ORDINANCE NO. 2022-13

AN ORDINANCE OF THE VILLAGE OF CLEARWATER, NEBRASKA TO CHANGE THE ZONING DISTRICT OF CERTAIN REAL PROPERTY LOCATED NEAR NEBRASKA STREET AND IOWA STREET; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, the following real estate is located north and west of Nebraska Street and Iowa Street, respectively (hereinafter, collectively, the "Real Estate"):

> A tract of land lying in the NW1/4 of Section 1, Township 25 North, Range 8 West of the 6th P.M., Antelope County, Nebraska, described as follows: Beginning at a point 33 feet North of the center of said Section 1; running thence 33 feet due West; thence 269.6 feet due North; thence 33 feet due East; thence 269.6 feet due South to the point of beginning;
>
> and
>
> An irregular tract of land located in Tax Lot 11 in the SW1/4NE1/4 of Section 1, Township 25 North, Range 8 West of the 6th P.M., Antelope County, Nebraska, described as follows: Commencing at the Southwest corner of said Tax Lot 11; thence N00°13'25"E (assumed bearing) on the West line of said Tax Lot 11, a distance of 268.54 feet to the true point of beginning; thence N00°13'25"E on said West line of Tax Lot 11, a distance of 191.00 feet; thence S52°38'04"E, a distance of 60.68 feet; thence S89°50'17"E, a distance of 82.76 feet; thence S00°13'59"E, a distance of 152.70 feet; thence S89°27'50"W, a distance of 132.36 feet to the point of beginning;
>
> and
>
> An irregular tract of land located in Tax Lot 11 in the SW1/4NE1/4 of Section 1, Township 25 North, Range 8 West of the 6th P.M., Antelope County, Nebraska, described as follows: Beginning at the Southwest corner of said Tax Lot 11; thence N 89°39'36"E (assumed bearing) on the South line of said Tax Lot 11, a distance of 134.50 feet; thence N00°13'59"W, a distance of 268.98 feet; thence S89°27'50"W, a distance of 132.36 feet to the West line of said Tax Lot 11; thence S00°13'25"W, on said West line of Tax Lot 11, a distance of 268.54 feet to the point of beginning.

WHEREAS, the Real Estate is currently located within the R-1 Single-Family Residential District;

WHEREAS, the owners of the Real Estate desire to pursue uses not allowed under the R-1 Single-Family Residential District and would instead prefer that the Real Estate be rezoned as M-U Mixed Use Development District;

WHEREAS, pursuant to Section 9-1.1(B) of the Zoning Regulations of the Village of Clearwater (hereinafter the "Zoning Regulations"), the Board of Trustees initiated an amendment to the Clearwater Zoning Regulations to change the zoning district for the Real Estate to M-U Mixed Use Development District;

WHEREAS, the Planning Commission held a public hearing regarding this zoning request in accordance with Section 9-1.2 of the Zoning Regulations, and the Planning Commission has recommended the approval of the zoning change;

WHEREAS, published notice of the Planning Commission meeting and the meeting of the Board of Trustees was provided in accordance with Sections 9-1.2(B-C) and 9-1.4(B) of the Zoning Regulations;

WHEREAS, notice of the proposed amendment was posted on the property and mailed to the

record title owners of any lots owned by non-residents of the municipality in accordance with Sections 9-1.2(D) and 9-1.4(B) of the Zoning Regulations; and

WHEREAS, the Village Clerk has received written protest against the proposed amendment signed by the owners of 20 percent or more either of the area of the lot or lots immediately adjacent on the side and in the area thereof extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF CLEARWATER, NEBRASKA:

SECTION 1. The zoning classification of the Real Estate is hereby changed from R-1 Single-Family Residential District to M-U Mixed Use Development District.

SECTION 2. The official zoning map shall be changed to reflect the zoning classification change set forth in Section 1 above and any prior ordinance incorporating said official zoning map shall reincorporate such map as amended. The Chairperson of the Board of Trustees is authorized to sign any and all contracts with Miller & Associates to produce the aforementioned amended zoning map.

SECTION 3. That all ordinances or parts of ordinances in conflict be and the same hereby are repealed.

SECTION 4. That three-fourths of the Board of Trustees voted to suspend the requirement that this ordinance be read by title on three different days.

SECTION 5. That this ordinance shall be effective from and after its passage, approval and publication as provided by law.

SECTION 6. That this ordinance shall be published in pamphlet form and available for public inspection during normal village office business hours.

PASSED AND APPROVED THIS 8 DAY OF August, 2022.

VILLAGE OF CLEARWATER, NEBRASKA

By: _____
Chairperson

ATTEST:

_____
Angie Hupp, Village Clerk

CERTIFICATION

I, Angie Hupp, clerk of the Village of Clearwater, Nebraska, hereby certify that the foregoing is a true and complete copy of Ordinance No. 2022-13 of said village, duly passed and approved according to the law on the 8 day of August, 2022. I certify that said ordinance was published in pamphlet form.

_____
Angie Hupp, Village Clerk

(S E A L)