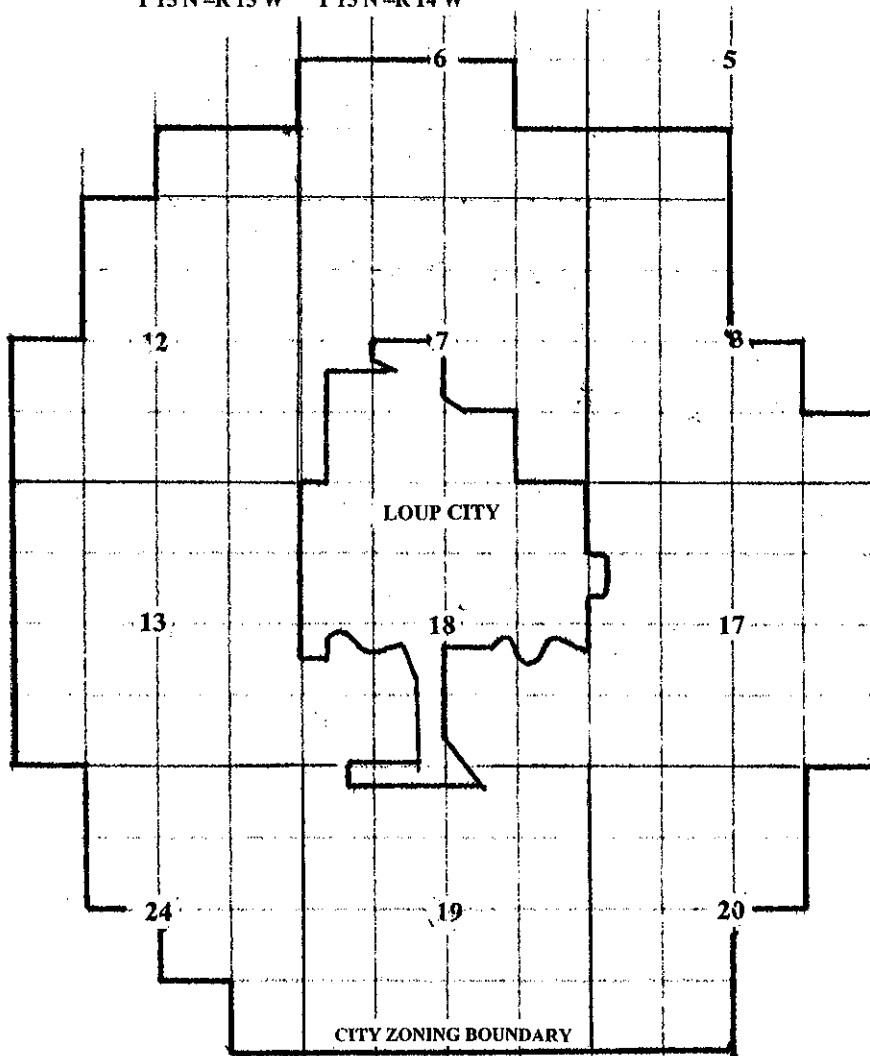


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ORDINANCE NO. 441

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF LOUP CITY, NEBRASKA, BY REPEALING CHAPTER 11, ARTICLE 1, ENTITLED "ZONING ORDINANCE"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AND ORDERING THE PUBLICATION OF SAID ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LOUP CITY, NEBRASKA.


Section 1. Chapter 11, Article 1 entitled "Zoning Ordinance" of the Municipal Code of the City of Loup City, Nebraska, is hereby amended to read as follows:

See attached Exhibit A

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

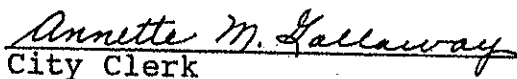
Section 3. That this ordinance shall be published in pamphlet form and shall be in full force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 6th day of June, 1995.



Council President

ATTEST:



City Clerk



**SECTION 19.
SCHEDULE OF DISTRICT REGULATIONS.
DESCRIPTION OF DISTRICTS.**

For the purpose of carrying out the provisions of Ordinance No. 441, known as the Loup City Zoning Ordinance, the City of Loup City, Nebraska, and an area within one mile of the corporate limits thereof, is hereby divided into the following zoning districts:

- A - Agricultural District
- R-1 - Residential District (Low Density)
- R-2 - Residential District (Medium to High Density)
- C-1 - Commercial Business District
- C-2 - Highway Commercial District
- I - Industrial District
- GWP - Groundwater Protection District

**SECTION 20.
ZONING DISTRICTS.**

**DISTRICT A
AGRICULTURAL DISTRICT**

In District A, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

PERMITTED USES:

- (1) Farming, dairy farming, livestock and poultry farming and all uses commonly classed as agriculture. There shall be no restrictions of operation of vehicles, or machinery customarily incidental to such uses; of the sale or marketing of products raised on the premises, provided that any building, structure or yard used for the raising, feeding, housing or sale of livestock or poultry shall be located at least five hundred (500) feet from a dwelling in the R Residential District, and further providing that there be no feeding or disposal of garbage, rubbish or offal with five hundred (500) feet of a R Residential District.
- (2) Churches and publicly owned and operated community buildings, public museums, public libraries.
- (3) One family dwellings.
- (4) Fish hatcheries, apiaries, aviaries.
- (5) Fur farming.
- (6) Forest, wildlife and conservation reservations.
- (7) Golf courses and clubhouses customarily incident thereto except miniature golf, driving ranges and similar activities used as a business.
- (8) Hospitals, sanitariums, nursing homes, homes for the aged and persons with disabilities.

