

**City of Franklin**  
**City of Franklin Zoning/Planning Board**  
**May 5, 2020 5:30 PM City Hall**

A Copy of the "Open Meetings Act" is posted in the Council Room  
This Agenda can be changed up to 24 hours prior to meeting time per open meeting law.

The Board may enter into closed session to discuss any matter on this agenda when it is determined by the council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such an individual has not requested a public meeting, or as otherwise allowed by law. A closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session.

It is the intention of the Board to take up the items on the agenda in sequential order. However, the Board reserve the right to take up matters in a different order to accommodate the schedules of the board members, persons having items on the agenda, and the public.

1. Call Meeting to Order Roll Call
2. Verification of Open Meetings Notice
3. **Discussion and Action Items**
  - a. *Public Hearing for 00 20 W 48' LOTS 1-2; 2 48' OF LOTS 3-4; E 84' LOTS 1-3; BLK 3; ORIGINAL TOWN FR. BL. HOUSE WEST OF STORE*
  - b. 602 14TH AVE, FRANKLIN NE
  - c. Consider, Discuss and Approve - removing the International Building Codes and insert State of Nebraska Building Codes.
  - d. Consider, Discuss, and Approve - removing from City of Franklin Zoning and Subdivision Regulations 4.08.01 No accessory building or structure shall be constructed on a lot without a principal building or structure.
  - e. Consider, Discuss and Approve - Height and lot Requirements:
    - 5.08.06 Height and Lot Requirements (page 77) in Zoning and Subdivision regulations - R-1 Large Lot Residential District
    - 5.09.06 Height and Lot Requirements (page 78) in Zoning and Subdivision Regulations - R-2 Medium to High Density Residential District.
4. Adjourn

CONDITIONAL USE PERMIT REQUEST  
CITY OF FRANKLIN  
Application fee: \$25

DATE: 4/10/2020  
APPLICATION # 2020-01

APPLICANT NAME: Kevin & Sabrina Nielsen  
ADDRESS: 602 14th Ave  
CITY/STATE/ZIP: Franklin NE 68939

PHONE: 308-991-2796  
EMAIL: Nielsencrow6@gmail.com  
PHONE: 308-425-3233

CONDITIONAL USE REQUEST

to live in the house located on our property that is  
currently zoned commercial.

LOCATION OF REQUEST 602 14th Ave, Franklin NE ZONING DISTRICT C-1  
LOT SIZE 24 X 48  
LEGAL DESCRIPTION 00 20 W 48' lots 1-2; W 48' of lots 3-4; E 84' lots  
1-3; Blk 3; original town fr. RL house west of Stare

APPLICATION REQUIREMENT:

Applicant shall submit a copy of a site plan for the proposed use. The site plan shall show the location of all existing and proposed building, 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.

\*Other special conditions are required for conditional use requests for Child Care Center/Pre-Schools, Public/Private Swimming Pools, Kennels, Auto Wrecking Yards, Junk Yards, Salvage Yards and Scrap Processing Yard, Funeral, Mortuary or Crematory Services. Conditional use will be provided by the Zoning Administrator.

City Use

Notice of Hearing Publication Location \_\_\_\_\_ Date \_\_\_\_\_  
Notice of Hearing Posting Location \_\_\_\_\_ Date \_\_\_\_\_

Planning Commission Public Hearing Date \_\_\_\_\_ Time: \_\_\_\_\_

Special Recommendations or Comments

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City Council Public Hearing Date \_\_\_\_\_ Time: \_\_\_\_\_

