50 and 85 years of age and are composed of materials prone to breakage. Certain areas that are viewed as priorities include:

1. Water mains that are undersized at 4" or smaller in diameter and 50 to 85 years of age: Between "Q" Street and "J" Street north of 9th Street; 9th Street east of "G" Street; 11th Street between "E" and "H" Streets; East/west mains along 13th, 14th, 15th, 17th, and 18th Streets; North/south mains along "M" Street between 19th and 21st Streets; North/south mains along "K" Street between 19th and 20th Streets.
2. The capacity of the water filtration plant currently limits the community in providing sufficient quantities of water to meet peak demands. Plans for expansion of the filtration plant are needed in the near future.
3. The clearwell does not have adequate capacity to provide a reliable supply of water to the reservoir. Additionally, the booster pumps from the reservoir to the higher elevation areas of the City provide only 31 PSI, requiring improvements to better serve these areas.

SANITARY SEWER SYSTEM

- ◆ The existing treatment system is a modified activated sludge wastewater treatment plant built in 1966. The plant has an average daily flow of 250,000 gallons. The sewage is pumped into the plant, where it is then aerated, clarified, and settled into a sludge that is then pumped and recycled throughout the treatment plant.

In 2001, the Board of Public Works completed a flood proofing project for the Wastewater Treatment Plant above the 500-year flood plain elevation. Some other improvements that are seen as priorities include:

1. The sewer main from 6th and "L" Streets to the treatment plant (4,500 feet in length) is very flat and subject to continual solids deposition. A portion of the sewer main is also aligned under a small pond. Replacement of this section of the sewer main is needed to reduce the continual maintenance requirements.
2. The city sanitary sewer treatment facility is reaching the hydraulic capacity of the plant and the discharge of treated waste from the facility into the Little Nemaha River is anticipated to require higher standards after reclassification of the river to a Recreational Stream. The 2002 Capital Additions budget includes a line item for design of wastewater treatment facility improvements.

STREET/STORM SEWER SYSTEM

- ◆ Twenty-eight (28) of the 31 miles of street within the City are hard-surfaced with concrete, brick, or asphalt. All hard-surfaced streets have curbs. The streets that are not hard-surfaced are rock or gravel. Some of these streets have storm sewers, but most have open drainage ditches.

ELECTRICAL SYSTEM

- ◆ The Electric System is owned and operated by the Auburn Board of Public Works and is supplied by Nebraska Public Power District (NPPD), Western Area Power Administration (WAPA), and the Nebraska Distributed Wind Generation Project.

NATURAL GAS SYSTEM

- ◆ The Gas System, in Auburn, is owned, and operated and supplied by Black Hills Energy. Northern Natural Gas is the pipeline company.

TRANSPORTATION PLAN

The availability of a convenient and efficient **Transportation System** is essential to the continued economic and physical development of Auburn. An adequate transportation system is required to transport goods and services to and from major travel routes and market centers outside the City of Auburn, and provide for the circulation needs within the Community. The overall purpose of the transportation plan is to provide the necessary guidelines for the safe movement of people and vehicles throughout the planning area.

The primary sources of information utilized to develop the Transportation Plan were (1) Auburn "One and Six Year Plans" and (2) State of Nebraska Department of Roads "Nebraska Highway Program" (Fiscal Years 2007-2013 and Beyond).

EXISTING TRANSPORTATION SYSTEM

Illustration 5.2, State Functional Classifications, Auburn, Nebraska, depicts the transportation system in the City of Auburn. The transportation system comprises of Highway 75, a north/south "*Major Arterial*" road, and U.S. Highway 136, an east/west "*Major Arterial*" road, connecting Auburn to Interstate 29, a north/south "*Interstate*" road. All other streets within the Corporate Limits of Auburn are classified as local streets. Local streets provide transportation services throughout the City, while the state highway and county roads provide transportation services into the County, adjacent communities and areas beyond.

Traffic Volume

The Nebraska Department of Roads monitors traffic volume in the Auburn area, on county roads and state and federal highways. This tabulation process is done to identify the appropriateness of the existing road classification and engineering standards. **Illustration 5.2** also identifies the average daily traffic counts for state and federal transportation routes around Auburn. Each of these road segments are identified as "major arterial" roads. All roads within the corporate limits of the City of Auburn are classified as "local" roads.

Road Classifications

Nebraska Highway Law identifies the eight functional classifications of rural highways as follows:

- (1) **Interstate:** Which shall consist of the federally designated National System of Interstate and Defense Highways;
- (2) **Expressway:** Second in importance to Interstate. Shall consist of a group of highways following major traffic desires in Nebraska and ultimately should be developed to multilane divided highway standards;
- (3) **Major Arterial:** Consists of the balance of routes which serve major statewide interests for highway transportation in Nebraska. Characterized by high speed, relatively long distances, travel patterns;
- (4) **Scenic-Recreation:** Consists of highways or roads located within or which provide access to or through state parks, recreation or wilderness areas, other areas of geological, historical, recreational, biological, or archaeological significance, or areas of scenic beauty;
- (5) **Other Arterial:** Which shall consist of a group of highways of less importance as through-travel routes which would serve places of smaller population and smaller recreation areas not served by the higher systems;
- (6) **Collector:** Which shall consist of a group of highways which pick up traffic from many local or land-service roads and carry it to community centers or to the arterial systems. They are the main school bus routes, mail routes, and farm-to-market routes;
- (7) **Local:** Which shall consist of all remaining rural roads, except minimum maintenance roads;
- (8) **Minimum Maintenance:** Which shall consist of (a) roads used occasionally by a limited number of people as alternative access roads for area served primarily by local, collector, or arterial roads, or (b) roads which are the principal access roads to agricultural lands for farm machinery and which are not primarily used by passenger or commercial vehicles.

The rural highways classified, under subdivisions (1) thru (3) of this section should, combined, serve every incorporated municipality having a minimum population of 100 inhabitants or sufficient commerce, a part of which will be served by stubs or spurs, and along with rural highways classified under subsection (4) of this section, should serve the major recreational areas of the state. Sufficient commerce shall mean a minimum of two hundred thousand dollars of gross receipts under the Nebraska Revenue Act of 1967.

FUTURE TRANSPORTATION SYSTEM

The future transportation system in Auburn is outlined in the City's **One and Six Year Road Improvement Programs**. Auburn's One-Year Plan is for projects beginning in 2009. Auburn's Six Year Plan is for projects to be undertaken through 2015, or earlier if funding becomes available.

The projects seen as priorities for the Auburn community include:

- Brick street rehabilitation throughout the Courthouse Square and Courthouse Avenue areas;
- Alley resurfacing in the commercial areas of the Courthouse Square, the Downtown, and the "J" Street highway corridor;
- Hard-surfacing gravel streets and adding curbs and gutters on hard-surfaced streets such as 6th Street west of "N" Street; and
- Addition and improvement of sidewalks.

City of Auburn - One-Year Road Plan

The One-Year Road Plan includes the following:

1. **M-125(77):** Grading, concrete surfacing and drainage structures, on "S" Street between 23rd and 24th Streets. (\$60,000)
2. **M-125(78):** Grading, concrete surfacing and drainage structures, on "S" Street between 24th and 26th Streets. (\$250,000)
3. **M-125(79):** Grading, concrete surfacing and drainage structures, on Nixon Boulevard - 12th Street, the south 350' and on Sheridan Parkway - the south 350'. (\$150,000)
4. **M-125(50):** Asphalt surfacing (2" thick/24' wide) and utility adjustments, on "L" Street, from Central Avenue to 17th Street; and between "L" and "M" Streets, on 13th, 14th, 15th, 16th and 17th Streets. (\$180,000)

City of Auburn - Six-Year Road Plan

The Six-Year Road Plan includes the following:

1. **M-125(77):** Grading, concrete surfacing and drainage structures, on "S" Street between 23rd and 24th Streets. (\$60,000)
2. **M-125(78):** Grading, concrete surfacing and drainage structures, on "S" Street between 24th and 26th Streets. (\$250,000)
3. **M-125(79):** Grading, concrete surfacing and drainage structures, on **Nixon Boulevard - 12th Street, the south 350' and on Sheridan Parkway - the south 350'. (\$150,000)**
4. **M-125(50):** Asphalt surfacing (2" thick/24' wide) and utility adjustments, on "L" Street, from Central Avenue to 17th Street; and between "L" and "M" Streets, on 13th, 14th, 15th, 16th and 17th Streets. (\$180,000)
5. **M-125 (62):** Grading and Concrete surfacing (7" thick/26' wide) and drainage structures, on 24th Street, from "R" to "S" Streets. (\$60,000)
6. **M-125 (29):** Grading and Concrete surfacing (7" thick/26' wide) and drainage structures, on "S" Street, from 26th to 27th Streets. (\$60,000)
7. **M-125(57):** Concrete paving with drainage structures, erosion control, utility adjustments, fencing and sidewalks, on Central Avenue, from "K" to "L" Streets; 11th & "L" Streets, Northwest to 9th & "N" Streets. (\$440,000)
8. **M-125 (60):** Remove and reconstruct brick street (3" thick/width varies) and curb & gutter, drainage structures, erosion control, utility adjustments, and sidewalks, on Courthouse Avenue, 14th to 19th Streets; 19th Street, Courthouse Avenue to "N" Street; 18½ to 19½ Streets, "N" to "O" Streets; "O" Street, 18½ to 20th Streets; "N" Street, 18th Street to 19½ Street. (\$2,100,000)
9. **M-125 (61):** Replacing Timber Bridge Structure, drainage structures on "P" Street, between 6th and 7th Streets. (\$150,000)
10. **M-125 (64):** Grading and Concrete surfacing (7" thick/26' wide) "S" Street, 8th Street to 12th Street. (\$200,000)
11. **M125 (66):** Asphalt surfacing (2" thick/width varies) "K" Street, 14th to 19th Streets; Between "K" and "L" Streets, on 14th, 15th, 16th, 17th, 18th, and 19th Streets. (\$150,000)
12. **M-125 (67):** Asphalt surfacing (2" thick/width varies) between "K" and "J" Streets, 15th, 16th, 17th, 18th, and 19th Streets. (\$80,000)
13. **M125 (73):** Grading, concrete surfacing and drainage structures, right-of-way and utility adjustments, lighting (\$350,000)
14. **M125 (74):** Grading, concrete surfacing and drainage structures, right-of-way and utility adjustments, lighting. (\$600,000)
15. **M125 (80):** Grading, concrete surfacing and drainage structures, right-of-way and utility adjustments, lighting (\$350,000)

**UPCOMING NEBRASKA DEPARTMENT OF ROADS PROJECTS
WITHIN THE PLANNING JURISDICTION OF AUBURN**

1. **PM-75-1 (1011):** Microsurfacing, Auburn South on Highway 75, for 10.3 miles. (\$165,000)
2. **NH-75-2 (154):** Additional 2-lane, Grading, Structures, Surfacing and Surface Shoulders, Auburn North on Highway 75, for 4.3 miles. (\$7,980,000)

**UPCOMING NEMAHA COUNTY PROJECTS WITHIN
THE PLANNING JURISDICTION OF AUBURN**

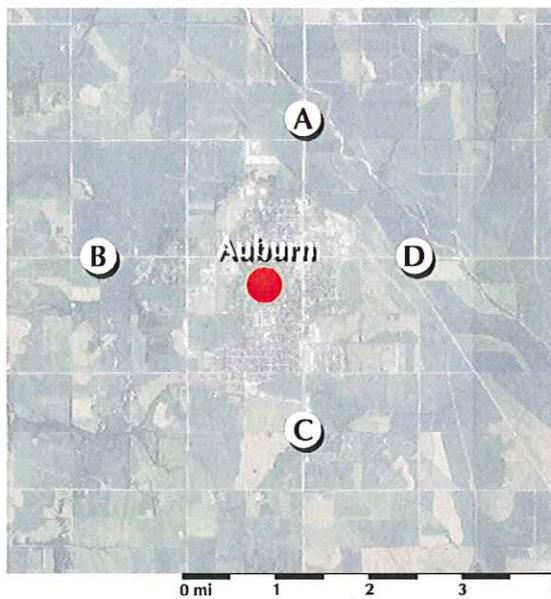
Nemaha County has no road projects to be completed in the Auburn Planning Jurisdiction within the next several years.

