

COMBINED COMPREHENSIVE PLAN

and

ZONING ORDINANCE

of the

VILLAGE OF MALCOLM, NEBRASKA

January 2, 2001

VILLAGE OFFICERS

Of

MALCOLM, NEBRASKA

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THE MALCOLM COMPREHENSIVE PLAN

INTRODUCTION:

Long-Range Community Development is a serious job not to be taken lightly. The success of a community to thrive, expand and continue growth over a long period of time can be directly related to a Community Development Plan. It is within the power of every citizen to help plan in the public interest. Community Development depends largely on the individual response of its citizens to take personal interest in the local aspects and individual conditions, and build a workable feasible plan.

The preparation of the Development Plan includes the following: (1) Review of the historical and physiographic background of the community. (2) An analysis of the elements of the community - its people and its functions, including the economic base, environmental conditions, population, community facilities and utilities. (3) A close study of the community toward the realization of the best possible plan for community betterment.

The following document is an abbreviated form of the more traditional comprehensive plan. We call it a Community Development Plan. It is a "General Plan" of which the purpose-function is to serve as a general "guide" for all future development. It is not a detailed plan that will solve day-to-day problems. The plan shows major features, but not the refined objects.

It must be remembered that planning is a "continuing process" which cannot stop with the publication of this planning report. Changing trends that have not been contemplated, and changing conditions that cannot be predicted, will arise from year-to-year. Therefore, the plan must be reviewed and updated if it is to be useful as a working guide.

The plan should be used as a guide, not as a control. The Zoning Map and ordinance will provide for specific controls. Certain differences will persist between the development plan and the zoning ordinance. The development plan should always indicate the long-range objectives of the community in working toward its practical goals and its ideal. The Zoning Map will reflect past and present decisions that have been made along the way towards achieving the long-range objectives.

HISTORY:

Malcolm is located in Township 11N, Range 5E, Section 21, Elk Precinct, situated near the western edge of Lancaster County. Approximately two miles off State Highway 34, Malcolm is twelve miles northwest of Lincoln, on State Spur 55M.

The town was named for Malcolm A. Showers, once owner of the section of land of which Malcolm is a part. The original plat was laid out by Mr. Showers and filed for record October 13, 1877.

Realizing the need for education and religious fellowship, he helped establish the first school in Malcolm, and served as minister of the Methodist settlers, holding services in the schoolhouse.

The first village board members, when Malcolm incorporated June 16, 1915, were: L. E. Cozad, Fred F. Schmieding, R. L. Mahan, Al Otterman and F. S. Davey.

The Burlington Railroad, which provided passenger mail and freight services as early as February, 1873, was abandoned in 1985.

Many business operations, formed to provide needed services to the early settlers, including a hotel, barber shop, butcher shop, creamery, banking facilities, lumber and coal yard, livestock sales and a newspaper called the Malcolm Messenger, are now non-existent. The townspeople presently have access to a general store, post office and tavern.

FORM OF GOVERNMENT:

Malcolm is classified by the State of Nebraska as a village, governed by a five-member Village Board.

Village business is conducted from the Village Hall, unless otherwise specified.

REGIONAL SETTING:

Lancaster County is located in the southeastern part of Nebraska. Malcolm occupies a northwestern location in the County. Lancaster County has a total area of 853 square miles, or 545,856 acres. Malcolm is located two miles northwest of the junction of U.S. Highway 34 on Nebraska Spur 55M.

CLIMATE:

The climate of Malcolm is continental and temperate. Variations in temperature and precipitation between winter and summer are rather wide. Average date of first freeze is October 23. Average last freeze is April 20. The growing season averages 180 days. Annual average precipitation is 27.43 inches, and the mean temperature is 25.1 degrees in winter and 80.1 degrees in summer.

PHYSIOGRAPHY:

In the Malcolm Village area there are three major soil series:

1. The Sharpsburg series consists of deep, moderately well drained soils located on the uplands and formed in a loess covering over a glacial substratum. Due to a high water holding capacity, the Sharpsburg soil is very productive.
2. The Pawnee series consists of deep, moderately well drained soils on uplands. Internal water movement is slow. The soil is formed in glacial till.
3. The Judson series consists of deep, moderately well drained soils on foot slopes. Internal water movement is moderate. The soil is formed from silty sediments eroded down slope from the dark upland Sharpsburg series.

WATERSHED:

In general, the county is a broad elongated basin, its axis followed throughout by Salt Creek, tributaries of which have produced minor irregularities in the outline of the basin. Drainage is chiefly northward and eastward to the Platte River, through Salt Creek and its tributaries. The extreme southern southeastern parts are drained by tributaries of the Big Blue and Nemaha Rivers. As a whole the county is well drained.

TOPOGRAPHY:

The average elevation of the county is about 1,400 feet above sea level, ranging from 1,520 feet on the high divide in the southeastern part, to 1,100 feet where Salt Creek crosses the eastern county boundary. The elevation of Malcolm in the area where railroad tracks were located is 1,280 feet above sea level.

EXISTING LAND USE:

Planning for land use must be based on a knowledge of existing conditions. Therefore, an inventory has been made of existing land use.

Malcolm's corporate limits include an area of approximately 55 acres. The bulk of this area contains residential type buildings.

As shown on the Existing Land Use map, the land use falls into the following categories:

1. Agricultural - that land designated or utilized for farming or general agricultural purposes.
2. Residential - that land occupied by buildings, the primary use of which is sheltering individuals, families, or groups of persons.
3. Commercial - that land occupied by establishments that have merchandise offered for sale.
4. Industrial - that land either open space, or occupied buildings, the primary use being storage, transportation or manufacturing.

TRANSPORTATION:

Streets: The Village of Malcolm has within its jurisdiction 2.12 miles of streets. Asphaltic concrete streets account for 0.56 miles. Gravel or crushed rock streets account for the remaining 1.56 miles.

General: The ability of a street system to accommodate vehicular traffic is the primary consideration in its design. Properly designed street systems should:

- Provide greater safety
- Relieve congestion
- Reduce travel time
- Serve adjacent properties

The present Malcolm street system is deficient in several of these points, especially as pertains to the central business district.

The arterial highway serving Branched Oak Lake is hard surfaced as well as many residential streets. All streets within the system are hard surfaced, gravel or rock surfaced.

