



City of Franklin Zoning/Planning Board

April 29, 2024 5:30 PM City Hall

1. Call Meeting to Order Roll Call
2. Verification of Open Meetings Notice
3. **Discussion and Action Items**
 - 3.a. Discussion and action on minutes from previous meetings
 - 3.b. Public hearing to consider adopting an ordinance introduced by the governing body creating floodplain districts defining the same and setting forth regulations thereof.
 - 3.c. Public hearing to consider lower level residential at sixty percent (60%) in the rear of a commercial building structure in C-1 Downtown commercial district.
 - 3.d. Public hearing to consider a conditional use permit from Finishline Construction asking to construct a building fifteen (15) feet from the west property and eight (8) feet from the south property line behind the house at 1304 Q Street, Franklin, Nebraska
4. Adjourn

The City of Franklin follows the Nebraska Open Meetings Act. A copy is displayed in this room as required by state law. The Mayor and City Council may enter an Executive Session anytime during the meeting, even if not listed on the agenda. The Mayor and City Council intend to follow the agenda order but may rearrange items to suit schedules. Individuals who wish to address the council may be allotted a speaking time of three minutes per person, per topic. Speakers are kindly requested to approach the podium and articulate their topic with clarity and professionalism.



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Franklin, Nebraska
April 1, 2024

A meeting of the Planning Board of the City of Franklin, Nebraska was held at City Hall in said City on April 1, 2024, at 5:30 PM

Upon roll call, the following board members were in attendance: Dave Duncan, Jerrell Gerdes, Kim Naden, Mike Stephens, **Absent:** Steve Schmidt.

Jerrell Gerdes gave notice that a copy of the Open Meetings Act was properly posted in the Council Chambers.

Notice of this meeting was simultaneously given to all board members and a copy of their acknowledgement of receipt of the notice and agenda was communicated in the advance notice as in the notice to the board members of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Motion made by Kim Naden, seconded by Dave Duncan to approve minutes from previous meetings. Motion Passed.

Duncan: Yea, Gerdes: Yea, Naden: Yea, Schmidt: Absent, Stephens: Yea
Yea: 4, Nay: 0, Absent: 1

Jerrell Gerdes opened the public hearing at 5:35 PM to consider amending the 4.08.06 detached accessory buildings or structures shall be located no closer to any other accessory or principal building than 10 feet. Motion made by Mike Stephens, seconded by Dave Duncan to recommend to the City Council to amend this to no closer to any other accessory or principal building than 5 feet. Motion Passed.

Duncan: Yea, Gerdes: Yea, Naden: Yea, Schmidt: Absent, Stephens: Yea
Yea: 4, Nay: 0, Absent: 1

Jerrell Gerdes presenting the following to consider amending the 9-101 building code: the international building code to the Nebraska building code. The change from the building permit to a zoning permit. Motion made by Dave Duncan, seconded by Mike Stephens to recommend to the City Council to approve amending the 9-101 building code: the international building code to the Nebraska building code. The change from the building permit to a zoning permit. Motion Passed.

Duncan: Yea, Gerdes: Yea, Naden: Yea, Schmidt: Absent, Stephens: Yea
Yea: 4, Nay: 0, Absent: 1

Discussion on meeting date and time for 2024. We will have quarterly meetings scheduled for June 24, 2024; September 23, 2024; December 16, 2024. The board can have other meetings as needed.

Jerrell Gerdes announced that the meeting was adjourned at 6:15 PM

Respectfully submitted,

Raquel Felzien, Secretary of Planning Board

RESOLUTION 2024-03

A RESOLUTION OF THE CITY OF FRANKLIN, NEBRASKA TO ADOPT AMENDMENTS TO THE City of Franklin, Nebraska Code of Ordinances TO ADOPT THE NEBRASKA BUILDING CODE AND TO ADOPT ZONING PERMITS.