Average Annual Traffic Count Map

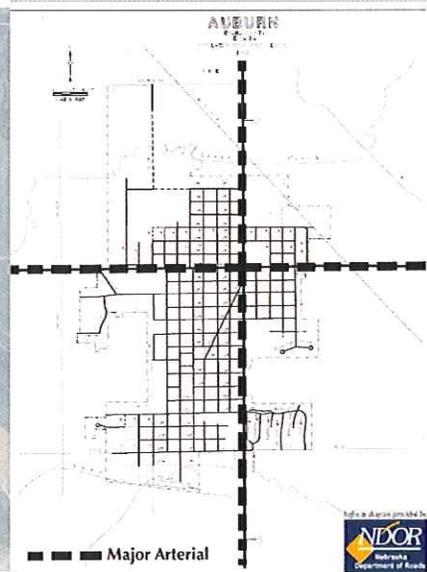
Planning Jurisdiction

Auburn, Nebraska

Traffic Diagram - See Chart Below



NDOR Highway Diagram



Annual Average 24 - Hour Traffic

Year	A	B	C	D
2004	4,910	2,540	3,230	3,070
Total Vehicles	670	255	520	365
Heavy Commercial Vehicles				
2002	4,975	2,660	3,005	2,900
Total Vehicles	680	265	465	345
Heavy Commercial Vehicles				
2000	4,950	2,625	2,920	3,100
Total Vehicles	675	260	740	370
Heavy Commercial Vehicles				

State Highways

- Gravel or Crushed Rock
- Asphalt / Bituminous Surface
- Concrete / Brick Surface

City Streets & County Roads

- Primitive or Unimproved
- Gravel or Crushed Rock
- Non-Rigid Pavement (BM or ACSC)
- Rigid Pavement (PCC, ACSC or Brick)
- Interstate Numbered Routes
- U. S. Numbered Routes
- State Numbered Routes
- State Numbered Spurs
- State Numbered Links
- In 116
- Ma 1480
- Ml 7100
- Ur 5092
- RD 767
- Inventoried Numbered Routes
- Major Collector Routes
- Minor Collector Routes
- Urban Routes
- 911 NAMED / Numbered Routes
- City Center
- Corporate Limits

Corporate Limits as of 1985 State Highways Corrected to 1995



ILLUSTRATION 5.2

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AUBURN, NEBRASKA

ZONING REGULATIONS 2009

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CHAPTER 11

ZONING REGULATIONS

Article 1

ESTABLISHMENT OF DISTRICTS

Section 11-101 District Establishment; Official Zoning Map: The City and the area within its zoning jurisdiction thereof shall be divided into zones, or districts, as shown on the Official Zoning Map, which is hereby adopted by reference and declared to be a part of this ordinance. There shall be a map for the area located within the corporate limits of Auburn, Nebraska and the extraterritorial area adjacent to and beyond the corporate limits of the City of Auburn, showing the zones or districts into which such areas are divided or zoned.

The Official Zoning Map for the area within the corporate limits of the City of Auburn, Nebraska and the extraterritorial area adjacent to and up to one mile beyond the corporate limits of the City of Auburn, Nebraska shall be identified by the signature of the Mayor of the City attested by the City Clerk, and bear the seal of the City under the following words:

"This is to certify that this is the Official Zoning Map of the area within the corporate limits of the City of Auburn, Nebraska and the extraterritorial area adjacent to and up to one mile beyond the corporate limits of the City of Auburn, Nebraska, referred to in Section 11-101 of Ordinance No. 2-95 of the City of Auburn, Nebraska";

together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Chapter 19, Revised Statutes of Nebraska, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.

The official zoning map shall be signed by the Mayor and attested by the City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until such change and entry has been made on said maps.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under Section 11-1103.

- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Adjustment shall interpret the district boundaries;
- H. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 11-104 District Establishment; Application of District Regulations.

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards or side yards or other open spaces;
 - 5. To exceed the maximum number of dwelling units per lot area;
 - 6. To provide fewer than the required number of off-street parking and off-street loading spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.

2. Manufactured homes permitted pursuant to this section shall be located and installed according to the following standards which are applicable to site-built, single-family dwellings.
 - a. The home shall be located and installed on a permanent perimeter foundation;
 2. The home shall be installed with permanent utility connections;
 3. The home shall comply with all setback and lot requirements of the residential zone in which it is located;
 4. The home shall comply with the minimum square footage requirements of the residential zone in which it is located.
3. Manufactured homes shall also meet the following standards:
 1. The home shall have no less than nine hundred (900) square feet of floor area;
 2. The home shall have no less than an eighteen-foot (18') exterior width;
 3. The roof shall be pitched with a minimum vertical rise of two and one-half inches (2 1/2") for each twelve inches (12") of horizontal run;
 4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family construction;
 5. The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock; and
 6. The home shall have wheels, axles, transporting lights, and removable towing apparatus removed.
4. Nothing in this section shall be deemed to supersede any valid restrictive covenants of record.
5. For purposes of this section, manufactured home shall mean (a) a factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq. promulgated by the United States Department of Housing and Urban Development, or (b) a modular housing unit as defined in section 71-1557 RS Neb., bearing the seal of the Department of Health. (Ref. 19-902 RS Neb.) (Ref. City Ordinance No. 20-95, adopted August 7, 1995.)

Section 11-114 Fair Housing; Unlawful Acts. Except as exempted in section 1-118, it shall be unlawful to:

1. Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, or sex;
2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status, or sex;
3. Make, print, publish, or cause to be made, printed, or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or an intention to make any such preference, limitation, or discrimination;
4. Represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
5. Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status, or sex of a person seeking to purchase, rent, or lease any housing;
6. Include in any transfer, sale, rental, or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
7. Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this Article or the Nebraska Fair Housing Act; and
8. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor. (Ref. City Ordinance No. 7-92, adopted 8-3-92)

- C. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - D. Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.
3. Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people. ANSI A117.1 shall satisfy the requirements of subdivision (2)(c)(iii) of this section.
4. For purposes of this section, covered multifamily dwellings shall mean:
- a. Buildings consisting of four or more units if such buildings have one or more elevators; and
 - b. Ground floor units in other buildings consisting of four or more units.
5. Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (Ref. City Ordinance No. 7-92, adopted 8-3-92)

Section 11-116 Fair Housing; Transaction Related to Residential Real Estate; Discriminatory Practices Prohibited.

1. It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status, or national origin.
2. For the purposes of this section, transaction related to residential real estate shall mean any of the following:
- a. The making or purchasing of loans or providing other financial assistance:
 - i. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - ii. Secured by residential real estate; or
 - b. The selling, brokering, or appraising of residential real property.

- b. Intended for and solely occupied by persons sixty-two (62) years of age or older; or
- c. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

(Ref. City Ordinance No. 7-92, adopted 8-3-92)

Section 11-119 Fair Housing; Information. The Municipal Clerk upon request shall make available to an aggrieved person, or any other person, information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission without cost to such individual. (Ref. 20-301 through 20-322 RS Neb.) (Ref. City Ordinance No. 7-92, adopted 8-3-92)

Article 2
NONCONFORMING USES

Section 11-201 Nonconforming Uses; Intent. Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses. A definition of each type is as follows:

- A. **Nonconforming Lot of Record:** A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning and/or subdivision regulations in the City, and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.
- B. **Nonconforming Structure:** An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
- C. **Nonconforming Use:** An existing use of a structure or of land which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.

Section 11-202 Nonconforming Lots of Record. The Building Inspector may issue a Building Permit for any nonconforming lot of record provided that:

- A. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
- B. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any zoning regulations, and
- C. Said lot can meet all yard regulations for the district in which it is located.

Section 11-203 Nonconforming Structures.

- A. **Authority to Continue:** Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

- C. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to the extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
- D. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. Damage or Destruction: In the event that any commercial or industrial structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, no repairs or restoration shall be made unless a building permit is obtained within six months and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion. When a residential structure is damaged to the extent of 60% or more, no repairs or restoration shall be made unless such use is in conformance with these Regulations.
- F. Moving: No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- G. Change in Use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the City Council after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the City Council may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Article 3 DEFINITIONS

Section 11-301 Definitions. For the purposes of these regulations, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural number, and the plural number includes the singular. The word "shall" is mandatory, the word "may" is permissive. The words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel".

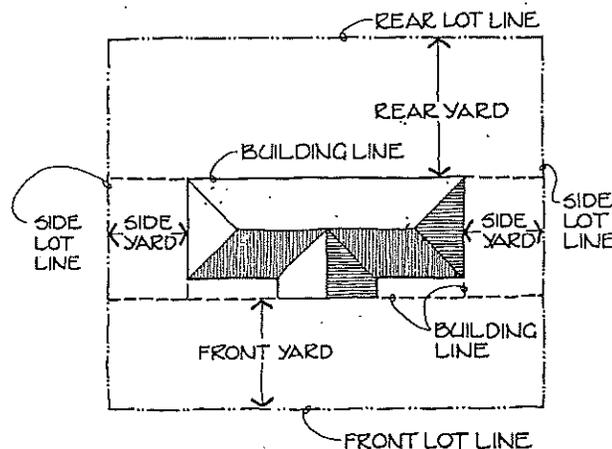
1. **Accessory Buildings and Uses.** A subordinate building or use which customarily is incidental to that of the main or principal building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, detached garages, garden houses, antenna/satellite dishes, amateur radio or land mobile towers of less than 100 feet, and residential, agricultural and recreational storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.
2. **Acreage.** A parcel of land over 1 acre in size which is not used primarily for farm purposes.
3. **Agriculture.** The use of land for the raising of field crops, horticulture, animal and poultry husbandry and kennels.
4. **Agricultural Farm or Operation.** A tract of land or a combination of tracts of land utilized primarily for agricultural purposes which either singularly or jointly consist of at least twenty (20) acres and which produces one thousand dollars (\$1,000) or more of farm products each year.
5. **Alley.** A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
6. **Apartment.** A room or suite of rooms in a multiple dwelling, or where more than one living unit is established above non-residential uses, intended or designed for use as a residence by a single family including culinary accommodations.
7. **Apartment House.** See Dwelling, Multiple.
8. **Basement.** A story having more than one-half (1/2) its height below grade. A basement is not counted as a story for the purpose of height regulations.
9. **Block.** A parcel of land entirely surrounded by public highways, streets, railroads or unplatted land.
10. **Block Front.** All of the property on one side of a street between two intersecting streets.