Generally, the drainage is adequate throughout the system. The narrow roadways are inadequate for parking on nearly all of the streets, including the asphaltic concrete surfaced arterial street, and particularly within the business district. Dirt and dust problems common to aggregate surfaced streets exist to some degree throughout

the system. The street surfaces are satisfactorily maintained, but present the need for continued maintenance.

Traffic Flow: It is not anticipated that traffic flow will exceed the capacity of two lane streets within the foreseeable future of the system.

Traffic within a system typical of that in Malcolm is accommodated on two categories of streets:

1. Collector - streets that collect traffic from residential streets and move it to smaller commercial centers or to higher arterial systems.
2. Local - residential access service streets and local business streets characterized by very short trip lengths, almost exclusively limited to vehicles desiring to go to or from an adjacent property.

Recommendations: Primary consideration should be given to eliminating the open ditch drainage throughout the system. It is recommended this be done by providing a storm sewer system, preferably in conjunction with curb and gutter. The roadways could then be widened to accommodate parking as well as providing more adequate traveled ways.

The aggregate surfacing could be replaced by higher type surfacing, starting in the business area and then extended in stages according to neighborhood desires and through traffic needs.

Financing: Nebraska State Law provides that monies collected from such things as fuel taxes, motor vehicle registration fees, and sales tax from trailers, motor vehicles, and semi-trailers be distributed monthly on a prorated basis to counties and municipalities for streets and highway purposes. The amount is based upon population, motor vehicle registrations, and number of miles of traffic lanes of streets within the municipality.

A village is entitled to one-half of its annual allocation with no requirement for matching. The second one-half must be matched with one dollar for each two dollars received. The money may be accumulated or invested for a period not to exceed four years. An additional annual incentive payment of \$300 is made to each municipality having in its employ a qualified city street superintendent.

Money would also be available by customary bond procedures or assessments against property adjacent to the improvement.

COMMUNITY FACILITIES:

The success of a community's development is dependent upon a well-developed public facilities program. This program must include health and safety needs; it must provide a peaceful atmosphere for the community. It must provide facilities to meet the needs of every individual. Among these needs are included schools, churches, post offices, parks, playgrounds, water systems, and sewer disposal systems. It must also provide public and semi-public buildings.

Schools: Malcolm School District Number 148 is built and maintained in Malcolm corporate jurisdiction. It is a Class 2 system with a current state accreditation rating of "Approved". The total grades taught in the school are kindergarten through grade 12. Three new classrooms were added to the structure in 1972. In 1982 a new K-8 elementary structure was built at the north boundary of Malcolm, known as Westfal Elementary School, and named after Fern Westfal, former teacher and resident of Malcolm. In 1999 a new High School was completed adjacent to the Westfal Elementary School.

The total enrollment for the Elementary K-5 is 190 and the Middle school 6-8 is 108 for the 2000-2001 school year. The High school has 150 students.

The school has an expanded curriculum and has State of Nebraska accredited athletic programs, speech and vocational programs. There is a bus service for students in the school district.

Churches: Every town has to have a focal point for community life. While the school is generally considered the neighborhood center, it is often limited in overall development since its audiences are limited to students and parents.

Churches not only provide secular programs for all age groups, but also provide the sacred program that is an ingredient for family as well as community development.

Malcolm has three churches. Malcolm United Methodist and St. Paul's Lutheran are in the city limits. Northwest Community Church exists outside the Village limits.

Fire Protection: The fire protection to Malcolm consists of a Volunteer Fire Department with about 36 active members, financed and supervised by the Malcolm Rural Fire District. Malcolm is affiliated with the Lancaster County Civil Defense System, with adequate warning systems for emergency situations and disasters.

Parks: Malcolm has a public park with a playground facility. A ball field facility located in the southeast corner of the village serves the sports' activities.

Post Office: The Post Office is located at the corner of 2nd and Lincoln Streets. A new Post Office is a needed improvement to meet the needs of an expanding community.

Village Hall: The Village Hall is located on 2nd Street, adjacent to the Post Office, and is open for use by village residents.

Library: Malcolm has no local library other than the services of the Public School. Lincoln library system is convenient and serves the Village by a bookmobile.

Sanitary Service: To handle the sanitary needs of the community, a refuse pick-up service is available from firms from the area that pick up at every home once a week. It appears to be a satisfactory answer to the refuse problem and thus eliminates the need for a local landfill area.

Social Functions: The main source of social life comes in two categories: (1) The church and its associated activities, which include family meetings; (2) The school provides a parent-teacher organization, which, of course, serves more than just social needs. Various musical and dramatic programs are presented throughout the school year. Athletic events are open to the public.

Utilities: Electricity to the Village of Malcolm is furnished by Norris Public Power Company located at Beatrice.

Telephone service is provided by Alltel

Natural gas is not presently distributed to Malcolm. Propane is generally used by residents of the Village.

Water: There are three water wells to serve the Village. In 1972 a large water storage supply was installed, with 75,000- gallon capacity.

Sewage: In order to achieve desired efficiency to handle the present population, and to accept future additions to the sewage system, a new treatment facility was added in 1976 as an aeration solid waste disposal plant at the southeast corner of the village.

Branched Oak Lake: Branched Oak Lake, located four miles north of Malcolm, is one of several water impoundments in the Salt Creek Watershed. It has been developed as a State Recreational Area providing boating, water skiing, fishing, picnicking, hiking, swimming, camping, hunting and winter sports.

The recreational area includes some 3795.2 acres, of which 1800 acres are water surface.

Also, several miles south of Malcolm is located Pawnee Lake, which includes facilities similar to those at Branched Oak Lake.

Population Projection:

Considerable difficulties are encountered when trying to predict the future population of a community like Malcolm. After having increased in population by only 80 people in its first 90 years, the community suddenly increased some 180 in two years, and had a population of 350 people as of the 1990 census.

The population growth of Malcolm is primarily dependent upon outside factors - such as industrial growth in northwest Lincoln, the national trend of suburban growth, convenience and expense of commuting methods, development of nearby recreational facilities, desire of area developers to construct houses in Malcolm, and other elements of the infrastructure in existence.