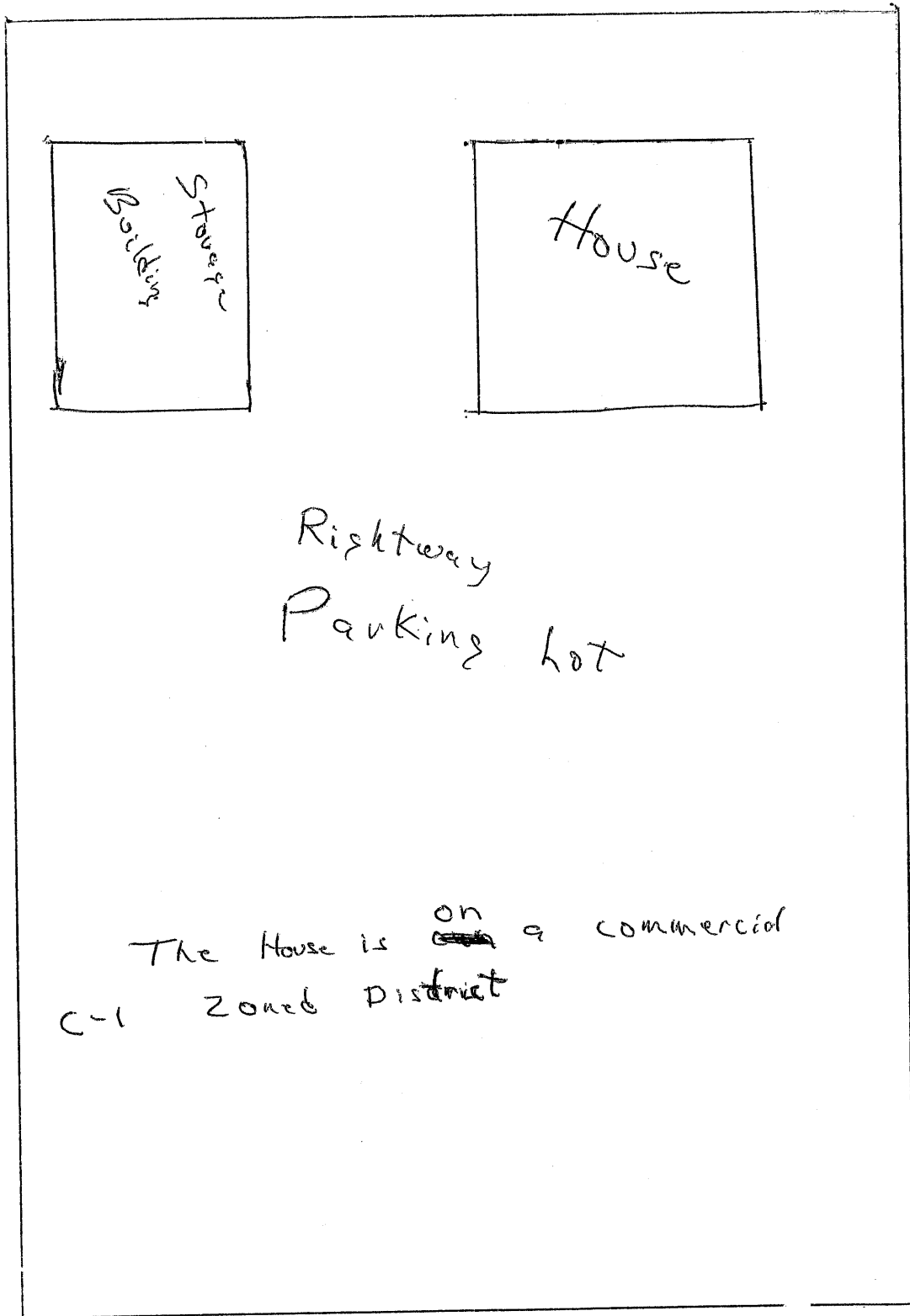
Special Recommendations or Comments

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Special Use Permit  Approved  Denied Effective Date \_\_\_\_\_

Zoning Administrator \_\_\_\_\_

1474 St.



The House is ~~on~~ on a commercial  
C-1 Zoned District

**Section 5.08 R-1 Large Lot Residential District**

**5.08.01 Intent:**

This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on large lots with supporting community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.

**5.08.02 Permitted Uses:**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

**5.08.03 Conditional Uses:**

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-1 District as recommended by the Planning Commission and approved by the City Council.