WHEREAS, on March __, 2024, the Franklin City Council referred to the City of Franklin Planning Commission, hereinafter simply referred to as the "Commission," a request for review of potential amendment to provisions of the Zoning Ordinance of the City Franklin relating to building codes and zoning permits; and

WHEREAS, on April 1, 2024, the City of Franklin Planning Commission held a public hearing to consider amendments to the Zoning Ordinance of the City of Franklin regarding whether or not to discard the use of the International Building Code and adopt the Nebraska Building Code and to change from building permits to zoning permits; and

WHEREAS, on April 1, 2024, following public hearing and comment, and a review of evidence submitted to the Commission, the Commission voted to recommend approval to adopt the Nebraska Building Code and Zoning Permits to this Board, and forwarded to the Council a favorable recommendation of adoption of the following amendments to the Zoning Ordinance of the City of Franklin; and

WHEREAS, no protests have been filed against such proposed amendments with the Franklin City Clerk, and

WHEREAS on April 9, 2024, the issue came on for consideration by this Council; and following a public hearing on such amendments, it was moved by _____, seconded by _____, that the following Resolution be adopted concerning the proposed amendments, specifically concerning setbacks for accessory use buildings;

NOW THEREFORE, be it resolved by the Franklin City Council that the following amendments are adopted with amending language as shown, that the following language be added where noted, and the relevant sections be amended to read as follows and the purpose of these zoning amendments is to discard the use of the International Building Code and Building Permits and adopt the Nebraska Building Code and Zoning Permits in order to promote the health, safety, and general welfare of the residents of the City of Franklin, and to establish reasonable and uniform regulations within the City.

§ 2-102 PLANNING COMMISSION.

...

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the governing body has, through a zoning ordinance or special ordinance, generally authorized the Commission to exercise such powers and has approved the standards and procedures adopted by the Commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or

requirements to be met by the owners before a use permit or zoning permit is authorized.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the governing body may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The governing body may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or governing body regarding a conditional use or special exception shall be made to the district court.

CHAPTER 7: FIRE REGULATIONS

Article

1. FIRES

2. FIRE PREVENTION

3. GASOLINE STORAGE

4. PENAL PROVISION

...

ARTICLE 2: FIRE PREVENTION

Section

- 7-201 Fire prevention; Life Safety Code
- 7-202 Fire prevention; Fire Prevention Code
- 7-203 Fire prevention; Fire Code enforcement
- 7-204 Fire prevention; lawful entry
- 7-205 Fire prevention; violation notice
- 7-206 Fire prevention; fire limits defined
- 7-207 Fire prevention; fire limits zoning permit
- 7-208 Fire prevention; fire limits materials
- 7-209 Fire prevention; ironclads prohibited
- 7-210 Fire prevention; removal required
- 7-211 Fire prevention; fires in residential districts

- [7-212](#) Fire prevention; fire prohibited
- [7-213](#) Fire prevention; fires regulated
- [7-214](#) Fire prevention; open burning ban, waiver
- [7-215](#) Fire prevention; throwing fireworks

...

§ 7-207 FIRE PREVENTION; FIRE LIMITS ZONING PERMIT

Prior to the moving or construction of any building in the fire limits, application must be made to the governing body. Construction shall include the enlarging or alteration of any building in the fire limits. Such application shall be furnished by the Municipal Clerk and shall require such information as the governing body deems necessary to determine whether or not to grant a zoning permit. All such applications for a zoning permit must be accompanied by plans of the construction to take place and a listing of the materials to be used.

(Neb. RS 17-550)

CHAPTER 9: BUILDING REGULATIONS

Article

- [1.](#) BUILDING CODE
- [2.](#) RESIDENTIAL CODE
- [3.](#) PLUMBING CODE
- [4.](#) ELECTRICAL CODE
- [5.](#) PENAL PROVISION

ARTICLE 1: BUILDING CODE

Section

- [9-101](#) Building Code; adopted by reference
- [9-102](#) Zoning permit; duplicate to County Assessor
- [9-103](#) Building Code; plans, specifications, plats and reports; municipal officials; duty
- [9-104](#) Fence regulations
- [9-105](#) Fences; permit required

§ 9-101 BUILDING CODE; ADOPTED BY REFERENCE.