18. **Drive-in Restaurants.** Any place or premises used for sale, dispensing, or serving food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premise.
19. **Dwelling.** Any building or portion thereof which is designed and used exclusively for residential purposes.
20. **Dwelling, Multiple Family.** A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of total dwelling units provided.
21. **Dwelling, Farm.** Residential dwellings including a mobile home appurtenant to agricultural operations including living quarters for persons employed on the premises, guest houses not rented or otherwise conducted as a business, and private garages, out buildings and barns.
22. **Dwelling, Seasonal.** Summer cabins, camps, and cottages for seasonal and not permanent or year-round occupancy.
23. **Dwelling, Single Family.** A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
24. **Dwelling, Two Family.** A detached residential building containing two (2) dwelling units, designed for and occupied by no more than one family in each dwelling unit.
25. **Dwelling Unit.** Consists of one or more rooms which are arranged, designed or used as a separate living quarters by a single family or other group of persons living together as a household or a person living alone. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".
26. **Family.** One or more person, related or unrelated, living together as a single housekeeping unit with or without domestic servants, caregivers, foster children and supervisory personnel in a group living arrangement. The term "family" shall not include occupancy of a residence by persons living in fraternities, sororities, clubs or transient or permanent commercial residential facilities catering to the general public. Also excluded are nursing and convalescent homes.
27. **Farm.** An area which is used for the growing and storing of agricultural crops as well as poultry or dairy farming and the raising and feeding of livestock.
28. **Feed lot.** The confined feeding of livestock or poultry in buildings, lots, pens, pools, or ponds, which normally are not used for the raising of crops or for grazing animals. For the purpose of this resolution, the term Feed Lot shall include the confined feeding of 50 or more beef cows, feeder or fat cattle, dairy cattle, swine, one hundred (100) or more sheep or 500 or more poultry.

39. **Junkyard/Salvage Yard.** A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.
40. **Lot.** For the purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an improved private street, and may consist of:
- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of records, of complete lots of record and portions of lots of record, or of portions of lots of record;
 - d. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.
41. **Loading Space, Off Street.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
42. **Lot, Corner.** A lot abutting upon two (2) or more streets at their intersection.
43. **Lot, Depth of.** The average horizontal distance between the front and rear lot lines.
44. **Lot, Double Frontage.** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.
45. **Lot of Record.** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Nemaha County; or a parcel of land, the deed to which was recorded in the office of the County Clerk, or a lot or parcel described by metes and bounds the description of which has been so recorded prior to the adoption of this ordinance.
46. **Lot Width.** The width of a lot measured at the front building line and at right angles to its depth.
47. **Manufacture.** Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished product.

54. **Non-conforming Use, Lot, Building or Land.** Any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto, which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.
55. **Non-Farm Buildings.** All buildings except those buildings utilized for agricultural purposes on a farm.
56. **Nursing Home, Convalescent Home.** A home for the aged or infirmary where residents are provided with food, shelter and care for hire or compensation.
57. **Parking Space, Off-Street.** For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking shall be on any paved or unused portion of a public street, walk or alley, and so that any automobile may be parked and unparked without unparking another.
- For the purposes of computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met when only actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the use.
58. **Recreational Vehicle.** Recreational vehicle shall mean a vehicular unit not exceeding forty (40) feet in overall length, eight (8) feet in width, or twelve (12) feet in overall height, primarily designed as temporary living quarters for recreational camping or travel use having either its own motive power or designed to be mounted on or drawn by an automotive vehicle. Recreational vehicle includes motor homes, truck camper, travel trailer, camping trailer, and fifth wheel. This definition shall include a boat mounted on a trailer, together not exceeding forty (40) feet in body length, eight (8) feet in width, or twelve (12) feet in overall height.
59. **Recycling Center.** A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not a junkyard.
60. **Recycling Collection Point.** A collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.
61. **Sanitary Transfer Station.** A collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of the Nebraska Department of Health and Human Services System.

70. **Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, street signs, bridges and culverts.
71. **Townhouse.** One of a group or row of not less than two (2) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.
72. **Variance.** As used in these Zoning Regulations, a variance is authorized only by height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district of uses in an adjoining zoning district as further set out herein after the powers and duties of the Board of Adjustment.
73. **Yard.** An open space on the same lot with the building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest point of the foundation wall of the structure shall be used.
74. **Yard, Front.** A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof, other than the projections of the usual steps, unenclosed balcony or open porch. The front yard setback shall apply on all street frontages.



Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

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Article 4
SCHEDULE OF DISTRICT REGULATIONS

Section 11-401 Schedule of District Regulations. District regulations shall be set forth in this Section, and in Section 11-412 of this ordinance, entitled "Supplementary District Regulations."

Section 11-402 AGR Agricultural Residential

- A. The intent of this district is to provide a transition from land used for agriculture to a low density residential use and other urban development. This district permits farm and non-farm dwellings and agricultural uses which are most unlikely to be a nuisance for residential uses.
- B. Permitted Principal Uses and Structure:
1. Farms, agriculture, excluding feedlots/intensive feeding facilities, and horticultural uses;
 2. Single family dwellings;
 3. Ranch and farm dwellings;
 4. The sale and distribution of farm products, produce, and machinery that are to be used for farming purposes.
 5. Public Uses: Including but not limited to public parks, playgrounds, golf courses, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems;
 6. Churches, places of worship and cemeteries;
 7. Railroads;
 8. Child care home; and
 9. Animal clinics, animal hospitals, veterinarian services and associated uses.
- C. Permitted Accessory Uses and Structures:
1. Home occupations in conformance with Article 4 Section 11-411 (K);
 2. Roadside stands; and
 3. Accessory uses and structures normally appurtenant to the permitted uses and structures when established within the area of the Agricultural District.

F. Prohibited Uses and Structures: All other uses and structures which are not specifically permitted or not permissive as special uses shall be prohibited from the AGR Agriculture Residential District.

G. Minimum Area Regulations:

	<u>Permitted Uses</u>
Lot Requirement	Three (3) Acres (Ord. Rev. A)
Required Front Yard	17'
Required Rear Yard	50' or 20% of lot depth, whichever is less
Required Side Yard	15'
Lot Width	150'

H. Maximum Height of Structures: Thirty-five (35) feet.

I. Parking Regulations: Parking within the AGR Agriculture Residential District shall be in conformance with the provisions of Article 12, Section 11-1201 of this Ordinance.

J. Sign Regulations: Signs within the AGR Agriculture Residential District shall be in conformance with the provisions of Article 5, Section 11-503 of this Ordinance.

Section 11-403 R-1 Residential District

- A. Intent: To provide for low density residential uses and several compatible supporting uses in a stable, pleasant environment which encourages family life.
- B. Permitted Principle Uses and Structures:
1. Single family dwellings;
 2. Manufactured homes in conformance with the provisions of Section 11-105 (Ord. Rev. A);
 2. Two family dwellings;
 3. Primary and Secondary education;
 4. Public Uses: Including but not limited to public parks, playgrounds, golf courses, recreational uses, fire stations, public elementary and high schools, public utilities and utility distribution systems;
 5. Golf courses and country clubs, except miniature golf courses and driving ranges not located within a golf course;
 6. Child care home; and

No mobile homes shall be permitted or allowed in any area included in said Residential District.

- C. Permitted Accessory Uses and Structures:
1. Home occupations in conformance with Article 4, Section 11-411(K).
 2. Accessory uses and structures, when established in conformance within the space limits of this district.
- D. Permitted Conditional Uses: A building or premises may be used for the following in conformance with the conditions prescribed herein:
1. Bed and Breakfast Guest Home
 - a. Parking as required in Article 12, Section 11-1201.
 - b. Signs as required in Article 5, Section 11-503.
 - c. A maximum of four (4) rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and owned as a residence by the host family.

(e) The side yard setback between individual units of two-family dwellings may be reduced to zero. If the following condition is met:

(1) A one (1) hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

H. Parking Regulations: Parking within the R-1 Residential District shall be in conformance with the provisions of Article 12 Section 11-1201 of this ordinance.

I. Sign Regulations: Signs within the R-1 Residential District shall be in conformance with the provisions of Article 5 Section 11-503 of the ordinance.

Section 11-404 R-2 Residential District

- A. Intent: To provide for medium density residential uses and several compatible supporting uses in a stable, pleasant environment which encourages family life.
- B. Permitted Principal Uses and Structures:
1. Single family dwellings;
 2. Manufactured homes in conformance with the provisions of Section 11-105 (Ord. Rev. A);
 2. Two family dwellings;
 3. Multi-family dwellings consisting of 4 units or less;
 4. Townhouses;
 5. Primary and Secondary education;
 6. Public parks, buildings and grounds;
 7. Golf courses and country clubs, except miniature golf courses and driving ranges not located within a golf course; and
 8. Child care home.

No mobile homes shall be permitted or allowed in any area included in said Residential District.

- C. Permitted Accessory Uses and Structures:
1. Home occupations in accordance with Article 4, Section 11-411(K); and
 2. Accessory uses and structures normally appurtenant to the permitted uses and structures, when established in conformance within the space limits of the district.
- D. Permitted Conditional Uses: A building or premises may be used for the following in conformance with the conditions prescribed herein:
1. Bed and Breakfast Guest Home
 - a. Parking as required in Article 12, Section 11-1201.
 - b. Signs as required in Article 5, Section 11-503.
 - c. A maximum of four (4) rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and owned as a residence by the host family.
 2. Domestic Shelters
 - a. The maximum number of occupants of such facility shall not exceed one (1) person per one thousand (1,000) square feet of lot area.

- (d) Buildings or structures shall not exceed two and a half stories in height; and
- (e) The side yard setback between individual units of two family dwellings and townhouses may be reduced to zero if the following conditions are met:
 - (1) A one (1) hour fire rated construction common wall between units starting at the basement level and continuing through to the roof line is maintained.

H. Parking Regulations: Parking within the R-2 Residential District shall be in conformance with the provisions of Article 12 Section 11-1201 of this ordinance.

I. Sign Regulations: Signs within the R-2 Residential District shall be in conformance with the provisions of Article 5, Section 11-503 of this ordinance.