Future Goals:

1. Upgrade water distribution and capacity
2. Upgrade sewage system treatment capacity
3. Improve existing street system
4. Work with school board to maintain adequate education facilities and standards
5. Stimulate pride in our community - making it more attractive in its physical appearance by:
 - a. Improving poor housing
 - b. Modernizing the business area
 - c. Providing sidewalks for pedestrian travel
6. Clean community program to maintain public park and playground facilities
7. Encourage economic development by attracting public and private industry
8. Encourage community programs to promote productive use of leisure time
9. Establish cooperation with neighboring communities to provide highest quality of community service
10. Cooperate with Rural Fire District to maintain adequate fire equipment and facilities to keep pace with village expansion
11. Continue to seek better law enforcement relations with the county

NATURE OF ZONING

Zoning is an exercise of the basic power of the state, and its political subdivisions, to enact legislation protecting the public health, safety, morals, and general welfare of its citizens. This means that each regulation in the zoning ordinance must bear a reasonable and substantial relationship to these ends, or it will be found in violation of the "due process" clauses of state and federal constitutions.

Zoning is essentially a means of insuring that the land uses of a community are properly situated in relation to one another, providing adequate space for each type of development. It allows the control of development density in each area so that property can be adequately serviced by such governmental facilities as the street, school, recreation, and utilities systems. This directs new growth into appropriate areas and protects existing property by requiring that development afford adequate light, air, and privacy for persons living and working within the municipality.

Zoning probably is the single most commonly used legal device available for implementing the land-use plan of a community. Zoning may be defined as the division of a municipality (or other governmental unit) into districts, and the regulation within those districts of:

1. The height and bulk of buildings and other structures;
2. The area of a lot which may be occupied and the size of required open spaces;
3. The density of population;
4. The use of buildings and land for trade, industry, residence or other purposes.

Of major importance for the individual citizen is the part zoning plays in stabilizing and preserving property values. It affects the taxation of property as an element of value to be considered in assessment. Ordinarily, zoning is only indirectly concerned with achieving aesthetic ends, although there has been an increasing tendency to include within zoning ordinances provisions which are most solidly based on "general welfare" concepts.

ORDINANCE NO. 87

AN ORDINANCE OF THE VILLAGE OF MALCOLM, NEBRASKA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND; THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY AND DISTRIBUTION OF POPULATION; CREATING DISTRICTS FOR SAID PURPOSES, AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING THE METHOD OF ADMINISTRATION AND AMMENMENTS; PROVIDING FOR A ZONING BOARD OF ADJUSTMENT; PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THE ORDAINCE PROVIDING A SEVERABILITY CLAUSE; AND, REPEALING CODES AND ORDINANCES IN CONFLICT HEREWITH.

For the purposes listed in Nebraska Revised Statutes, Section 19-901 and 19-903, the Village Board of Trustees of Malcolm, Nebraska ordains zoning regulations as follows:

SECTION I - ZONING INTERPRETATION

The regulations for the zoning districts as herein set forth are made in accordance with a comprehensive development plan and the provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, morals, or the general welfare of the Village. This ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes more stringent restrictions on land use.

SECTION II - DEFINITIONS

For the purpose of this ordinance certain terms and words are herewith defined. The recent tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory.

1. **Accessory Use or Structure.** A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. **Automobile Salvage yard.** See Junk Yard.
3. **Apartment.** See Dwelling, Multiple-Family.
4. **Board.** Village Board of Trustees of Malcolm
5. **Board of Adjustment.** Malcolm Board of Adjustment
6. **Building.** A structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind.
7. **Planning Commission.** Malcolm Planning Commission.
8. **Dwelling.** Any building or portion thereof which is designed for and used exclusively for residential purposes.
9. **Dwelling, Single-Family.** A detached residence designed for or occupied by one (1) family only.
10. **Dwelling, Two-Family.** A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

11. **Dwelling, Multiple-Family.** A residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
12. **Dwelling, Farm.** A dwelling designed for and used by farm owners, their families, tenants and employees.
13. **Dwelling, Non-Farm.** A dwelling other than a farm dwelling.
14. **Dwelling, Seasonal.** Dwellings designed and used for seasonal use and occupancy and are not the primary place of residence of the occupants.
15. **Family.** One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over five (5) persons.
16. **Height, Building.** The vertical distance from the established average grade, street grade, or finished grade at the building line, whichever is highest, to the point of the building; provided, that antennae and aerials shall not be considered in this computation.
17. **Home Occupation.** An occupation or profession which is customarily carried entirely within a dwelling unit, using not more than fifty percent (50%) of the floor area of the dwelling unit, provided that:
 - (a) It is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
 - (b) It has no exterior display, no exterior sign, except a non-illuminated sign of not more than two (2) square feet, no exterior storage and no other exterior indications of the home occupation or variations from the residential character of the principle building.
 - (c) No article is sold or offered for sale except such as may be produced on the premises by members of the immediately family residing on the premises.
 - (d) Mechanical equipment used shall only include that normally used in or found in a residential dwelling, which shall include facilities for doctors and dentists offices, and produces no offensive noise, vibration, smoke, dust, odors, heat or glare.
18. **Junk Yard.** Any area where waste, junk, discarded or salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking, and structural steel materials and equipment.
19. **Livestock Feedlot.** A relatively confined area where domestic farm animals normally having four legs, or fowl normally having two legs, are subjected to intensive feeding methods.
20. **Lot.** For zoning purposes as covered by this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and areas, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street, except as herein provided, 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 record, 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 meets 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.
21. **Lot of Record.** A lot or parcel of land, the deed of which has been recorded in accordance with law.
 22. **Lot Width.** The width of a lot measured at the rear of the required front yard.
 23. **Motel.** A building or group of buildings on the same lot, containing guest units with separate entrances and consisting of individual sleeping quarters and baths, detached or in connected rows, with or without cooking facilities, for rental to transients.
 24. **Parking Space.** An off-street parking space shall comprise not less than one hundred eighty (180) square feet of parking stall, plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public way. Every off-street parking space shall be accessible from a public street.
 25. **Recreation Areas, Private.** Recreation areas, facilities, and cabin sites, either owned or leased by a non-profit organization, club, fraternal group or church for use by its members and guests.
 26. **Recreation Areas, Commercial.** Privately owned and operated recreational areas, facilities, including camping areas or cabins, which are generally open to the public for a fee on a commercial basis.
 27. **Sanitary Land Fill.** A type of operation in which garbage and refuse, or garbage or refuse, is compacted by force applied by mechanical equipment, and then is covered by compacted suitable covering material to a depth of at least six inches over individual cells of garbage and refuse, or garbage or refuse, which are closed at the end of each day, and to a depth of at least twenty-four (24) inches over the finished landfill.
 28. **Sign.** Any device containing elements or symbols, organized or related, which is designed to inform or to attract the attention of persons not on the premises on which the sign is located, provided, however, that mail box numbers or names, government flags or insignia, legal notices, governmental identification, information or directional signs shall not be included in the application of this ordinance.
 29. **Sign, On-Site.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises, or the construction, sale, lease or rental of the premises. On-site signs do not include outdoor advertising signs or billboards.
 30. **Sign, Off-Site.** A sign other than an on-site sign, and includes an outdoor advertising sign, or device and billboard not relating

in its subject matter to the use or activity of the premises on which the sign is located.