The Nebraska Building Code is hereby adopted as the Building Code of this municipality for establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures, providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for the condemnation of buildings and structures unfit for human occupancy and use and for the demolition of such buildings and structures. Each and all of the regulations, provisions, penalties, conditions and terms of the Building Code are hereby referred to, adopted and made a part hereof, as if fully set out in this section. The Building Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such Code does not conflict with the statutes of the State of Nebraska. One copy of the Building Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Building Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(Ord. 762, passed 1-12-2004)

§ 9-102 ZONING PERMITS; DUPLICATE TO COUNTY ASSESSOR.

Whenever a zoning permit is issued for the erection, alteration or repair, of any building within the municipality's jurisdiction, a a duplicate of such permit shall be issued to the County Assessor.

§ 9-201 RESIDENTIAL CODE; ADOPTED BY REFERENCE.

The Nebraska Building Code is hereby adopted as the Residential Code of this municipality for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the municipality and providing for the issuance of permits and collection of fees therefor. Each and all of the regulations, provisions, penalties, conditions and terms of the Residential Code are hereby referred to, adopted and made a part hereof as if fully set out in this section. The Residential Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as such Code does not conflict with the statutes of the State of Nebraska. One copy of the Residential Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the Residential Code shall be controlling throughout the municipality and throughout its zoning jurisdiction.

(Ord. 762, passed 1-12-2004)

§ 11-621 FLOOD PLAIN MANAGEMENT; DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

.....

START OF CONSTRUCTION. For other than new construction or substantial improvements under the Coastal Barrier Resources Act (16 USC 3501), includes substantial improvement, and means the date the zoning permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvements was within 180 days of the permit date. The **ACTUAL START** means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Passed and adopted this 9th day of April, 2024

Mayor Margaret M. Siel

ATTEST:

City Clerk Raquel Felzien



CITY OF FRANKLIN

CITY OF FRANKLIN, NEBRASKA | 619 15TH AVENUE, FRANKLIN, NE 68939 | INFO@CITYOFFRANKLIN.NET | WWW.FRANKLINNEBRASKA.COM

CONDITIONAL USE PERMIT REQUEST

DATE: 4-8-24

APPLICATION FEE \$25.00

APPLICATION# _____

APPLICANT NAME: Finish Line Construction

ADDRESS: Behind the house at 1304 Q Street

CITY/STATE/ZIP: Franklin Ne. 68939

PHONE: 308-470-0998

EMAIL: _____

CONDITIONAL USE REQUEST:

Asking for 15 foot from west property line
and 8 ft from south property line,

Behind the house at 1304 Q Street, Franklin, NE

Applicants signature



CITY OF FRANKLIN

Application for Building Permit

Date of Application: 3-12-24 Phone Number: 308-470-0998

Homeowner Name: Finishline Email: _____

Legal Description of Property and residence address:

Name of Contractor (business or individual): Finishline

PERMIT TYPE & FEE CALCULATION

NOTE: The cost (fee) for each permit is listed next to the permit type. Check one

- | New Structure Permit (\$25.00)
- | Addition to Existing Structure Permit (\$25.00)
- | Remodeling of Existing Structure Permit (\$25.00)
- | Demolition of a Structure Permit (\$25.00)
- | Moving a Structure Permit (\$25.00)
- | Fence Building Permit (\$25.00)
- | Water System Connection Permit (\$10.00)

