

ORDINANCE NO. 42867

AN ORDINANCE to amend Chapter 10 of the Omaha Municipal Code: to amend Section 10-313 to establish a new schedule of ASIP Fees; amend Section 10-315 to update the list of ASIP projects; to repeal Sections 10-313 and 10-315, of the Omaha Municipal Code as heretofore existing, and to provide for the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Omaha Municipal Code Section 10-313 is hereby amended to read as follows:

**Sec. 10-313. - ASIP fund—Revenue.**

For land that is located within the unincorporated parts of Douglas County and also with within the Extraterritorial Jurisdiction of the City of Omaha (excepting Central City Zones A, B and C, and the Ponca Special Development Zone as defined in the Urban Development Element of the City of Omaha Master Plan), the following fees shall be charged:

- (a) (i) A fee to be calculated ~~as a percentage of the building permit value~~ on the basis of the total square footage per the rate table as described herein shall be charged at the time the permit is granted, on all new residential construction, including single-family and duplex uses, ~~townhomes, and duplexes~~; and
- (ii) A fee for mobile home pads shall be charged on a per-unit basis per the rate table as described herein when the site is permitted; and
- (iii) A multi-family, commercial and industrial fee shall be charged on a per-development acre basis per the rate table as described herein when the construction permit is granted.

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Land Use	Existing	2015-16	2017	2018	2019 and Thereafter
Residential—including single-family, townhomes, and duplexes (as a percentage of the building permit value)	1.25%	1.50%	1.72%	1.79%	1.83%
Mobile home pads (per unit)	\$1,000.00	\$1,200.00	\$1,375.00	\$1,435.00	\$1,466.00
Multi-family, commercial, and industrial (per development acre)	\$5,000.00	\$6,000.00	\$6,875.00	\$7,175.00	\$7,330.00

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Land Use	2022	2023	2024	2025 and Thereafter
Residential, single-family and duplex uses (cents per total square foot)	69.3	72.0	74.9	77.9
Mobile home pads (per unit)	\$1,525.00	\$1,586.00	\$1,649.00	\$1,715.00
Multi-family, commercial, and industrial (per development acre)	\$7,623.00	\$7,928.00	\$8,245.00	\$8,575.00

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1        ~~The rates shown in the "Existing" column shall be charged until and including September~~  
2        ~~30, 2015. The rates shown in the "2015-16" column shall be charged from October 1,~~  
3        ~~2015, until December 31, 2016. The rates shown in the "2022" column shall be charged~~  
4        ~~beginning on the effective date hereof, until and including December 31, 2022. The rates~~  
5        in each column thereafter will apply between January 1 and December 31 of the  
6        respective years, except that the rates shown in the "20192025 and Thereafter" column  
7        will remain in effect until such time as the fees are amended by the city council and the  
8        Douglas County Board. The date to be used for the calculation of ASIP fees will be the  
9        date of initial application for building permit.

10       For the residential land use in the above table, the fee shall be calculated by multiplying  
11       the rate in the table (in cents) by the total square footage of the permit, to include garage,  
12       shed, basement (finished and unfinished), and above grade house areas. ~~building permit~~  
13       ~~value shall be calculated on the following basis, cumulatively to the extent each may~~  
14       ~~apply:~~

15       ~~Garage or shed: \$24.00 per square foot.~~

16       ~~Finished basement: \$16.00 per square foot.~~

17       ~~Unfinished basement: \$12.00 per square foot.~~

18       ~~Above grade finished house: \$56.00 per square foot.~~

19       For purposes of this article XIII, the term "development acre" shall mean only the area of  
20       land located within the lot lines of the lot for which the permit is sought. Development acre  
21       specifically excludes all land located within any street right-of-way, any dedicated land  
22       such as public parks, or any land within outlots. ~~and any land that can not be developed~~  
23       ~~within the boundaries of any lot because such land is located within a dedicated or granted~~  
24       ~~easement area for utilities or public services, or such land is subject to restrictions such as~~

~~wetlands or topography which prohibit or severely limit the ability of the developer to improve or construct improvements on the area.~~

If the city requests the installation of public street improvements that exceed the traffic improvements required by the approved traffic study, the development's ASIP fees may be used for such improvements. The developer has the option to pay the acreage fee to the ASIP fund at the time the final plat is recorded to help reduce the overall S&ID debt ratio to four percent. The city will reimburse from ASIP fee funds or credit the developer for the costs of improvements. The reimbursements or credits will be made as lots are developed and fees paid by the developer of such plat. Calculations shall be included in the subdivision agreement and on the source and use of funds form of such subdivision.

(b) A dedicated ASIP tax levy of up to five cents from an SID as set out in subdivision agreements with such SID. The SID shall be required to institute the tax levy in stages, as soon as the total levy (bond and general) necessary to support the other debt and obligations of the SID for all projects drops below the rate initially approved in the subdivision agreement including deferred community park fees. Such a levy would then continue until the date, if any, that the SID is annexed. All such tax proceeds shall be remitted to the city upon collection.

Section 2. That Omaha Municipal Code Section 10-315 is hereby amended to read as follows:

**Sec. 10-315. - ASIP projects.**

The projects to be funded by the ASIP fund, as construction money is available and in order of priority with number "1" being the first project to be constructed, are:

~~(1) — "Q" Street from 180th Street 192nd Street;~~

~~(2) — 168th Street from West Dodge Road to Blondo Street;~~

~~(3) — 168th Street from Blondo Street to Bedford Avenue.; and~~

(4) ~~"Q" Street from 192nd Street to 204th Street.~~

(1) "Q" Street from 192nd Street to 204th Street.

(2) 156th Street from West Maple Road to Fort Street.

Section 3. That sections 10-313 and 10-315 of the Omaha Municipal Code, as heretofore existing are hereby repealed.

Section 4. That this Ordinance shall be in full force and take effect fifteen (15) days from and after the date of its passage.

INTRODUCED BY COUNCILMEMBER

Peter Peterson

APPROVED BY:

Peter Peterson 2-8-2022  
MAYOR OF THE CITY OF OMAHA DATE

PASSED FEB 08 2022 7-0

**ACTING**

ATTEST:

[Signature] 2-8-2022  
CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

[Signature] 12/30/21  
ASSISTANT CITY ATTORNEY DATE

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