31. **Street.** Any thoroughfare or public way which has been dedicated to the public or deeded to the Village, County or State for street purposes, not less than forth (40) feet in width.
32. **Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, trailers and walls.
33. **Variance.** Relief from the dimensional requirements of this Ordinance granted by the Zoning Board of Adjustment in accordance with Section 19-910, Revised Statutes Supplement, 1967.
34. **Village.** Malcolm, Nebraska.
35. **Yard.** A required open space which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
36. **Yard, Front.** An open space extending between side lot lines and measured horizontally from the front lot line at right angles to the nearest point of the structure.
37. **Yard, Side.** An open space between a structure and the side lot line extending from the real line of the required front yard to the real lot line, measured horizontally and at right angles from the side lot line to the nearest point of the building.
38. **Yard, Rear.** An open space between the two (2) inner side yard lines measured horizontally and at right angles from the rear lot line to the nearest point of the structure.

SECTION III - ZONING DISTRICTS AND MAP

1. Four zoning districts are provided as follows:
 - Agricultural (A)
 - Residential Residence (R-1)
 - Commercial
 - Industrial
2. The official Zoning Map is an integral part of this ordinance. The single copy of this map, entitled "Village of Malcolm Official Zoning Map", together with a copy of this ordinance, shall be kept by the Village Clerk and shall be available for public inspection. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded, and until a duly certified and attested certification describing the change is filed with the map.
3. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:
 - a. Where district boundaries are indicated as approximately following the center lines of streets or highways, such lines shall be construed to be such boundaries.
 - b. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
 - c. Where district boundaries are so indicated that they are approximately parallel to the center lines of the streets,

MALCOLM ZONING PLAT

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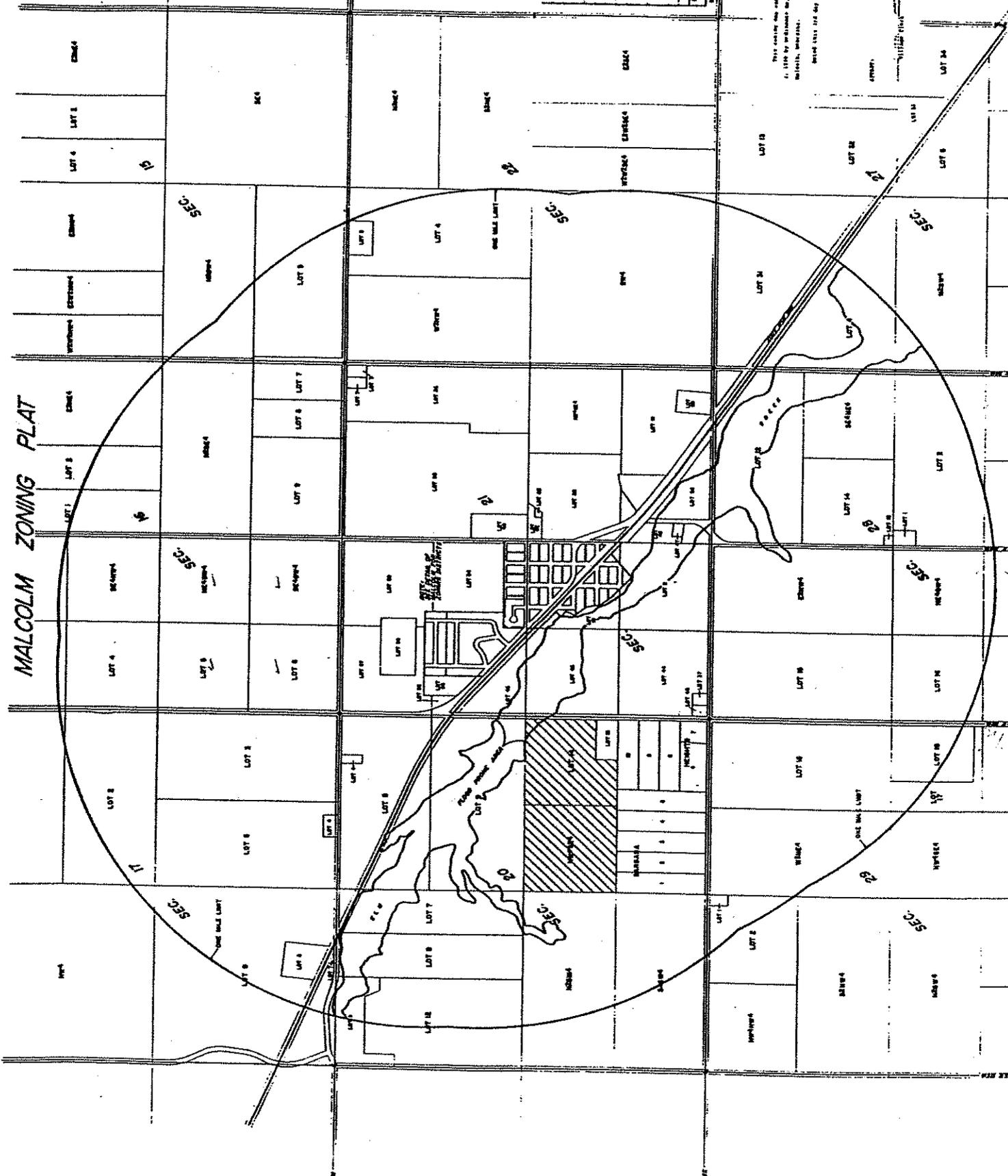


- LEGEND:
- AGRICULTURAL DISTRICT
 - RESIDENTIAL DISTRICT
 - COMMERCIAL DISTRICT
 - INDUSTRIAL DISTRICT

SECTION	LOT	AREA	ACRES
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COMMISSIONERS
 This zoning map was fully prepared by public hearing on
 11, 1990 by ordinance No. 827, by the Village Board of the
 Municipality of Malcom, Michigan.
 Passed this 22nd day of December, 1990.