Section 11-405 R-3 Residential District

- A. Intent: To provide for high density residential uses and several compatible supporting uses in a stable, pleasant environment which encourages family life.

- B. Permitted Principal Uses and Structures:
 - 1. Single family dwellings;
 - 2. Manufactured homes in conformance with the provisions of Section 11-105;
 - 2. Two family dwellings;
 - 3. Townhouses;
 - 4. Multi-family dwellings;
 - 5. Public parks, buildings and grounds; and
 - 6. Child care home.

No mobile homes shall be permitted or allowed in any area included in said residential district.

- C. Permitted Accessory Uses and Structures:
 - 1. Home occupations in accordance with Article 4, Section 11-411(K); and
 - 2. Accessory uses and structures normally appurtenant to the permitted uses and structures, when established in conformance with Section 11-411 of this Chapter.

- D. Permitted Conditional Uses: A building or premises may be used for the following in conformance with the conditions prescribed herein:
 - 1. Bed and Breakfast Guest Home
 - a. Parking as required in Article 12, Section 11-1201.
 - b. Signs as required in Article 5, Section 11-503.
 - c. A maximum of four (4) rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and owned as a residence by the host family.

 - 2. Domestic Shelter
 - a. The maximum number of occupants of such facility shall not exceed one (1) person per seven hundred fifty (750) square feet of lot area.

- (d) Buildings or structures shall not exceed three (3) stories in height.
- H. Parking Regulations: Parking within the R-3 Residential District shall be in conformance with the provisions of Article 12 Section 11-1201 of this ordinance.
- I. Sign Regulations: Signs within the R-3 Residential District shall be in conformance with the provisions of Article 5, Section 11-503 of this ordinance.

Section 11-406 R-4 Residential District

- A. Intent: To provide for the development of higher density residential areas and mobile home parks and areas where individuals may purchase lots and attach mobile homes.

- B. Permitted Principal Uses and Structures:
 - 1. Mobile homes for residential purposes;
 - 2. Manufactured homes in conformance with the provisions of Section 11-105;
 - 2. Single family dwellings;
 - 3. Two family dwellings;
 - 4. Townhouses;
 - 5. Multi-family dwellings;
 - 6. Public parks, buildings and grounds; and
 - 7. Child care home.

- C. Permitted Accessory Uses and Structures:
 - 1. Home occupations in accordance with Article 4, Section 11-411(K); and
 - 2. Accessory uses and structures normally appurtenant to the permitted uses and structures, when established in conformance with Section 11-411 of this Chapter.

- D. Permitted Conditional Uses: A building or premises may be used for the following in conformance with the conditions prescribed herein:
 - 1. Bed and Breakfast Guest Home
 - a. Parking as required in Article 12, Section 11-1201.
 - b. Signs as required in Article 5, Section 11-503.
 - c. A maximum of four (4) rooms or suites of rooms are made available for use as transient lodging.
 - d. The remainder of the dwelling shall be used and owned as a residence by the host family.

 - 2. Domestic Shelter
 - a. The maximum number of occupants of such facility shall not exceed one (1) person per seven hundred fifty (750) square feet of lot area.

I. Use Limitations: Each mobile home park shall be designed in accordance with the following minimum design standards:

1. Minimum Design Standards:

- a) The park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- b) Mobile Home Parks hereafter approved shall have a maximum density of seven (7) mobile homes per gross acre, and minimum area of four thousand four hundred (4,400) square feet shall be provided for each mobile home space.
- c) Each mobile home space shall be at least forty (40) feet wide at the front setback line and clearly defined.
- d) Mobile homes shall be located on each space so as to maintain a setback of no less than seventeen (17) feet from any public street, highway right-of-way, or "R-4" Residential District boundary; as to maintain a setback of no less than twenty (20) feet from the edge of a park roadway or sidewalk; as to maintain a setback of no less than twenty (20) feet or 20% of lot depth from a rear boundary line, whichever is smaller, of a mobile home space when such boundary line is not common to any public street, highway right-of-way, or "R-4" Residential District boundary; and as to maintain a setback of no less than five (5) feet from any side boundary line of a mobile home space.
- e) All mobile homes shall be so located to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than fifteen (15) feet between any mobile home and any appurtenance to a mobile home.
- f) All mobile home spaces shall front upon a private roadway of not less than twenty-four (24) feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty-two (32) feet. All roadways shall have unobstructed access to a public street.

2. Water Supply:
 - a) All mobile home parks shall be connected to a public water supply.
 - b) The individual water service connection shall be provided at each mobile home space and the size, location and installation of water lines shall be in accordance with the requirements of the City Plumbing Code.
3. Sewage Disposal: Individual sewer connections shall be provided for each mobile home space and shall be installed in accordance with the City Plumbing Code. All mobile home parks shall be connected to a public sewer system.
4. Tie Downs and Ground Anchors: All mobile homes shall be secured to the ground by tie downs and ground anchors in accordance with standards of the State Department of Health.
5. Blocking: All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home, and this blocking shall provide sixteen (16) inches by sixteen (16) inches bearing upon the stand.
6. Pad Requirements: Shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials, or shall be a hard surface of a minimum of two eighteen (18) inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.
7. Fire Safety Standards: When liquified petroleum gas is used in a mobile home park, containers for such gas shall not hold more than twenty-five (25) gallon water capacity, shall be the liquified petroleum gas containers approved by the United States Commerce Commission for its intended purpose, and shall be attached to the mobile home in a manner approved by the Liquified Petroleum Gas Association.
8. Skirting: Each mobile home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home and is consistent with the quality of development of the park.

Section 11-407, C-1 Central Commercial District

- A. Intent: This district is designed to provide for a wide range of retail, office, amusement and service uses normally found in a central business district. Highest density and intensity of use is permitted in this district.
- B. Permitted Principle Uses and Structures:
1. Apartments on floors other than ground floors;
 2. Automobile sales and services;
 3. Automotive wash facilities;
 4. Bakery;
 5. Banks, savings and loan associations, credit unions and finance companies;
 6. Barbershops, beauty parlors and shoeshine/repair shops (Ord. Rev. A);
 7. Business offices;
 8. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses);
 9. Detached banking facilities (ATM's) (Ord. Rev. A);
 10. Dry cleaning or laundry establishments;
 11. Food service, restaurants and taverns;
 12. Food storage lockers;
 13. Funeral homes and mortuaries;
 14. Garden centers;
 15. Motels and hotels;
 16. Museums and art galleries;
 17. Office buildings;
 18. Parking lots, parking garages and other off-street parking facilities;
 19. Personal and professional services;
 20. Photography studios;
 21. Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery pre-schools;
 22. Public and private charitable institutions;
 23. Public and quasi-public uses of an educational, recreational or religious type including pre-schools, public and parochial elementary schools and junior high schools, high schools; private non-profit schools, churches, parsonages, and other religious institutions; parks and playgrounds;
 24. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
 25. Public utility facilities;

F. Prohibited Uses and Structures: All uses and structures which are not specifically permitted as special uses shall be prohibited from the C-1 Central Commercial District.

G. Height and Area Regulations: The maximum height and minimum area regulations shall be as follows:

(a) General requirements:

	<u>Lot Area (sq. ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>
Other permitted uses	3,500	25'	0'	0', 10' when abutting a residential district	20'	35'
Dwelling, single family	7,000	50'	17'	5' if lot width is less than 70', 10' if lot width is 70' to 100' and 10% if lot width is greater than 100'	20'	35'
Dwelling, two-family	3,500 per family	25' per family	17'		20'	35'
Multiple Family	1,500 per unit	50'	17'		20'	35'
Apartments above Ground Floor	1,750 per unit	25'	0'	0', 10' when abutting a residential district	20'	35'

H. Parking Regulations: Parking within the C-1 Central Commercial District shall be in conformance with the provisions of Article 12, Section 11-1201 of this ordinance.

I. Sign Regulations: Signs within the C-1 Central Commercial District shall be in conformance with the provisions of Article 5, Section 11-503 of this ordinance.

Section 11-408, C-R Commercial/Residential District

- A. **Intent:** To provide for the trade, service, cultural and recreational uses which are appropriate to be developed in conjunction with a highway or major street and offer a desired convenience in location and accessibility to the motoring public and allow for single and multi-family dwelling units.
- B. **Permitted Principle Uses and Structures:**
1. ATM;
 2. Automobile sales;
 3. Automotive wash facilities;
 4. Construction sales and services;
 5. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses);
 6. Detached banking facilities;
 7. Farm implement sales and services;
 8. Finance, insurance and real estate services;
 9. Food service, restaurants and taverns;
 10. Freight terminals;
 11. Garden centers and nurseries;
 12. Mobile and modular home sales;
 13. Motels and hotels;
 14. Museums and art galleries;
 15. Public and private charitable institutions;
 16. Public and quasi-public uses of an educational, recreational or religious type including public and parochial elementary schools and junior high schools, high schools; private non-profit schools, churches, parsonages, and other religious institutions; parks and playgrounds;
 17. Public uses of an administrative, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities;
 18. Residential - single and multi-family dwelling units;
 19. Service stations and convenience stores;
 20. Stores or shops for the sale of goods at retail;
 21. Temporary shelter for homeless;
 22. Theaters;
 23. Transportation warehousing;
 24. Veterinary services; and
 25. Wholesale sales and services.

Section 11-409 M - Industrial District

- A. Intent: The intent of this district is to provide locations for all manufacturing, warehousing and distribution industries. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.
- B. Permitted Principle Uses and Structures:
1. Agriculture, excluding the development of or expansion of existing intensive livestock operational facility;
 2. Animal hospitals;
 3. Automobile and truck sales and services;
 4. Automotive wash facilities;
 5. Blacksmithing and welding shops;
 6. Bottling works;
 7. Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor or smoke;
 8. Carpenter, cabinet, plumbing or sheet metal shops;
 9. Carpet and rug cleaning and repair services;
 10. Construction sales and services;
 11. Disinfecting and exterminating services;
 12. Dry cleaning, laundering and dyeing services;
 13. Dyeing and finishing of textiles;
 14. Educational and scientific research services;
 15. Electrical sales and services;
 16. Equipment rental and leasing services;
 17. Farm machinery and equipment - retail;
 18. Farm supplies - retail;
 19. Feeds, grains and hay - retail;
 20. Food lockers and storage services;
 21. Foundries;
 22. Freight forwarding services;
 23. Furniture repair and re-upholster services;
 24. Fur repair and storage services;
 25. Gas and petroleum field services;
 26. Garden centers and nurseries;
 27. Gas utility maintenance yard;
 28. Harvesting services;
 29. Irrigation equipment sales and manufacture;
 30. Landscape sales and services;
 31. Machinery sales and storage lots;
 32. Mobile and modular home sales and manufacturing;
 33. Newspaper publishing plants and commercial printing;
 34. Outdoor advertising services;

- b. Provided that no more than four (4) wrecked, scrapped, or inoperable motor vehicles be on the premises for parts for sale or reuse at the same time.
2. Motor Vehicle Repair Service
 - a. Provided that all outdoor storage of materials and motor vehicles determined by the Zoning Administrator to be a safety hazard or visual blight shall be screened from public view and access from an adjacent arterial streets and all zoning districts other than Industrial Districts by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 50%.
3. Motor Vehicle Storage Yard (excluding salvage operations)
 - a. Provided that all vehicles shall be screened from public view and access from adjacent arterial streets and from all zoning districts other than industrial districts by a solid fence having a minimum height of six (6) feet and a visual density of no less than 50%.
4. Salvage Yards, Subject to the Following:
 - a. Located on a tract of land at least 300 feet from a residential district zone;
 - b. The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a fence or wall at least eight (8) feet high. The fence or wall, having a visual density of uniform texture and color, shall be so maintained by the proprietor as to insure maximum safety to the public and obscure the junk from normal view of the public. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard;
 - c. No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way;
 - d. Burning of paper, trash, junk or other waste materials shall be prohibited; and
 - e. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.