Total project valuation: \$ 50,000

Describe Work to be Completed: Building metal wood frame Building

Wood/Metal/Other structure type and purpose of permit: shop storage Building

Continued on Next Page →

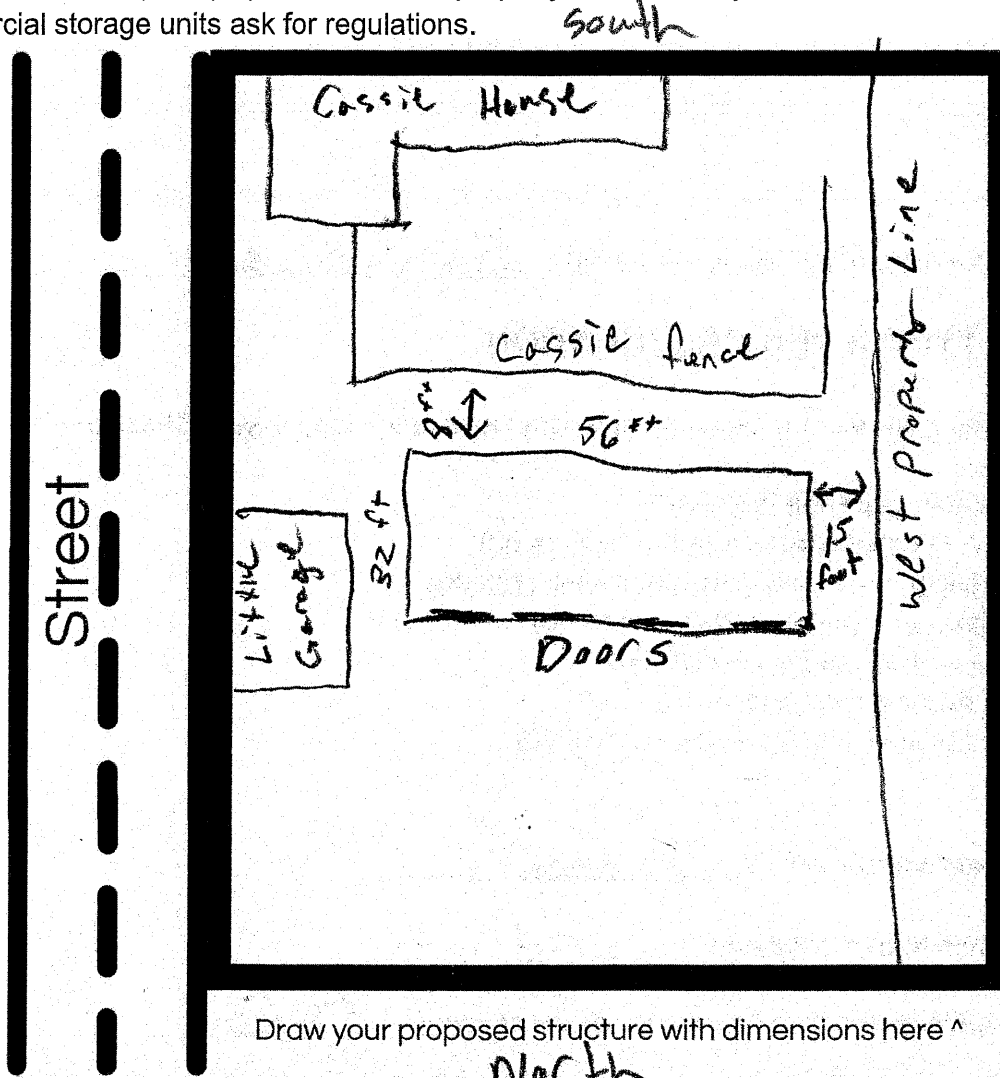




Application for Building Permit

Draw an outline of the structure here (required):

***Show all dimensions of the lot, building, front yard, side yards, rear yard, garages and other buildings. The proposed structure in residential must be at least five (5) feet on the sides and (7) feet inside the rear yard (10) feet from front property lines unless you are a corner lot. Commercial storage units ask for regulations.



Draw your proposed structure with dimensions here ^

Continued on Next Page →





CITY OF FRANKLIN

Application for Building Permit

I, the undersigned, hereby certify that the above statements are true and correct to the best of my knowledge. I also certify that, if a permit is issued, all work will be completed in accordance with the ordinances of the City of Franklin, Nebraska.

Applicant Signature: Andy Carls Date: 3-12-24

OFFICE USE ONLY

Permit# _____

| APPROVED

| DECLINED

Date Approved/Declined: _____

Date of Permit Expiry: _____

If declined, reason for declination: _____

Zoning Enforcement Officer Signature

City Clerk Signature