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or highways; such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on said Zoning Map.

- d. Where a district boundary line divides a lot in single ownership, the district boundary lines shall be determined by the use of the scale or dimensions shown on the Zoning Map.
- e. Where physical or cultural features existing on the ground are in variance with those shown on the Zoning Map, or in other circumstances not covered previously in this section, the Zoning Board of Adjustment shall interpret the district boundaries.

SECTION IV - GENERAL PROVISIONS

- 1. After the adoption of this ordinance, no lot area shall be so reduced that the dimensions and yard requirements imposed by this ordinance cannot be met.
- 2. Setback, lot size and other dimensional requirements applicable to the various zoning districts are indicated in this ordinance.
- 3. Accessory buildings shall not occupy more than thirty (30) percent of the required area for the rear yard. Any accessory building projected forward of the rear yard setback line of the principal building shall satisfy the same side yard requirements as the principal building.
- 4. No lot shall have more than one principal building, except for residential developments with multiple-family rental structures.
- 5. Every part of the required area of a yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sill, cornices, and ornamental features. Fire escapes may project into a required yard area not more than five feet.
- 6. In each quadrant of every street intersection there shall be designated a vision clearance triangle bounded by the inner street lines and a line connecting points 35 feet from their intersection measured along their centerlines. Within this triangle no object shall be allowed above a height of two and one-half feet above the streets if it obstructs the view across the triangle.
- 7. A corner lot shall be considered to have a front yard on each street and shall conform to the front yard required in that district, except that on one of these frontages the principal building may extend ten (10) feet beyond the front yard setback line normally required.

SECTION V - CONDITIONAL USES

1. The Board of Trustees may authorize a conditional use permit for conditional uses specified in this ordinance, after review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.
2. Application for conditional use permits shall be submitted to the Village Clerk and shall be accompanied by a plan showing location, size and shape of the lot(s) involved, and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established by the Village Board of Trustees.
3. The Board of Trustees shall review the site; existing and proposed structures; architectural plans; adjacent land uses; parking areas; driveway locations; highway access; traffic generation and circulation; drainage, sewage and water systems; and proposed operations.
4. Conditions related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased yards and parking requirements may be required by the Board of Trustees upon its finding that such conditions are necessary to fulfill the purposes and intent of this ordinance.
5. Conditional uses shall comply with all other provisions of this ordinance, such as lot width and area, yards, height, parking and loading/
6. Conditional use permits shall be issued for not more than six (6) months at a time, or such lesser time as prescribed by the Board of Trustees.

SECTION VI - SIGNS

1. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a land use permit (except in those instances listed elsewhere in Section VI), and without being in conformity with the provisions of this ordinance.
2. All signs are prohibited in the A and R-1 Districts, except the following:
 - a. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, and not to exceed four (4) square feet.
 - b. Real estate signs, not to exceed four (4) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
 - c. Name, occupation, and warning signs not to exceed two (2) square feet, located on the premises.

- d. Bulletin boards for public, charitable, or religious institutions, not to exceed eight (8) square feet in area, located on the premises.
 - e. Memorial signs, tablets, names of buildings, and date of erection, when cut into any masonry surface, or when constructed of metal and affixed flat against a structure.
 - f. Official signs, such as traffic control, parking restriction, information and notices.
 - g. Temporary signs or banners when authorized by the Board of Trustees.
3. Signs are permitted in the Commercial and Industrial Districts, subject to the following restrictions:
- a. Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches out from a building's wall surface; shall not exceed a total of two hundred (200) square feet in area or 40 percent of the wall surface (whichever is smaller) for any one premise, and shall not extend above the wall on which it is placed.
 - b. Projecting signs fastened to, suspended from or supported by structures shall not exceed twenty (20) square feet in area for any one premise, shall not extend more than six (6) feet into any required yard, shall not extend more than three (3) feet into any public right of way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than (10) feet above a driveway or an alley.
 - c. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all requirements for the district in which it is located, shall not exceed one hundred (100) square feet on one side nor two hundred (200) square feet on all sides for any one premise.
 - d. Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed three hundred (300) square feet on all sides for any one premise.
 - e. Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
 - f. Combinations of any of the above signs shall meet all the requirements for the individual sign.
4. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

No sign shall be located off the premises of the establishment to which it refers, except as provided for in paragraphs 2B and 3B of this section.

SECTION VII - NONCONFORMING USE

After the effective date of this ordinance, land or structures, or the uses of land or structures, that would be prohibited under the regulations of the district in which they are located, shall be considered as nonconforming. It is the intent of this Ordinance to permit these nonconforming uses to continue, provided they conform to the following provisions, except that all nonconforming signs shall be removed upon notice of the Board of Trustees.

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
2. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Village Board, either by general rule, or by making findings in the specific case, shall find that the proposed use is equally appropriate, or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
3. When a nonconforming use of a structure, or structure and premises in combination, is, in fact, discontinued or abandoned for six (6) consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
4. No nonconforming use of a structure, or structure and premises in combination, which has been damaged to the extent of more than sixty (60) percent of its fair market value immediately prior to damage. Shall be rebuilt, altered, or repaired, except in conformity with the district regulations.

SECTION VIII - DISTRICT REGULATIONS

AGRICULTURAL DISTRICT (A)

The intent of the Agricultural District is to help conserve good farming areas and to prevent such instances of uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services:

1. Permitted Principal Uses:
 - a. Farming and grain storage facilities, provided that no poultry or domestic farm animals normally having four legs shall be kept within the village limits and that livestock

feedlots shall not be located nearer than one mile from the Village limits.