G. Height and Area Regulations: The maximum height and minimum area regulations shall be as follows:

(a) General requirements:

	<u>Lot Area (sq. ft.)</u>	<u>Lot Width</u>	<u>Required Front Yard</u>	<u>Required Side Yard</u>	<u>Required Rear Yard</u>	<u>Height</u>	<u>Maximum Lot Coverage</u>
Other permitted uses	none	75'	17'	5', 10' when abutting or across an alley from residential district	0', 10' when abutting or across an alley from residential district	50'	75%

H. Landscaping/Screening: A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high or a ten (10) foot landscape buffer consisting of trees, shrubs and evergreens, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial district are separated by a street right-of-way, such fence, wall or landscape buffer shall not be required. All fences, walls, or buffers shall be maintained by the owner or owners of this property in the M Industrial District.

I. Parking Regulations: Parking within the M Industrial District shall be in conformance with the provisions of Article 12, Section 11-1201 of this ordinance.

J. Sign Regulations: Signs within the I-2 Heavy Industrial District shall be in conformance with the provisions of Article 5, Section 11-503 of this ordinance.

Section 11-411 Supplementary District Regulations

A. Accessory Buildings and Uses:

1. Building and structures may be erected and land may be used for purposes which are clearly incidental, subordinate to, and customarily associated with the main permitted use of the same zone lot. Such accessory building and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful, or distributing to adjacent property or the users thereof and shall be on the premises of the main use. Such accessory activities shall be controlled in the same manner as the main use except as otherwise expressly provided for hereinafter. The determination of the eligibility of a proposed use as an accessory use shall be made by the building inspector and appeal can be made from his/her decision as set out in Article 9, Board of Adjustment.
2. Accessory buildings: No accessory buildings shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district, except that if the building has a vehicular alley entrance, the sum of the width of the alley and the setback of that structure shall not be less than twenty (20) feet.
3. Prohibited Accessory Uses: None of the following shall be permitted as an accessory use:
 - a. Outdoor storage or overnight parking in a residential district of commercial trucks or buses over a one (1) ton manufacturer rated hauling capacity but not including pick-up trucks.
 - b. Outdoor storage, except as specifically permitted in the district regulations.

- ### B. Erection of More Than One Principal Structure on a Lot: In any non-residential district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

K. Home Occupations: A home occupation may be carried on within a dwelling unit or accessory building under the following conditions:

I. Restriction and Limitations:

- a. No person other than members of the household residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for the one occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The maximum allowable area that may be utilized in conducting such home occupation shall be equal to twenty-five percent (25%) of the floor area of the dwelling unit.
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding three (3) square foot in area, non-illuminated and mounted flat against the wall of the principal building.
- d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.
- f. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
- g. All home occupations must be registered, a one time fee be paid and a permit must be received from the office of the Building Inspector on an annual basis. All home occupations must be registered by January 1, 1994.

2. Real Estate Office: Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
3. Seasonal Sales: Seasonal sale of farm produce grown on the premises in an agricultural district. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
4. Garage or Yard Sales: The sale of personal items on an infrequent basis at a residential use. Sales shall be limited to no more than three (3) days in any one month period and no more than three (3) sales per year. Sales shall be conducted on the owner's or renter's property and not on or within the public right-of-way.

(Ref. Section 11-411 amended by City Ordinance 1-04, adopted April 12, 2004)

M. New Water Wells:

1. No new water wells, except municipal wells, ground source heat pump wells, and domestic irrigation wells designed or capable of producing less than 50 gallons per minute, shall be drilled or constructed within the zoning jurisdiction of the City of Auburn. For a property that cannot be served by the City of Auburn municipal water system or by a Rural Water district, an applicant may apply for a special use permit for a single well per tract or lot, provided that such well shall not be designed or capable of producing more than 50 gallons of water per minute. An applicant may also seek a special use permit for replacement wells and commercial or industrial wells, excluding irrigation wells, having more than 50 gallons per minute capacity.

(Ref. Section 11-411 amended by City Ordinance #6-06, adopted August 14, 2006.)

Note: Ordinance No. 10-07 passed & adopted 7/23/07 to amend section 11-411 regarding fees for home occupations did not contain Section M regarding the 'new water wells'. This was mentioned to the city attorney on 8/28/07 and he is creating an ordinance to correct this matter.

(Ordinance No. 22-07, passed & adopted 9/10/09 corrected the matter.)

Article 5
SPECIAL STANDARDS

Section 11-501 Industrial Performance Standards. The Industrial Performance Standards indicated shall be considered minimum standards in those districts for which they are specified.

1. Physical Appearance: Automobile junk, salvage, wrecking, storage and similar operations shall be shielded from view from streets and from adjacent properties in another district by means of a sturdy, sight obscuring fence in good repair. All other operations shall be carried on within enclosed buildings except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment in operable condition.
2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other ordinances of the City.
3. Noise: No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and, when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include categorizations into a reasonable number of frequency ranges. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
4. Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course or the ground, of liquid wastes of any radioactive nature or liquid wastes of a chemical nature which are detrimental to normal sewage plant operations or coercive and damaging to sewer pipes and installations.
5. Air Contaminants: There shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety to any such considerable number of persons or have a natural tendency to cause injury or damage to business, vegetation or property.
6. 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 the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this ordinance.

- C. In the "AGR", "R-1", "R-2", "R-3", and "R-4" districts, bed and breakfast guest homes shall be allowed:
1. Only one (1) sign per establishment;
 2. Sign shall be non-illuminated;
 3. Sign face shall not exceed three (3) square feet;
 4. Sign shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection nor extend onto public right-of-way;
 5. A wall or projecting sign affixed to a building shall not have the top of said sign project higher than ten (10) feet from grade; and
 6. Freestanding or pole signs shall not exceed four (4) feet in height from the top of said sign to grade.
- D. Non-illuminated "For Sale" and "For Rent" single- or double-faced business signs subject to the following regulations:
1. Only one sign shall be permitted per lot;
 2. No sign shall exceed four (4) square feet in area;
 3. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection.
 4. When said sign is affixed to a building, it shall not project higher than ten (10) feet above the ground level.
 5. Ground signs shall not project higher than four (4) feet above ground grade.
- E. Bulletin boards and signs for churches and other public institutions subject to the following regulations:
1. One sign or bulletin board shall be permitted on each street side if located on the same site as the principal building;
 2. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses;
 3. No sign or bulletin board shall exceed twenty (20) square feet in area;
 4. No sign shall be located closer than eight (8) feet from any side or rear property line;
 5. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half the required front yard;
 6. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level;
 7. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade;
 8. Buildings constructed on the property line prior to the adoption of this ordinance shall be allowed one identification sign providing said sign is a flat wall sign and permanently attached to the building; and
 9. On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.

3. Sign regulations for "C-R" Commercial Residential District:
 - A. Business and advertising signs (single or double face) shall be allowed in "C-R" districts subject to the following:
 1. Outdoor advertising signs shall not extend more than six (6) feet from the building line into the front yard.
 2. In the front yard there may be one (1) other sign for each lot or each fifty (50) feet of street frontage and there shall not be more than two (2) for each business.
 3. Flashing signs are not permitted in "C-R" districts within seventy five (75) feet of a residential district zone;
 4. Non-flashing signs shall be permitted providing that where the sign is illuminated, direct rays of light shall not beam upon any residential building or into any street;
 5. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination;
 6. The gross surface area, in square feet, on one side of any business sign on a lot shall not exceed three (3) times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign;
 7. Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level;
 8. A maximum of three (3) signs (only one on a facade) shall be allowed for a business or profession conducted on the premises.
 9. No sign shall be permitted in or overhanging the road, street or alley right-of-way and no sign shall be located in a manner to constitute a traffic hazard;
 10. Sandwich board signs may be allowed providing said sign is permanently affixed to the surface on which it rests; and
 11. Advertising signs and billboards shall conform to the provisions specified.

7. Banners or mobile or temporary signs will be permitted in the "C-1" and "C-R" districts if they conform to the following provisions:
 - A. The sign must only identify special sales and/or openings;
 - B. The sign must be located on the premises of the commercial establishments for no more than sixty (60) days in any calendar year;
 - C. The gross square footage of the sign shall not exceed sixty (60) square feet in area;
 - D. The sign shall not exceed ten (10) feet in height; and

8. Non-illuminated "For Sale" and "For Rent" signs shall be permitted in the "C-1", "C-R", and "M" districts if they conform to the following provisions:
 - A. Only one sign shall be permitted per lot or structure;
 - B. No sign shall exceed thirty-two (32) square feet in area;
 - C. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection;
 - D. When said sign is affixed to a building, it shall not project higher than ten (10) feet above ground level; and
 - E. Ground signs shall not project higher than four (4) feet above ground grade.

Section 11-504 Permits and Fees Required.

1. A permit shall be required for the erection, construction or alteration of any sign in the City and the Planning Area.
2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided and no signboard shall be erected or painted on any area until the application is acted upon and granted.
3. A fee as determined by resolution of the City Council.
4. If a sign, for which a permit is granted, is not erected within sixty (60) days from the date of the permit, the permit shall, unless renewed, become void.
5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent.
6. All signs shall be constructed, located and placed in accordance with local ordinances and the laws of the State of Nebraska.
7. Permits are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.
8. For sale signs as indicated in Section 11-503.I.D. and Section 11-503.10 shall be excluded from permit and fee requirements.

Article 6
ADMINISTRATION AND ENFORCEMENT

Section 11-601 Administration and Enforcement; Generally. An Administrative Official designated by the City Council shall administer and enforce this ordinance. He/she may be provided with the assistance of such other persons as the Mayor and Council may direct.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of this violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 11-602 Schedule of Filing Fees. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

- A. All fees and charges shall be determined by resolution of the City Council and shall accompany each application for filing an appeal or request to the Board of Adjustment, rezoning and special use permits.
- B. **Special Use Permits.** For the purpose of wholly or partially defraying the cost of special use permit hearings, including publication costs, mailing of notices, etc., the applicant, upon filing of the application shall pay to the Administrative Official a fee as determined by the City Council. Promptly upon the filing of any such application, the Administrative Official shall refer the application to the Planning Commission for study and recommendation, and shall report to the Governing Body concerning the nature of the application and that said application has been referred to the Planning Commission.

