

## ORDINANCE NO. 2939

AN ORDINANCE AMENDING SECTION 111-443 OF THE ALLIANCE MUNICIPAL CODE TO INCLUDE AND ADDRESS A SETBACK EXCEPTION FOR REVERSE CORNER LOTS; AMENDING SECTION 101-73. – L TO INCLUDE A DEFINITION OF REVERSE CORNER LOTS; REPEALING EXISTING ORDINANCES, RESOLUTIONS, POLICIES, OR PORTIONS THEREOF NOT CONSISTENT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALLIANCE, NEBRASKA:

SECTION 1. The City Code, at Section 111-443. – Setback exceptions is hereby amended as follows:

“Sec. 111-443. - Setback exceptions.

- (a) *Porches.* Porches on one- and two-family dwellings may extend six feet into the required front or rear setback only if existing houses constructed on the same side of the street were constructed in a like manner; however, porches may not be extended into the front or rear setback on dwellings where the original porch was enclosed or converted into a room unless said enclosed porch or room meets the minimum setback requirements for one- and two-family dwellings; any porch extending into the required setback shall not be turned into a room.
- (b) *Residential front building line.* In subdivisions without front building lines dedicated on the plat, and where 40 percent or more of the frontage on the same block and same side of the street has been developed, excluding reverse corner lots, the front building line for all remaining undeveloped lots shall be determined by taking the average setback found on developed lots, excluding those that vary more than ten feet in depth; provided that the board of adjustment may permit a variance in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical. The building line shall be 25 feet for lots described above where less than 40 percent of the lots have been developed.
- (c) *Open and unobstructed.* Every part of each required minimum yard or court established by setbacks and building lines shall be open and unobstructed from finished grade or, where applicable from such other specified level at which the yard or court is required, to the sky except as otherwise provided for in Code.
- (d) *Architectural intrusion.* Every part of required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features, and eaves; provided, however, that none of the projections shall extend into a court more than six inches nor into a minimum yard more than 24 inches. Open and unroofed balconies on other than the main floor of residential buildings may extend into a required side yard.

- (e) *Duplex, row, and townhouses.* In districts R-2, R-3, and their counterpart planned districts, two, single-family dwellings may be constructed on adjoining lots or single lots planned for future separate ownership, provided that the structures shall be constructed with an occupancy separation wall meeting structural requirements of the city building code, further provided, that this exception shall not reduce the required one-family dwelling minimum lot width of either lot. The minimum lot width requirement of this section shall not apply to lots of record which are 50 feet in width or wider and were under single ownership prior to April 1, 2019.
- (f) *Corner and reverse corner lots.* On reverse corner lots that were subdivided before the adoption of subdivision regulations and do not meet minimum lot size requirements, the minimum setbacks shall be 5 feet from the side street, alley, and rear property lines; and the maximum lot coverage shall be 60%. Reverse corner lots shall provide a side yard adjacent to the street side no less than is required for the front yard of the lots facing the non-side street, including any accessory structures. Any addition to a structure on a corner lot legally developed with a side street setback less than is currently permitted by code may continue along that same side street building line provided such building line is a minimum of 5 feet from the side street property line and is not located within the front or rear yard setbacks.”

SECTION 2. The City Code, at Section 111-73. - L is hereby amended as follows:

“Sec. 101-73. - L.

*Landing* means an area at the top or bottom of a one or more steps, or placed intermittently within a series of steps in such size and dimension as may be required by the adopted building code.

*Landscaping* includes but is not limited to, trees, shrubs, ground covers, perennials, annuals, and other materials such as mulch, rocks, waterfalls, sculpture, art walls, fences, underground irrigation system, and street furniture.

*Loading space, off-street* means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used at such delivery site, and accessible to such vehicles even when required off-street parking spaces are filled. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

*Lot* means a parcel of land occupied or to be occupied by one principal building, or unit group of buildings constructed for the principal or conditional use of the lot, and the accessory buildings or accessory uses customarily incident thereto, including such open spaces as are required by Code, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots if combined, or tract or tracts, as conveyed, or parts thereof.

*Lot; corner* means a lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the city manager or designee.

*Lot coverage* means the portion of a lot that is occupied by buildings or structures, including accessory buildings and structures but not including driveways and uncovered patios at ground level.

*Lot depth* means the mean horizontal distance from the front property line to the rear property line.

*Lot in separate ownership*, at the time of the passage of the ordinance from which this chapter is derived, means a lot the boundary lines of which along their entire length touch lands under other ownership as shown by plat or deed recorded in the Office of the Register of Deeds of Box Butte County on or before the date of the adoption of the ordinance from which this chapter is derived.

*Lot line* means the lines bounding a lot.

*Lot line; front* means the boundary between a lot and the street on which it fronts.

*Lot; interior* means a lot whose side lot lines do not abut upon any street.

*Lot line; rear* means the lot line which is opposite and most distance from the front lot line; except that in the case of uncertainty the city manager or designee shall determine the rear lot line.

*Lot line; side* means any lot boundary line that is not a front lot line or rear lot line thereof. A side lot line may be party line, a line bordering on an alley, or a side street line.

*Lot; reverse corner* means a corner lot whose frontage faces the street perpendicular to the street on which other lots of the same block have frontage, typically in accordance with setbacks as if the frontage of the reverse corner lot faced the street on which other lots of the same block have a frontage.

*Lot subdivision* means the division or combination of one or more previously platted lots on the same side of a street and in the same block into lots of different size or width than previously platted. Such procedure may produce more or fewer lots than previously platted; provided, however, no lot so produced shall have a width or area less than that permitted in the zoning regulations of the city, nor shall it change any street or alley line, or any platted building line.

*Lot; through* means an interior lot having frontage on two streets.

*Lot width* means the horizontal distance between side lot lines, measured at the front lot-line setback.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of chapter 113."

SECTION 3. All other Ordinances or parts of Ordinances in conflict with this Ordinance are repealed as of the effective date of this Ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after its approval, passage, and publication according to law.

PASSED AND APPROVED this 17 day of May, 2022.

  
Mike Dafney, Mayor

(SEAL)

Attest:   
Tarrah S. Johnson, City Clerk

Approved as to Form and Legality:

  
Simmons Olsen Law Firm