- b. In-season roadside stands for the sale of farm products produced on the premises.
 - c. Nurseries, greenhouses and truck farming.
 - d. Forestry, grazing, nurseries, orchards, paddocks, stables and truck farming.
 - e. Uses customarily incident to any of the above uses, including residential uses incident to any of the above uses.
 - f. Single-family non-farm residence.
 - g. Single-family residences, provided that they shall be located on a minimum ten-acre tract.
2. Permitted Conditional Uses:
- a. Schools, parks, cemeteries, churches, municipal buildings and charitable institutions.
 - b. Construction within the flood prone areas and flood fringe areas as designated by the zoning map.
3. Dimensional Requirements:
- | | |
|-----------------------------|------------------------------------|
| Maximum Building Height | 45 Feet (Excluding Farm Buildings) |
| Minimum Side Yard: | |
| Principal Building | 10 Feet - Each Side |
| Accessory Building | 5 Feet - Each Side |
| Minimum Front Yard Setback | 35 Feet |
| Minimum Rear Yard Setback | 35 Feet |
| Minimum Lot Area Per Family | 10 Acres |
- Off-Street Parking:
- | | |
|--------------------------------|-----------------------------|
| (Places of Public Gathering) | 1 Parking Space per 4 seats |
| Minimum Residential Floor Area | 1,000 Square Feet |

RESIDENTIAL DISTRICT

The District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses.

1. Permitted Principal Uses:
- a. Single-family, two-family dwellings.
 - b. Production of agricultural products, provided that no poultry or domestic farm animals normally having four legs shall be kept within the corporate limits, and that livestock feedlots shall not be located within one mile from the Village limits.
 - c. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
2. Permitted Conditional Uses:
- a. Multiple family dwellings.
 - b. Customary home occupations.
 - c. Churches, schools, libraries, and hospitals.
 - d. Municipal buildings.
 - e. Public parks, playgrounds, recreational and community center buildings and grounds.

3. General Dimensional Requirements for District:
- | | | |
|--------------------------------|-------------------|-------------------|
| Maximum Building Height | 35 Feet | Least Width |
| Minimum Side yard: | | |
| Principal Buildings | | |
| Single Family Structure | 7 Feet | Least Width |
| | 17 Feet | Total |
| Two-Family Structure | 10 Feet | Least Width |
| | 25 Feet | Total |
| Accessory Structure | 5 Feet | - Each side |
| Minimum Front Yard Setback | 25 Feet | |
| Minimum Rear Yard Setback | 30 Feet | |
| Minimum Lot Area Per Family: | | |
| Single Family Structure | 7,500 Square Feet | |
| Two-Family Structure | 5,000 Square Feet | per dwelling unit |
| Minimum Lot Width | 75 Feet | |
| Minimum Floor Area Per Family: | | |
| Single Family Structure | 1,000 Square Feet | |
| Two-Family Structure | 800 Square Feet | |
| Off-Street Parking: | | |
| Residential | 1 Parking Space | per family |
| Places of Public Gathering | 1 Parking Space | per 4 occupants |

COMMERCIAL DISTRICT

The District is intended to provide an area for the business and commercial needs of the Village. The following uses of land are permitted:

1. Permitted Principal Uses:

General business and commercial uses that do not generate noise or odors that would create a public or private nuisance. These uses generally include:

 - a. Banks, commercial or professional offices, telephone offices and post offices.
 - b. Hotels, clubs, lodges and organizations which operate for a profit.
 - c. Places of amusement: theaters, night clubs, bars and related uses.
 - d. Personal service establishments.
 - e. Retail and wholesale establishments, except those as specifically enumerated under Permitted Conditional Uses in Commercial District.
 - f. Other uses similar to or customarily incident to any of the above uses.
 - g. Restaurants and other establishments selling prepared food.
 - h. Municipal buildings.
2. Permitted Conditional Uses:
 - a. Dwelling Units, provided the minimum requirements of the R-1 and R-2 Districts are adhered to, and the purpose and intent of the ordinance are upheld.
 - b. Building material sales and storage.
 - c. Farm implement and motor vehicles sales and service establishments, and gasoline service stations.

3. Dimensional Requirements:

Maximum Building Height - 40 Feet

Minimum Side Yard - None (except where a commercial structure shall directly abut a residence district, in which case a 15-foot side yard will be required, including a solid fence, wall or screen planting not less than three (3) feet high.

Minimum Rear Yard Setback - 15 Feet

Minimum Lot Area per Family - Same as R-1 and R-2 Districts

Minimum Lot Width - 30 Feet

Truck Unloading Area - Sufficient space so that no streets or alleys need be blocked.

INDUSTRIAL DISTRICT

The Industrial District is intended to provide a setting for light industry that is attractive, suitable for efficient operations, and not objectionable to adjacent land uses.

1. Permitted Principal Uses:

- a. Agricultural farms, truck gardens, greenhouses, plant nurseries, orchards and the usual agricultural farm buildings and structures, provided that no poultry or domestic farm animals normally having four legs shall be kept within the Village limits, and that livestock feedlots shall not be located within one mile of the Village limits.
- b. The following light industrial uses, except those which be reason of the emission of odor, dust, fumes, smoke, noise and other obnoxious characteristics, would be injurious to the public health, safety, and general welfare;
 - (1) Assembly of metal products
 - (2) Concrete or concrete products manufacture
 - (3) Dyeing and cleaning establishments
 - (4) Bottling works
 - (5) Laboratory
 - (6) Manufacture and assembly of electrical and electronic appliances
 - (7) Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber and paint
 - (8) Manufacture of light sheet metal products, including heating and ventilation equipment
 - (9) Machine shop or other metal working
 - (10) Printing and publishing business
 - (11) Stone and monument works
 - (12) Enclosed truck and freight terminal
 - (13) Warehouses and wholesale business
 - (14) Contractor's offices and shops (if enclosed)
 - (15) Commercial activities normally associated with a principal permitted industrial use are permitted,

provided that the commercial activity meets all minimum requirements of the Commercial District

(16) Utility Substations

(17) Construction material manufacture, storage, and/or sales; grain storage and sales facilities, creameries and production of agricultural products

2. Permitted Conditional Uses:

a. All other uses not specifically provided herein.

SECTION IX - ZONING BOARD OF ADJUSTMENT

1. A Zoning Board of Adjustment is hereby established which shall consist of the members of the Malcolm Village Board of Trustees.
2. Appeals to the Zoning Board of Adjustment may be taken by an person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the Board. Such an appeal shall be taken within thirty (30) days after written notification of the decision of the Board. The Village Board of Trustees may establish a fee schedule for such appeals.
3. The Zoning Board of Adjustment shall have only those powers specifically authorized by Nebraska Revised Statutes Section 19-910, and shall operate as provided by Nebraska Revised Statutes Section 19-908 through 19-911.