Section 11-603 Occupancy Permits. No structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any purpose; and no use of land or structure shall be changed to any other use, unless an occupancy permit shall first have been obtained from the Building Inspector certifying that the proposed use of occupancy complies with all the provisions of these Zoning Regulations.

- A. **Application for Occupancy.** Every application for a building permit shall be deemed to be an application for an occupancy permit. Every application for an occupancy permit for a new or changed use of land or structures where no building permit is required shall be filed with the Building Inspector and be in such form and contain such information as the Building Inspector shall provide by general rule.

Article 7
SPECIAL EXCEPTION USES

Section 11-701 Special Exception Uses; Purpose. The City Council of the City of Auburn may authorize by special permit after public hearing, any of the following buildings or uses designated in this Ordinance as special exception uses. Any conditional use permit may be authorized by the City Council of the City of Auburn in the same manner as special exception uses.

Section 11-702 Special Exception Uses; Procedure. The applicant for a special exception use permit shall submit at least four (4) copies of a site plan for the proposed use. The site plan shall show the location of all existing and proposed buildings, landscaping, parking areas and individual spaces, points of egress and ingress, fencing, lot dimensions, adjoining streets and structures, and all water courses and flood designated areas. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the City Council, as soon as is practicable. Upon hearing, the City Council may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. No special exception use permit shall become effective until after separate public hearings are held by both the Planning Commission and the City Council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time and place of such hearing shall be given by publication thereof in a paper of general circulation. (Ref. 19-904 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice of the purpose, time and place of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The notice shall be placed at least ten (10) days prior to the date of each hearing. If the record title owners of any lots included in such proposed change be nonresidents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last known address at least ten (10) days prior to such hearing. (Ref. 19-905 R.S. Neb.).

Section 11-703 Special Exception Uses; Standards.

- A. The City Council and the Planning Commission in considering an application for a special exception use may consider, among other things, the most appropriate use of the land; the conservation and stabilization of the value of property; adequate open space for light and air; concentration of population; congestion of public streets; and the promotion of public safety, health, convenience and comfort. The City Council, upon recommendation of the Planning Commission, may stipulate and require such conditions and restrictions upon the special exception use and operation deemed necessary for the protection of the public interest and to secure compliance with this ordinance.

The special exceptions uses shall conform to the intent and purpose of this ordinance and the following requirements:

1. The use shall in all other respects conform to the applicable regulations of the district in which it is located.
2. The use shall conform to all other applicable ordinances, laws, and regulations of any governmental jurisdiction.

2. Private Swimming Pools:

- A. Shall be located at least ten (10) feet from the nearest property line.
- B. Shall be walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property.
- C. Shall be screened by a solid or semi-solid wall or fence at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than eighty percent (80%) per square foot, where the property on which the pool is located abuts a residential district.
- D. Shall conform to the National Electric Safety Code and all applicable City Codes.

3. Kennels (breeding and boarding):

- A. The minimum lot size shall be not less than two (2) acres.
- B. No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line.
- C. All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chainlink fence with aluminum strip intertwined, or other equivalent fencing, providing a sight barrier to the dogs.

4. Auto Wrecking Yards, Junk Yards, Salvage Yards, and Scrap Processing Yards:

- A. Shall be located on a tract of land at least three hundred (300) feet from a residential district zone.
- B. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight (8) feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.
- C. No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.
- D. Burning of paper, trash, junk or other waste materials shall be prohibited.
- E. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.

Article 8
PLANNED UNIT DEVELOPMENT

Section 11-801 Planned Unit Development; Defined. The owner or owners of any tract of land, comprising an area of not less than two (2) acres for residential development, four (4) acres for a commercial development, or ten (10) acres for an industrial development located in any zoning district, may submit a plan for the total development of the area in accordance with the following standards and requirements as a Planned Unit Development.

The Planned Unit Development (PUD) district is intended to permit private or public development or redevelopment of areas throughout the City which shall be substantially in accordance with goals and objectives of the comprehensive plan for the City of Auburn. The proposed development shall provide a desirable environment and shall be harmonious with the general surrounding uses while permitting flexibility in overall development.

Section 11-802 Planned Unit Development; Purposes. Some specific purposes of the planned development procedure are:

- A. **Residential Planned Development:** To offer recreational opportunities close to residents, to enhance the appearance of neighborhoods by the conservation of streams and local spots of natural beauty, to add to the sense of spaciousness through the preservation of natural green spaces, to counteract the effects of urban monotony and congestion in the streets, to encourage cooperative relationships between neighbors and participation by all age groups in the use and care of local open space tracts in new residential subdivisions, to promote harmonious architecture between adjacent dwellings or institutional buildings, and to encourage the placement of structures in proper relationship to the natural characteristics of the site.
- B. **Business Planned Development:** To promote the cooperative development of business centers, each with adequate off-street parking to control access points on thoroughfares, to separate pedestrian and automobile traffic, to aid in stabilizing property values, to develop centers of size and location compatible with the market potential, to buffer adjacent residential areas with landscaped green spaces, and to encourage harmonious architecture between adjacent commercial structures and between homes and commercial structures.
- C. **Industrial Planned Development:** To promote the establishment of industrial parks, to permit groups of industrial buildings with integrated design and a coordinated physical plan, to encourage recreational facilities within industrial areas, and to buffer adjacent residential areas with landscaped green spaces.

F. Accompanying the plans, the following shall be submitted:

1. Name, address, and telephone number of developer;
2. Certified record owner or owners and their address; and
3. Legal description of the proposed planned unit development, including the number of acres.

Section 11-804 Planned Unit Development; Use Exceptions. The Planning Commission may recommend and the City Council may authorize that there be in part of the area of such development, specified uses not permitted by the use regulations of the district in which said development is located; Provided, that the Planning Commission shall find;

- A. That the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;
- B. That the uses permitted by such exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and
- C. That not more than twenty percent (20%) of the ground area of the gross floor of such development shall be devoted to the uses permitted by said exception.

Section 11-805 Planned Unit Development; Density Regulations. In the case of any planned development, the Planning Commission may recommend and the City Council may authorize exceptions to the applicable density regulations of this ordinance within the boundaries of such development, providing that the Planning Commission shall find:

- A. That such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development, as well as the neighboring property, than would be obtained under the bulk regulations of this ordinance for buildings developed on separate zoning lots;
- B. That along the periphery of such planned developments, yards shall be provided as required by the regulations of the district in which said development is located; and
- C. That a residential planned development, the maximum number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the district or districts in which the area is located and increasing the resulting figure by fifteen percent (15%). Net development area shall be determined by subtracting the area set aside for nonresidential uses from the gross development area and deducting ten percent (10%) of the remainder for streets, regardless of the amount of land actually required for streets. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted.

Article 9
BOARD OF ADJUSTMENT

Section 11-901 Board of Adjustment; Establishment. A Board of Adjustment is hereby established, which shall consist of five (5) regular members, plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed by the City Council for a term of three (3) years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such members shall also result in his/her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

Section 11-902 Board of Adjustment; Proceedings. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairperson or, in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be of public record.

Section 11-903 Board of Adjustment; Hearing Appeals, Notice. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the municipality affected by any decision of the Administrative Official. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and, with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney.

Section 11-904 Board of Adjustment; Stay of Proceedings. An appeal stays all proceedings in the furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown.

No non-conforming use of neighboring land, structures or buildings in the same district and no permitted or non-conforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance.

A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

1. A written application for a variance is submitted indicating the terms of this ordinance under which the variance is sought, stating the ground on which it is requested, and the specific variance requested;
2. Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which variance is sought or his/her agent shall be notified by mail. Notice of such hearing shall be posted on the property for which variance is sought, at the City Hall and in one other public place, at least fifteen (15) days prior to the public hearing;
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
4. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance under the terms of this ordinance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
5. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 11-1103 of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end, shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance.

Article 10 AMENDMENTS

Section 11-1001 Amendments. The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed; provided, however, that no such action may be taken until the proposed amendment has been referred to the Planning Commission for its study and recommendation and the City Council has held a public hearing thereon.

An amendment may be initiated by the City Council, by a motion of the Planning Commission, or when involving a map change, by a written petition of any property owner addressed to the City Council. The City Council shall act on such petitions within ninety (90) days of receipt. Having once considered a petition, the Council will not consider substantially the same petition for one (1) year.

All proposed amendments (except those initiated by the Planning Commission) shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study the proposals to determine:

- A. The need and justification for the change;
- B. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on surrounding properties;
- C. When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the City having the same district classification as requested;
- D. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purpose of this ordinance and the Comprehensive Plan.

Within forty-five (45) days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the City Council and the Planning Commission) shall be advisory only, and shall not be binding on the City Council. If the Planning Commission does not submit its report within the prescribed time, the City Council may proceed to act on the amendment without further awaiting the recommendations of the Planning Commission.

No such regulation, restriction or boundary shall become effective until after a public hearing, by both the Planning Commission and City Council, in relation thereto, at which time parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a paper of general circulation in such municipality, at least one time ten (10) days prior to such hearing.

Article 11 VIOLATIONS

Section 11-1101 Violations; Ordinance Declared to be Minimum Requirement.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

Section 11-1102 Violations; Complaints Regarding Violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He/she shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

Section 11-1103 Violations; Penalties. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances of special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars \$100 for any one offense. Each day such violation continues after notice of violation is given to the offender may be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

In case any builder or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance or other regulations, the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 11-1104 Violations; Separability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Article 12
OFF-STREET PARKING AND LOADING

Section 11-1201 Off-Street Parking and Loading: Requirements. The following off-street parking requirements and spaces are hereby established and required for all new construction for which building permits are required for new structures. Such requirements shall be and constitute the minimum off-street parking or loading requirements and shall not prevent the City Council from requiring additional parking spaces for new structures if the minimum off-street parking requirements are insufficient to provide adequate parking of vehicles. Off-Street parking requirements will not apply to the renovation/rehabilitation of existing structures in the C-1 Central Commercial District.

<u>Uses and Structures</u>	<u>Minimum Off-Street Parking Requirements (Applicable in all zoning districts to the uses or structures indicated)</u>	<u>Minimum Off-Street Loading Requirements (Applicable in all districts to the uses or structures indicated)</u>
Residential Structures (including mobile home dwellings and multiple-family dwellings)	2 spaces per dwelling unit	None required
Mobile Home Park	2 spaces per dwelling unit	None required
Lodging and Boarding Houses	1 space per each rental unit	None required
Nursery and Primary Educational Services	Parking spaces equal to 20% of capacity of students	2 spaces per structure
All other Educational Services	Parking spaces equal to 40% of capacity of students	2 spaces per structure
Libraries	1 space per 500 sq. ft. of floor area	1 space per structure
Hospitals	1 space per 2 beds	3 spaces per structure
Medical Clinics	5 spaces per staff doctor or dentist	None required
Veterinary Establishments	3 spaces per staff doctor	None required
Sanitariums, Convalescent and Rest Home Services	1 space per 3 beds plus 1 space per employee	1 space per establishment
Funeral Homes and Chapels	8 spaces per reposing room	2 spaces per establishment

General Conditions. The following general conditions shall apply, except as otherwise noted in this Chapter.

