

## **PROCEEDINGS AND PASSAGE OF ORDINANCE NO. 453:**

The Mayor and City Council of the City of Bennington, Nebraska, met in regular session on June 19, 2017, at 6:30 p.m., at the Community Room, 15509 Warehouse Street, and passed the following described ordinance:

### **ORDINANCE NO. 453**

**AN ORDINANCE AMENDING SECTION 5.05.06(2) OF THE CITY OF BENNINGTON'S ZONING REGULATIONS AS ENACTED IN CITY OF BENNINGTON ORDINANCE NO. 328 REGARDING AGRICULTURAL PRESERVATION CRITERIA AND LOT REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BENNINGTON, DOUGLAS COUNTY, NEBRASKA:**

WHEREAS, it appears desirable and for the public good and the best interests of the City of Bennington that an Ordinance be passed amending Section 5.05.06(2) of the City of Bennington's Zoning Regulations as enacted in City of Bennington Ordinance No. 328 regarding Agricultural Preservation Criteria and lot requirements for single-family dwellings; and

WHEREAS, such amendment has been previously considered and recommended for approval by the City of Bennington's Planning Commission.

Section 1. Section 5.05.06(2) of the City of Bennington's Zoning Regulations as enacted in City of Bennington Ordinance No. 328 regarding Agricultural Preservation Criteria and lot requirements for single-family dwellings is amended so as to provide as follows:

#### **5.05.06      Agricultural Preservation Criteria**

In order to promote preservation of agricultural activities, requests for non-farm development such as single-family dwellings shall be required to submit the following information as part of the conditional use permit review process. In addition, the request must comply with any requirements for conditional use permits stated in Sections 6.01 to 6.05 of the Zoning Regulations.

1. The minimum lot area for the single-family dwelling shall be at least 1.5 acres.
2. The lot for the single-family dwelling must be part of a contiguous parcel of 40 acres or more that will continue to be used for agricultural purposes. Dedicated public right of way, measured to the original section/quarter-section line, and immediately adjacent and contiguous to the parcel, may be included in the calculation of parcel size for the Agricultural Preservation Criteria requirements.

3. The residential structure of the single-family dwelling must have been the primary residence associated with crop or animal production for at least five years before the date of application.
4. The lot for the single-family dwelling and the remaining contiguous parcel shall contain suitable soils for a state approved wastewater treatment system and shall have an adequate, potable water supply, or shall demonstrate the adequacy of shared facilities and suitability of shared facilities with an adjacent lot or lots.
5. A site plan shall be submitted that designates a required location for each well and septic system.
6. The application shall show adjacent land uses and shall demonstrate such uses will be consistent with the Comprehensive Plan of the City and must minimize adverse economic effects on surrounding properties.
7. The application shall be submitted to adjacent property owners, the School Board, Fire Department, Police Department, Douglas County, and any other agency deemed necessary by the Planning Commission or City Council for review and comment on potential impacts and approved access location and design.
8. Provide all other information required by Sections 6.01 to 6.05 of the Zoning Regulations.

Section 2. The previous Section 5.05.06(2) of the City of Bennington's Zoning Regulations as enacted in City of Bennington Ordinance No. 328 is hereby repealed, and the foregoing Section 1 of this Ordinance shall be codified in the Zoning Regulations of the City of Bennington as Section 5.09.05(1).

Following the introduction, the Ordinance was read by title for the first time at which time Council member Larry Arp moved that the statutory rule requiring that an ordinance be read by title on three separate occasions be dispensed with. Council member Wayne Bridgford seconded the motion. Upon roll call vote the following Council members voted  
 YEA: all. The following  
 voted NAY: none. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Said Ordinance was then read by title and thereafter Council member Bridgford moved for final passage of the Ordinance, which motion was seconded by Council member Foltz. The Mayor then stated the question was "Shall Ordinance No. 453 be passed and adopted?" Upon roll call vote, the following Council members voted

YEA: all


The following voted NAY: none

The passage and adoption of said Ordinance having been concurred by a majority of all members of the Council, the Mayor declared the Ordinance adopted and the Mayor in the presence of the Council signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

PASSED AND APPROVED this 19th day of June, 2017.

  
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MAYOR, MATT JOHN

ATTEST:

  
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CITY CLERK, MINDI LAAKER