SECTION X - ENFORCEMENT AND PENALTIES

1. The Village Board hereby shall enforce this ordinance by means of land use permits, the cost of which shall be established by the Village Board. Permit fees for farm dwellings, farm structures, and agricultural land uses located outside the Village of Malcolm shall not be levied.
2. The Village Board shall not issue a permit for a structure or a use that is not allowed by this ordinance. No structure shall be built, moved, or altered, and no land use shall be substantially altered, until a land use permit has been issued.
3. Applications for any land use permit shall be accompanied by a site plan showing the location, size and shape of the lot or lots involved, and any proposed structure, and the existing and proposed use of each structure, and the existing and proposed use of each structure and lot or lots, and in the case of residential development, the number of families expected to be accommodated.
4. A violation of any section of this ordinance is a misdemeanor, and punishable by fine of not exceeding one hundred dollars (\$100.00) for any one offense, recoverable with costs, together with judgment of imprisonment until the amount of said fine and costs shall be paid. Each day of violation may be counted as a separate offense. The Village Board of Trustees may take such other actions as are specified by Nebraska State Statute Section 19-913 to deal with violations.

SECTION XI - AMENDMENTS

1. This Zoning Ordinance and Zoning Map may be amended or changed by action of the Malcolm Village Board of Trustees in accordance with the procedures specified by Nebraska Revised Statutes Section 19-901, 19-904 and 19-905.
2. An amendment may be initiated by the Malcolm Village Board of Trustees, Malcolm Planning Commission, or a property owner. An application for an amendment shall be submitted to the Planning Commission on forms obtained from the Village Board. The fee for application for amendment by a property owner shall be fifty dollars (\$50.00).

SECTION XII - CONFLICT WITH OTHER REGULATIONS

1. Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open space; or require a lower height of buildings or lesser number of stories; or require a greater percentage of lot to be left unoccupied; or impose other more restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this Ordinance shall govern.
2. Whenever the provisions of any other statute or agreement require more restrictive standards than are required by this Ordinance, the provisions of such statute or agreement shall govern.

SECTION XIII - REPEAL OF CONFLICTING ORDINANCES

All other ordinances and parts of ordinances in conflict herewith are repealed.

SECTION XIV - SEVERABILITY

Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration 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.

SECTION IV - EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its adoption by the Village Board of Trustees of the Village of Malcolm.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Malcolm, Nebraska this 2nd day of January 2001.

/s/ Larry Murray

Chairman, Board of Trustees

ATTEST:

/s/ Rex Guerin

Village Clerk

ORDINANCE NO. 88

AN ORDINANCE OF THE VILLAGE OF MALCOLM, NEBRASKA ADOPTED UNDER THE AUTHORITY CONFERRED BY THE STATUES OF THE STATE OF NEBRASKA; TO REGULATE THE SUBDIVISION OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MALCOLM, AND WITHIN THE AREA ONE MILE BEYOND THE VILLAGE CORPORATE LIMITS; TO PRESCRIBE RELATIONSHIP OR SUBDIVISION PLATTING TO THE MALCOLM COMPREHENSIVE DEVELOPMENT PLAN; TO ESTABLISH PRELIMINARY MEETING, PRELIMINARY PLAT, AND FINAL PLAT PROCEDURES; TO REQUIRE IMPROVEMENTS; TO PRESCRIBE DESIGN STANDARDS; TO REQUIRE RESERVATION OF LAND FOR PUBLIC PURPSOES; TO PROVIDE ENFORCEMENT PROCEDURES AND PENALTIES; TO PROVIDE FOR INVALIDITY OF A PART; AND TO REPEAL PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA.

SECTION I

This Ordinance shall be known, referred to and cited as "The Land Subdivision Regulations Village of Malcolm, Nebraska".

SECTION II

The purpose of this Ordinance is to provide for the orderly development of the Village of Malcolm, Nebraska, and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, and the general provision of conditions favorable for the health, safety and convenience of the community.

SECTION III - GENERAL REQUIREMENTS

1. Subdivision includes any division of a parcel of land by the owner or his agent for the purpose of sale or building development where the act of division creates one or more parcels of less than ten (10) acres in size. The term "subdivision" includes re-subdivision and the term "re-subdivision" includes any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes, which varies from the latest approved subdivision of the same.
2. No subdivision of land, as defined above, shall be permitted within the Village of Malcolm or within one mile of the Village limits, unless a plat is approved in accordance with subsection 3 of Section IV.
3. In addition to required compliance with the provisions of this Ordinance, all subdivisions shall conform to the Malcolm Zoning Ordinance and the Malcolm Comprehensive Plan.
4. Whenever a tract to be subdivided embraces any part of an urban street, urban arterial, or commercial street designated in the Comprehensive Development Plan, such part of the proposed public

way shall be platted and dedicated by the subdivider in the location and at a width indicated in the Comprehensive Development Plan.

5. This Ordinance shall not repeal, impair or modify private covenants of public ordinances, except that it shall apply whenever the regulations it imposes are more restrictive.

SECTION IV - PROCEDURE FOR SUBMITTING SUBDIVISION PLATS

1. Preliminary Meeting

- a. Before filing a preliminary plat the subdivided shall consult with the Malcolm Planning Commission for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map shall be submitted. The topographic survey map shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials, and existing community facilities.

2. Preliminary Plat

- a. The subdivider shall submit to the Planning Commission a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of at least one inch per 100 feet, having a one-foot contour interval, shall identify the improvements (grading, tree planting, paving, installation of facilities, and dedications of land) and easements which the subdivider proposes to make, and shall indicate by an accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall also be submitted.
- b. After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable, and the kind and extent of public improvements which will be required, the Planning Commission shall reject, approve, or conditionally approve the preliminary plat within 40 days.
- c. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval or conditional approval of the layout submitted as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission.
- d. Whenever it is proposed to replat a recorded subdivision or subdivisions, or any part of a recorded subdivision or subdivisions, the Planning Commission shall hold a public hearing on the proposed preliminary plat or the replat before taking action. When a preliminary plat or the replat is filed with the Planning Commission, the Village Clerk shall schedule a public hearing before the Planning Commission. The Clerk shall, by first class mail, make notification of the proposed replat and of the scheduled hearing thereon, to the owners of all properties situated

within the limits of the exterior boundaries of the proposed replat, and to the owners of all properties within a radius of 200 feet of the exterior boundaries of the proposed replat, at least ten (10) days prior to the time of such hearing.