**5.08.04 Temporary Uses:**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.17.

**5.08.05 Accessory Uses and Structures:**

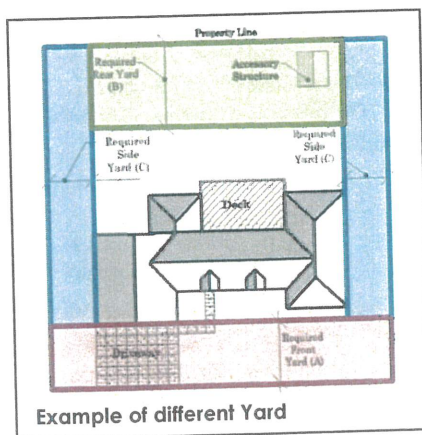
Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

**5.08.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

| Use                             | Lot Area (Sq. Ft.) | Lot Width (feet) | A Front Yard (feet) | B Rear Yard (feet) | C Side Yard (feet) | Max. Height (feet) | Max. Building Coverage (%) |
|---------------------------------|--------------------|------------------|---------------------|--------------------|--------------------|--------------------|----------------------------|
| Single-family dwelling detached | 10,000             | 100              | 25                  | 7                  | 10*                | 35                 | 50                         |
| Other Permitted Uses            | 10,000             | 100              | 25                  | 7                  | 10*                | 35                 | 50                         |
| Conditional Uses                | 10,000             | 100              | 25                  | 7                  | 10*                | 15                 | -                          |
| Accessory Structures            | -                  | -                | 25                  | 7                  | 10*                | 15                 | -                          |

\* If a side yard is along a street, then the side yard setback shall be increased to 15 feet.



**ARTICLE 5: ZONING DISTRICTS**

**Section 5.09 R-2 Medium to High Density Residential District**

**5.09.01 Intent:**

This district is intended to provide for medium to higher density residential neighborhoods, characterized by single-family and two-family dwellings, townhouse and condominiums up to four horizontal units on small to moderately sized lots with supporting community facilities and apartment facilities.

**5.09.02 Permitted Uses:**

Permitted Uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

**5.09.03 Conditional Uses:**

The following uses are subject to any conditions listed in this section as well as any conditions relating to the placement of said use on a specific tract of ground in the R-2 District as recommended by the Planning Commission and approved by the City Council.

**5.09.04 Temporary Uses:**

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.17.

**5.09.05 Accessory Uses and Structures:**

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

**5.09.06 Height and Lot Requirements:**

The height and minimum lot requirements shall be as follows:

| Use  | Lot Area (Sq. Ft.) | Lot Width (feet) | A Front Yard (feet) | B Rear Yard (feet)**** | C Side Yard (feet) | Max. Height (feet) | Max. Building Coverage (%)** |
|--|--------------------|------------------|---------------------|------------------------|--------------------|--------------------|------------------------------|
| Single-family dwelling                           | 6,000              | 50               | 25                  | 7                      | 10*                | 35                 | 60                           |
| Single-family attached/Townhouses (max. 2 units) | 3,000/unit         | 50/unit          | 25                  | 7                      | 10*** *            | 35                 | 60                           |
| Two-family dwelling/duplex                       | 6,000              | 50               | 25                  | 7                      | 10*                | 35                 | 60                           |
| Condominiums (max. 2 units)                      | 3,000/unit         | 50/unit          | 25                  | 7                      | 10*                | 35                 | 60                           |
| Other Permitted Uses                             | 6,000              | 50               | 25                  | 7                      | 10*                | 35                 | 60                           |
| Conditional Uses                                 | 6,000              | 50               | 25                  | 7                      | 10*                | 35                 | 60                           |
| Accessory Structures                             | -                  | -                | 25                  | 7                      | 10*                | 15                 | -                            |

\* If a side yard is along a street, then the side yard setback shall be increased to 15 feet.

\*\* Percentage applies to the buildable area of the lot

\*\*\* The minimum side yard on single-family attached/townhouses and condominiums shall be zero feet for all interior lots and shared property lines. See Section 5.09.07 for additional requirements.

\*\*\*\* See Section 4.20

**5.09.07 Supplemental Residential Regulations**

1. Single-family Attached/Townhouses and Condominiums
  - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
  - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
  - C. Each unit shall be serviced by separate facilities.
  - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
  - E. No more than three units shall be connected in this district.