- (9) Kennels, provided that the pens and buildings shall not be located closer than five hundred (500) feet to a dwelling in a R Residential District.
- (10) Nurseries, greenhouses and truck gardens.
- (11) Publicly owned parks and play grounds, including such public recreation or service buildings within such parks, public administration buildings, police, fire stations and public utility buildings and structures.
- (12) Public schools, elementary and high and private schools with curriculum equivalent to that of a public elementary or high schools and institutions of higher learning, including stadium and dormitories in conjunction, if located on campus.
- (13) Railroad right-of-ways not including railroad yards.
- (14) Riding stables and riding tracks.
- (15) Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation well and pumps, bunk houses, incidental dwellings, buildings, and structures customarily required for any of the above uses. The term accessory shall include customary home occupations such as the office of physician, dentist, surgeon, dressmaker, day nursery, musician or artist, (but not including barber or beauticians) under the following restrictions:
 - (a) That such uses be located within the dwelling used by such persons as his residence.
 - (b) That no assistant other than a member of the household is employed.
- (16) A hobby shop may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation: provided such use shall not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

PERMITTED SPECIAL EXCEPTION USES: A building or premises may be used for the following purposes in the District A Agricultural District if a special permit for such use has been obtained in accordance with Section 23 of these regulations:

- (1) Agricultural service establishments, fertilizer plants and bulk refined fuel storage.
- (2) Alcohol and ethanol plants.
- (3) Commercial mines, quarries, sand and gravel pits and accessory operations.
- (4) Composting and recycling operations.
- (5) Feed lots.
- (6) Private landfills.
- (7) Junk or salvage yards.

HEIGHT AND AREA REGULATIONS

In District A Agricultural the height of buildings, the minimum dimensions of lots and yards, the minimum lot area per family permitted on any lot shall be as follows:

Height: Buildings or structures shall not exceed thirty-five (35) feet and shall not exceed two and one-half (2½) stories in height.

**DISTRICT GWP
GROUNDWATER PROTECTION DISTRICT**

INTENT: The intent of this district is to prevent the contamination of public water supplies in wellhead protection and recharge areas which are necessary to safeguard the health, safety and welfare of the people.

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

- (1) Pasture and range land.
- (2) Forest and native prairie.
- (3) Public parks, playgrounds and other public recreation facilities.
- (4) Single-family dwelling in a residential district on a lot of record prior to the effective date of this ordinance provided such dwelling meets all residential district requirements.

PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

- (1) Accessory uses and structures normally appurtenant to the permitted uses and structures.
- (2) Home occupants in accordance with this ordinance.
- (3) Roadside stands for the sale of agriculture produce grown on the agriculture farm or operation.

PERMITTED CONDITIONAL USES AND STRUCTURES: The following shall be allowed uses and structures when in conformance with the conditions prescribed herein:

- (1) Single-family dwelling according to the following:
 - (a) Minimum lot area of 15,000 square feet.
 - (b) Connection to public sewage disposal and water system.
- (2) Agricultural uses (excluding intensive feeding facilities) according to the following:
 - a. Compliance to the Nebraska Special Protection Area Program dealing with future non-point source pollutants.

PERMITTED SPECIAL USES AND STRUCTURES: A building or premise may be used for the following purposes in the GWP Groundwater Protection District if a special permit is obtained for such a use in accordance with Section 23 of these regulations, the following are special permitted uses:

- (1) Golf courses, campgrounds, riding stables, and dude ranches.
- (2) Private recreational facilities.
- (3) Flood, erosion and sediment control.
- (4) Public utilities and facilities not previously mentioned.
- (5) Single family dwellings with lot areas of less than 15, 000 square feet.
- (6) Churches, places of worship, cemeteries, crematories, mausoleums and cocumbaria.
- (7) Hospitals, penal institutions, and sanitariums.
- (8) Private elementary and high schools.
- (9) Broadcast towers and stations.
- (10) Airports and heliports.
- (11) Any other business or industrial use not listed as a prohibited use.
- (12) Residential dwellings, other than single family dwellings.

PROHIBITED USES AND STRUCTURES: The following structures and uses are prohibited in the GWP groundwater protection district:

- (1) Areas for dumping or disposal of garbage, refuse, trash or demolition materials.
- (2) Asphalt products manufacturing plants.
- (3) Automobile laundries.
- (4) Automobile service stations.
- (5) Brine disposal wells.
- (6) Chemical storage, sale, processing or manufacturing plants.
- (7) Dry cleaning establishments.
- (8) Exterminating shops.
- (9) Fertilizer manufacturing or storage plants.
- (10) Foundries and forge plants.
- (11) Garages - for repair and servicing of motor vehicles, including body repair, paint or engine rebuilding.
- (12) Gas wells.
- (13) Gasoline stations.
- (14) Gasoline and oil tanks, underground.
- (15) Hazardous waste impoundments, active.
- (16) Hazardous waste landfills, industrial.
- (17) Hazardous waste tanks, underground.
- (18) Hazardous waste, transfer.
- (19) Hazardous waste, transport.
- (20) Herbicide manufactures.
- (21) Highway salt storage areas.

SECTION 23 SPECIAL USE PERMIT

1. General. The City Council may authorize by special permit after public hearing, any of the following buildings or uses designated in this Ordinance as permitted special uses.

2. Procedures. Such application shall be in writing, filed in the office of the City Clerk, state the proposed location and use of the property, and such other relevant matters as may be requested by the governing body. 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, within thirty (30) days. 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 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 in the City, one time at least ten (10) days prior to such hearing. (Ref. 19-904 R.S. Neb.).

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing.

Except as otherwise provided herein, no special use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and unless the proposed use is found to:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

In case of protest against such special use permit, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending three hundred (300) feet, therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

In making any decision granting a special use permit, the City Council shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.