3. Final Plat

Final plats shall be submitted to the Planning commission within six (6) months of preliminary plat acceptance, unless this requirement is waived in writing by the Planning Commission. The final plat shall conform to the preliminary plat as approved, and to the requirements of all applicable ordinances and state laws. The final plat shall be accompanied by detailed construction plans of all improvements. The final plat shall be presented to the Planning Commission at least ten (10) work days prior to the meeting at which it is to be considered, and shall be acted upon by the Planning Commission and the Village Board of Trustees within sixty (60) days of its submission, unless the time is extended by an agreement with the subdivider. Certification shall be shown on the final plat, 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.

SECTION V - IMPROVEMENTS

Adequate sewer and water facilities, curb and gutter, street base preparation and paving, landscaping, surface water drainage and street lighting facilities shall be provided by the subdivider for each lot, in accordance with specifications provided for in this ordinance.

SECTION VI - DESIGN STANDARDS

1. Streets and Alleys

a. General: In any new subdivision the street layout shall conform to the general arrangement, width and location indicated in the Malcolm Comprehensive Development Plan and current acceptable design standards. In areas for which such layouts have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be such as to provide each lot satisfactory access to any existing public street by means of a public street.

1. Urban local, urban collector, urban arterial streets, and highways shall be properly integrated with the existing and proposed system of like streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.

2. Urban local and collector streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewage systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 3. Cul-de-sac streets designed to have one end permanently closed shall not exceed 300 feet in length.
 4. Alleys shall be required in commercial and industrial districts for off-street loading and service access if deemed necessary by the Planning Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not have their points of connection on an urban arterial street or highway.
2. Intersections
- a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, and in no case less than a 75 degree angle.
 - b. The number of streets converging at one intersection shall be limited to not more than two. On local streets, the T intersection is general preferable to the crossroad intersection.
 - c. The number of intersections along urban arterial or highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.
 - d. Street jogs with center lines offset of less than 150 feet shall be avoided.
 - e. All right-of-way lines at intersections with arterial streets shall provide for a curb radius of not less than 15 feet.
3. Street Widths and Grades
- a. The minimum right-of-way and roadway of all proposed streets and alleys of any type or classification shall be of the width specified by State of Nebraska Department of Roads design standards.
 - b. All cul-de-sac streets shall terminate in a circular turnaround having a minimum outside curb diameter of 70 feet.
 - c. The grade of any street shall in no case be less than one-half of one percent.
4. Radii of Curvature
- a. When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said center line of not less than 300 feet. A tangent at least 100 feet in length shall be provided between reverse curves on urban arterial, commercial and urban collector streets.

5. Half-Streets
 - a. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subscriber.
6. Street Names
 - a. New street names shall not duplicate or be similar to existing street names. Existing street names and systems of names shall be projected wherever possible.
7. Easements
 - a. The Planning Commission may require easements of widths deemed adequate by the Commission for the intended purpose on each side of all rear lot lines and on side lot lines, or across lots where necessary or advisable for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines.
 - b. Where a subdivision is traversed by a water course, drainage way, channel or stream, any adequate drainage way or easement shall be provided as required by the Planning Commission. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Planning Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; these sizes and design details to be subject to review and approval by the Village Board or the consultant.
8. Blocks
 - a. The lengths, width and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than 300 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.
 - b. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
 - c. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block, 900 feet or more in length where deemed essential in the opinion of the Planning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
 - d. All utility lines for electric power and telephone service shall be placed underground except where, in the opinion of the Planning Commission, such location is unfeasible or too costly. Poles for permitted overhead lines shall be in rear lot line easements.

9. Lots

- a. The size, shape and orientation of the lots shall be appropriate for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- b. Every lot shall front or abut on a public street.
- c. Lot dimensions shall conform to the requirements of the zoning ordinance, and shall have a minimum average depth of 100 feet and a minimum of 75 feet at the 25-foot setback line. Where not served by a public sewer, lot dimensions and areas shall, in addition, conform to any recommendations of the State Department of Health.
- d. Side lot lines shall, where possible, be at right angles to straight street lines or radii to curved street lines on which the lots face.
- e. In case a tract is subdivided into large parcels (but less than four (4) acres), such parcels shall be arranged as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
- f. Excessive lot depth in relation to width shall be avoided, and a proportion of two to one shall be normally considered as a desirable ratio.
- g. Lot lines shall follow municipal boundary lines, rather than cross them.
- h. Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- i. Where residential lots back or side on railroad rights-of-way or State or Federal highways, the lot shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.
- j. Where lots proposed for commercial, industrial, or residential uses front on railroad rights-of-way or State or Federal highways, a marginal access-street or frontage road shall be provided, parallel and adjacent to the boundary of such traffic ways.
- k. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

SECTION VII - RESERVATION OF PUBLIC SPACE

1. The Planning Commission may require that suitable sites of adequate area be dedicated or reserved for future public uses such as parks, playgrounds and open spaces. Reservation of land for public acquisition shall be for a period not to exceed three (3) years from the date the plat is officially recorded. Open space area specifically identified in the Comprehensive

Development plan shall be reserved for this purpose for the same period.

SECTION VIII - VARIANCES

1. The Village Board of Trustees and Planning Commission may grant variances from the provisions of this ordinance, but only after determining that:
 - a. There are unique circumstances or conditions affecting the property.
 - b. The variance is necessary for the reasonable and acceptable development of the property in question.
 - c. The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property
2. The requirement of filing and recording a plat for subdivision shall not be waived.

SECTION IX - SEVERABILITY

Invalidation of any part of this ordinance by a court shall not invalidate the rest of this ordinance.

SECTION X - APPLICATION

This ordinance shall apply not only to the subdivision and additions hereinabove set forth in the body of this ordinance, but shall also apply, insofar as payment of costs for improvement of subdivisions is concerned, to those subdivisions and additions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially, as of the effective date of this ordinance.

SECTION XI - REPEAL OF CONFLICTING ORDINANCES

All ordinances, parts of ordinances, resolutions or parts of resolutions inconsistent with this ordinance are hereby repealed.

This ordinance shall take effect and be in force from and after its adoption by the Village Board of Trustees of the Village of Malcolm.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Malcolm, Nebraska, this 2nd day of January 2001.

/s/ Larry Murray
Chairman, Village Board of Trustees

ATTEST:

/s/ Rex Guerin
Village Clerk