- A. Parking spaces are permitted in the required front and rear yards in all districts and may be permitted in the adjacent in-paved right-of-way, subject to approval by the City Council.
- B. No parking space is permitted in the required side yard.
- C. All required parking spaces shall be provided on the same lot as the use for which they are required.
- D. Any parking requirement resulting in a partial parking space shall be rounded up to the next whole number.

Section 11-1202 Off-Street Parking and Loading; Building Permits. No building permit for new structures shall be granted unless the minimum parking and minimum loading requirements as set forth in Section 11-1201 of this ordinance are met and provided for in the plan or plans and specifications for the construction of the structure for which the building permit is applied. The Council may require additional parking and loading space requirements if the minimum parking and loading requirements set forth are insufficient for the structure for which the building permit is applied for and may require that the plan or plans and specifications for each new structure provide for such additional off-street parking or loading requirements in addition to the minimum off-street parking and loading requirements set forth in Section 11-1201 of this ordinance. All parking spaces shall be at least 19 feet by 8 feet 6 inches in size and be provided adequate driveways.

Section 11-1203 Off-Street Parking; On Streets. Where the site of any new construction of any structure for which a building permit has been applied for is located on any street of the platted width of not less than eighty (80) feet and the site of the structure to be built borders or adjoins such street, the Council may permit off-street parking between curb or outside ditch line and the sidewalk or property line, provided such street is not an arterial or collector street as designated in the Comprehensive Plan, and such parking is not located in the sight triangle as defined by these regulations. In granting such permit, the Council may specify such requirements as to the construction of such off-street parking as in its determination will provide an adequate and proper off-street parking facility.

Section 11-1204 Parking Lots: Parking lots consisting of twelve (12) or more parking spaces located in any zoning district except for nonpermanent lots that are allowed for no more than a period of two years, and lots for the purpose of sale, resale or servicing of vehicles shall be constructed in accordance with the following requirements:

- A. Design Standards: All parking lots authorized by this chapter shall be constructed pursuant to and in conformance with the design standards adopted by the City and on file with the City Clerk.
- B. Entrances and exits: The location and design of all entrances and exits shall be subject to the approval of the City.
- C. Lighting: If lighting is used to illuminate parking lots, it shall be so arranged as to reflect lighting away from the adjacent properties and public street.

Article 13
PENAL PROVISION

Section 11-1301 Violations; Penalty. (A) Any person, or any person's agent or servant, who violates any of the provisions of this (municipal code/chapter), unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this (code/chapter).

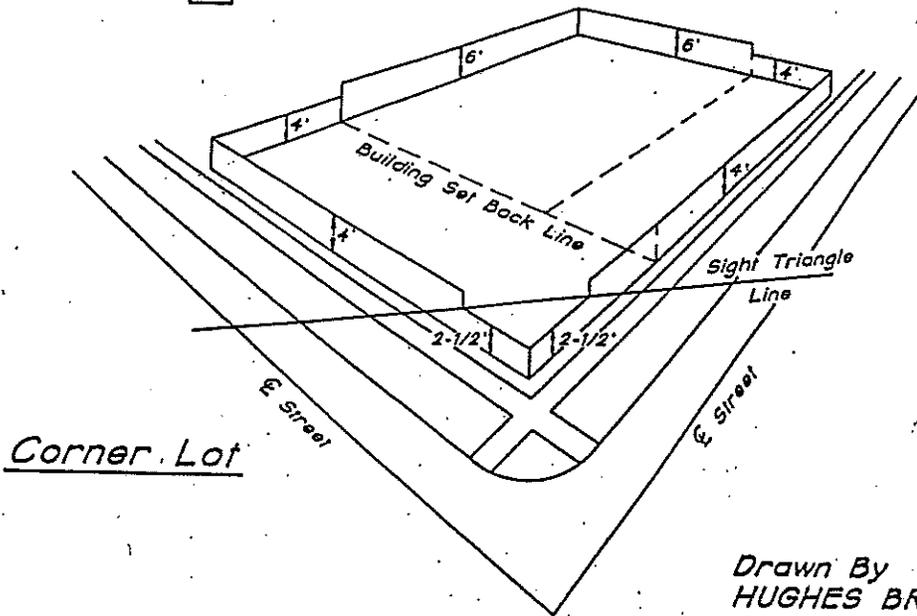
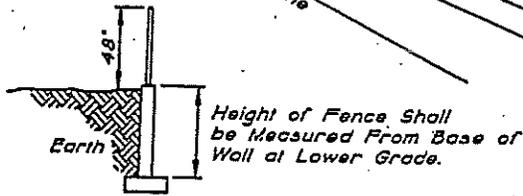
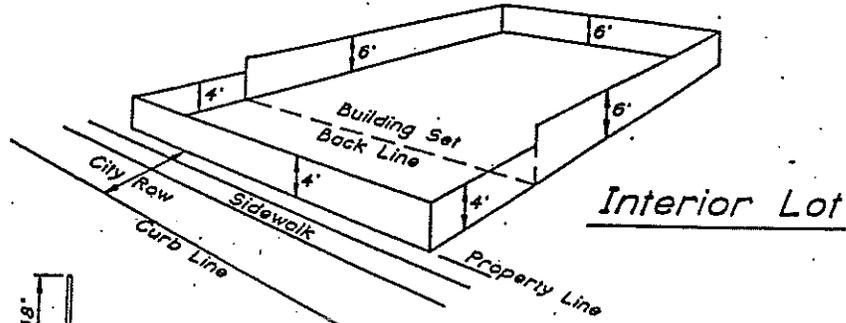
- (B) (1) Whenever a nuisance exists as defined in this (Code/chapter), the municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.
- (2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

Statutory reference: Neb. RS 17-505, 18-1722
(Reference City Ordinance 6-00, adopted July 10, 2000)

APPENDIX I

Height Regulations for Fences, Walls, Retaining Walls and Hedges

Permitted Heights of Fences, Walls, Retaining Walls, and Hedges



Drawn By
HUGHES BROTHERS
 Seward, NE

- Ref. Section 11-411 H -

AUBURN, NEBRASKA

SUBDIVISION REGULATIONS 2009

HANNA:KEELAN ASSOCIATES, P.C.
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SECTION 1. AUTHORITY. These regulations are hereby adopted and enacted under authority of R.R.S., Nebr. 1943, Chapters 19-916 thru 19-922 and 17-1001 thru 17-1003, and amendments thereto, 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 endorsement thereof by the Auburn, Nebraska Planning Commission and by the Mayor and City Council. No final plat of a subdivision shall be approved and accepted by the Auburn City Council, unless it conforms to the provisions of these regulations.

SECTION 2. PURPOSE. The purpose of these regulations is to provide for the orderly development of Auburn and its environs; to proscribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreation, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

SECTION 3. JURISDICTION. The provisions of this ordinance shall apply within the area of planning and zoning jurisdiction as defined on the Official Zoning Maps of the City of Auburn, Nebraska, as may be amended from time to time.

SECTION 4. APPLICABILITY. Any plat, hereafter made, for each subdivision or part thereof lying within the jurisdiction of this ordinance, shall be prepared for approval and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the re-subdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from these regulations. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereafter provided.

A. Each separate principal use/building within the jurisdiction of this ordinance shall be situated on a separate and single subdivided lot of record unless otherwise provided in the zoning ordinance of the City of Auburn, Nebraska.

B. No subdivision of land shall be permitted within the jurisdiction of this ordinance unless a plat is approved in accordance with the provisions of this ordinance. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the Auburn City Council and recorded with the Nemaha County Register of Deeds.

COMPREHENSIVE PLAN. The long range development plan adopted by the Auburn City Council.

COVENANT. Written promise or pledge.

CULVERT. A transverse drain that channels water under a bridge, street or driveway.

EASEMENT. A grant by property owner to the public, a corporation or persons of the use of a tract of land for a specific purpose.

ENGINEER. One, licensed by the State of Nebraska, designated by the Auburn City Council to act for the City.

FRONTAGE. The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street.

GREEN AREA. Same as common open space.

IMPROVEMENT. Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one (1) main building together with its accessory buildings, the open spaces and parking required by this Article and fronting upon a street.

LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection.

LOT, INTERIOR. A lot other than a corner lot which has frontage on one street only.

LOT, THROUGH. A lot other than a corner lot fronting on more than one street.

LOT OF RECORD. A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Nemaha County Register of Deeds.

MONUMENTS. Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

OUT LOT. Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

SUBDIVISION. The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership, building development, or, if a new street is involved, any division of a parcel of land. The term includes re-subdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR. Any person registered in Nebraska to practice surveying.

THOROUGHFARE, STREET OR ROAD. The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

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

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

Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

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

Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street or Service Road)

VICINITY MAP. A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Auburn, in order to better locate and orient the area in question.

WALKWAY. See sidewalk.

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

7.5 Notification of County Planning Commission. *This Section shall only be required in the future if Nemaha County adopts its own Comprehensive Plan and enforces Subdivision Regulations within its jurisdiction.* The City shall notify the Nemaha County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given four (4) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

7.6 Notification of School Board. At least ten (10) days prior to the Auburn Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall request the City Clerk's Office to submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

7.7 Approval or Rejection. After review of the preliminary plat and negotiations with the subdivider, the Auburn Planning Commission shall recommend the rejection or conditional approval of the preliminary plat to the City Council, regarding the preliminary plat, within thirty (30) days after the official meeting at which the plat was considered.

7.8 Recording of Action. The action of the Auburn Planning Commission shall be noted on four (4) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy relayed to the City Clerks Office, one Copy retained by the City Council and one (1) copy retained by the Planning Commission.

7.9 Approval is Conditional. Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide for the preparation of the final plat, which will be subject to further consideration by the Auburn Planning Commission and the Auburn City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

7.10 Installation of Improvements for Final Plat Approval. Following approval of the preliminary plat, the subdivider shall:

- (1) Agree to install the required improvements or;
- (2) Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or

7.15 Planning Commission Recommendations. The Planning Commission shall recommend to the City Council, either the rejection or approval of the final plat and forward the prepared recommendation to the City Council, recommending its rejection or approval. All reasons for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given the subdivider within sixty (60) days after submission of the final plat to the Planning Commission. In the event that the Planning Commission does not forward its recommendation to the City Council within (30) days after such notification is not given within the prescribed (60) day period, the City Council may proceed without notification of approval or rejection.

7.16 Administrative Subdivision. In the event that a proposed subdivision does not involve the platting and dedication of streets, extension of utility systems, change in subdivision class and type, change in zoning district, change in surface drainage, and will not result in the creation of more than three (3) lots of record, the subdivider may apply for administrative subdivision under the provisions of this section. The utilization of the administrative subdivision does not relieve the subdivider of its obligation to comply with Section 8: Streets, Alleys, Sidewalks and Driveways; and Section 9: Utility and Drainage Facilities of the Subdivision Regulations. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of the administrative subdivision. An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant shall submit an application on a form established by the Zoning Commissioner/Building Inspector. The application shall be accompanied by a plat of all lots and parcels that are affected by the action prepared by a licensed surveyor showing the previous and proposed new boundaries; provided that a plat prepared by a licensed surveyor shall not be required wherein a portion of one platted lot is added to a portion or all of an adjacent lot or where one platted lot is divided into two (2) parts. The plat shall contain the following:
 - a. Date, title, name, and location of the subdivision.
 - b. Names and locations of abutting streets and lots identifying street names and lot and block numbers.
 - c. Identification of the new lot and block numbers and set back lines.
 - d. Graphic scale and true north point.
 - e. Monuments.
 - f. Dimensions, angles and bearings and complete legal description of the property.
 - g. Sufficient engineering data to reproduce any line on the ground.
 - h. Location, dimensions, and purposes of any existing easements and structures.
 - i. Certification by surveyor or engineer certifying to the accuracy of the survey and plat.
 - j. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.
2. If a plat is not required under this section, a plot plan shall be submitted with the application and shall contain the following:

8.2 Street Extension. The street layout of the proposed subdivision shall provide for the continuation of appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the Board of Public Works and/or the City Council it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the City of Auburn deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least sixty (60') feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

8.3 Dedication of Right-of-Way for New Streets. The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive development plan. All streets classified as arterial streets by the comprehensive development plan shall have all points of access approved by the Auburn Board of Public Works or authorized representative of the City of Auburn. Marginal access streets may be required by the standards of the City of Auburn, for subdivisions fronting on arterial streets.

8.4 Dedication of Right-of-Way for Existing Streets. Subdivisions platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in this Article. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one (1) side of an existing street, one half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

8.5 Intersections. Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be at any angle of less than 60 degrees. Street curb intersections shall be rounded by radii of at least twenty (20') feet. When the smallest angle of street intersection is less than 75 degrees, the standards of the City of Auburn, may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within fifty (50') feet of the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

8.8 Street Jogs. Street jogs with center line offsets of less than one hundred twenty-five (125') feet shall be prohibited. Cul-de-sacs, minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500') feet and shall be provided at the closed end with a turnaround having a radius at the outside of the right-of-way of at least eighty (80') feet.

8.9 Street Names. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix. Whenever a street alignment changes direction more than 45 degrees without a return to the original alignment within a distance of five hundred (500') feet, then the name of the street shall be changed at the point of curvature. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the Auburn Board of Public Works or designated City Engineer prior to such names being assigned or used.

8.10 Private Streets and Reserve Strips. There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the City or County under conditions approved by the Council as authorized herein.

8.11 Grading Specifications. All streets, roads and alleys shall be graded to their full widths by the subdivider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council, after recommendation by the Auburn Board of Public Works, or the City's authorized City Engineer. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2') feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

8.12 Minimum Pavement Widths. Pavement widths shall be measured between curb backs.

8.13 Street Surfacing. The streets in the proposed subdivision shall be concrete paved, including curbs and gutters. Requirements for paving, including curb and gutter, may be waived at the request of the subdivider, when approved by the City Council. Streets in such subdivision with "approved waivers," shall have either a crushed rock or gravel surface which meets the specifications of the City.

8.20 Street and Walkway Lighting. The street lights shall be installed to the standards of the City of Auburn. Such lights shall be located at each street and walkway entrance to the subdivision. In addition, whenever the distance between two (2) adjacent street or walkway lights would exceed three hundred (300') feet, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained. New subdivision street and walkway lighting may be installed with all associated wiring underground or overhead, as required by the City.

SECTION 9. UTILITY AND DRAINAGE FACILITIES.

9.1 Sewer and Water. It shall be required that the owner or developer of the tract to be subdivided install, satisfactory sewer and water lines which are necessary to serve such subdivision. Installation of the above shall be in accordance with the specifications of the City and under the direction and supervision of the Auburn Board of Public Works. Where adequate water and sewer lines are accessible within thirteen hundred twenty (1,320) feet of the final plat, connections to these lines shall be made. Water lines shall be looped according to specifications set by the Board of Public Works.

The cost of providing this engineering service will be the responsibility of the owner or developer of the tract to be subdivided or by other agreement with the City. Design of municipal water mains and sanitary sewer lines shall conform to standards and guidelines approved by the Nebraska Department of Environmental Quality and the Department of Health and Human Services System.

9.2 Sanitary Sewer Improvements. The following requirements shall govern sanitary sewer improvements:

1. Where an adequate public sanitary sewer system is reasonably accessible by the standards of the City of Auburn, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the City standards and the Nebraska Department of Environmental Quality and the Department of Health and Human Services System. Combinations of sanitary sewers and storm sewers shall be prohibited.
2. Where a public sanitary sewer system is not reasonably accessible (**for example, when the site is located within the One-mile Planning Jurisdiction of the City of Auburn**), the subdivider shall adhere to the requirements of the City of Auburn Building Permit process.

9.4 Storm Sewers and Storm Water Drainage. Where an adequate public storm sewer system is available at the plat boundary, the City shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easement of adequate width shall be provided, as determined by the City Engineer and approved by the City Council. Paved gutters or storm sewers shall be required if velocities are greater than specified in these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

9.5 Culverts and Bridges. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the City of Auburn to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the standards of the City of Auburn. The minimum diameter of a culvert pipe shall be eighteen (18") inches. Depending on existing drainage conditions, head walls may be required.
2. Driveway culverts shall have a minimum length of twenty (20') feet, and a minimum diameter of eighteen (18") inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

9.6 Solar Access. In order to promote the conservation of energy through the use of both passive and active solar systems, streets in residential subdivisions are recommended, where possible, to have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.

In order to allow the orientations of structures on the site so as to maximize potential solar gain, side lot lines are recommended to run as near to north-south as possible providing that the angle between the side of lot line and the street right-of-way line on a straight street or the tangent to a curved street shall not be less than 80 degrees.

Any property owner or developer may grant or establish a solar sky-space easement to protect solar energy systems from shade. The easements shall be created in writing and shall be recorded separately or should be contained on the face of the plat. The easements shall run with the land.

9.7 Erosion Control. The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as required by the standards of the City of Auburn.

In lieu of requiring the completion of all improvements prior to the final plat approval, the City Council may enter into an agreement with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this Ordinance and approved by the Planning Commission and City Council, in a manner satisfactory to the City Council. To secure this agreement, the subdivider shall provide, subject to the approval of the City Council, one (1) or more of the guarantees set forth in Section 11.1, 11.2, and 11.3.

11.1 Surety Performance Bond. The subdivider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover one hundred ten (110%) percent of the cost of all improvements, as estimated by the subdivider and accepted by the City Council, upon recommendations of the City Attorney and Engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council, in accordance with Section 11.9 of this Ordinance.

11.2 Escrow Account. The subdivider shall deposit cash, or other instrument readily convertible to cash at face value, either with the City Council, or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to one hundred ten (110%) percent of the estimated cost of all required improvements as estimated by the subdivider and accepted by the City Council, or by its authorized representative, upon recommendation of the City Engineer.

11.3 Security Agreement. The subdivider shall provide a Security Agreement guaranteeing the installation of all required improvements. The Security Agreement must be approved by the City Attorney and in an amount sufficient to guarantee the installation of all improvements.

In the case of an escrow account, the subdivider shall file with the City Council, or by its authorized representative, an agreement between the bank and himself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during that period.
2. That in the case of a default on the part of the subdivider to complete said improvements, the bank shall immediately make the funds of said account available to the City Council for use in completion of the improvements.

11.8 Failure to Complete Improvements. If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 11.9 below within the required time period, either for reason of non-completion or for reason of substandard and unacceptable construction, the City Council shall accept one (1) of the following sections:

1. Where improvements have been guaranteed under Section 11.1 of this Ordinance, the bond shall be forfeited to the City.
2. Where improvements have been guaranteed under Section 11.2 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited.

Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the subdivider without interest.

11.9 Inspection and Certification. The City Engineer, or other authorized person, shall regularly inspect construction of required improvements for defects. Upon completion of the improvements, the City Engineer, or other authorized person, shall file with the City Council, a statement either certifying that the improvements have been completed in the specified manner or listing defects in those improvements which do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the subdivider shall file with the City Clerks Office, a statement stipulating the following:

1. That all required improvements are complete.
2. That these improvements are in compliance with the minimum standards of the City of Auburn and in conformance with the approved final plat by the Planning Commission and City Council.
3. That the subdivider knows of no defects from any cause in the improvements.
4. That these improvements are free and clear of any encumbrance or lien.

If the Auburn Board of Public Works or designated City Engineer has certified that the improvements are complete and free from defect, the City Council shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

The plan adopted by the City Council shall contain sufficient detail to provide reasonable persons with a full and complete understanding of the intentions of the City for extending City services to the land proposed for annexation. The plan shall:

1. State the estimated cost impact of providing the services to such land.
2. State the method by which the City plans to finance the extension of services to the land and how any services already provided to the land will be maintained.
3. Include a timetable for extending service to the land proposed for annexation, and
4. Include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City, the proposed boundaries of the City after annexation and the general land-use pattern in the land proposed for annexation.

A public hearings on the proposed annexation shall be held within sixty days following the adoption of the resolution to allow the City Council, or by its authorized representative, to receive testimony from interested persons. The City Council, or by its authorized representative, may recess the hearing, for good cause, to a time and date specified at the hearing.

A copy of the resolution providing for the public hearing shall be published in the official newspaper or the City at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail, following its passage, to the school board of any school district in the land proposed for annexation.

SECTION 14. VARIANCES.

14.1 Granting of Variances; Conditions. The Auburn City Council may grant variances from the provisions of the Subdivision Regulations herein, but only after determining that:

1. There are unique circumstances or conditions affecting the property,
2. The variance is necessary for the reasonable and acceptable development of the property in question,
3. The granting of the variance will not be detrimental to the public welfare or injurious to the adjacent property.

14.2 Recording of Plat. In no case shall the requirement of filing and recording a plat for subdivision be waived.

16.2 Recreation Sites. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes; and shall be improved by the developer to the standards required by the Planning Commission, which improvements shall be included in the performance bond. A recreation site shall have a total frontage on one (1) or more streets of at least one hundred feet (100'), and no other dimension of the site shall be less than one hundred feet (100') unless it is for a designated linear park. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Auburn Park Board for a recommendation. All land to be reserved for dedication to the City of Auburn for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Dedicated for Park."

SECTION 17. AMENDMENTS. Any provision herein from time to time may be amended, supplemented, changed, modified or repealed by the Governing Body according to law; Provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report and recommendations of the Planning Commission.