

LEGAL NOTICE for the CITY OF O'NEILL
ORDINANCE 234-A

An ordinance creating Board of Adjustment; providing for appointment of its members, specifying their duties and authority; creating zoning districts within corporate limits of City, and fixing their boundaries; prohibiting business establishments in residential districts; prohibiting certain business establishments in business district; exceptions; prohibiting fencing in specified districts; regulating placement of buildings on lots; regulating portion of lots to be covered with buildings in residential district; house trailers provided for buildings in residence district; temporary permit may be issued for house trailer in residence district; limiting time for temporary permits for house trailers and basements in residence district; to provide penalties for violation thereof; to repeal all ordinances or parts of ordinances in conflict herewith; and to prescribe the time when this ordinance shall be in full force and take effect.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF O'NEILL, NEBRASKA:

BOARD OF ADJUSTMENT ARTICLE I.

(1) **CREATION OF BOARD OF ADJUSTMENT; APPOINTMENT OF MEMBERS; TERMS; POWERS AND DUTIES.** — There is hereby created, as provided by statute, a Board of Adjustment consisting of the City Council and Mayor of the City of O'Neill, Nebraska, who shall exercise all the powers granted and perform the duties imposed by this ordinance and in Article 9, Chapter 19, Revised Statutes of Nebraska, 1943, as it now is or hereafter is amended to be. The Mayor shall preside at meetings of said Board of Adjustment and shall vote only in case of ties. The City Clerk shall be the secretary of said Board and perform the functions of secretary as prescribed by law.

(2) **ZONING, PROPERTY USES, DEFINITIONS OF TERMS.** — For the purpose of interpreting the provisions of this ordinance relating to zoning, certain terms and expressions used herein are defined as follows:

Words used in the present tense include the future; words used in the singular number include the plural, and words in the plural number include the singular; and the word "shall" is always mandatory. **ACCESSORY BUILDING.** A subordinate building the use of which is incidental to that of a main building or dwelling. **APARTMENT HOUSE.** A detached building used or designed as a residence for three or more families living independently of each other. **BOARDING HOUSE.** A building, other than a hotel, where lodging and meals are served or provided for compensation. **DWELLING.** A detached building that is arranged, intended or designed to be occupied by one family as a residence. **DWELLING TWO FAMILY.** A detached building that is arranged, intended or designed to be occupied as the residence of two families living independently of each other. **GARAGE, PRIVATE.** A building or portion thereof used for the housing or care of self-propelled vehicles and with a capacity for not more than two for each dwelling. **LOT.** A parcel of land occupied to be occupied by a building and its accessory buildings, together with such open spaces as are required by this ordinance or as required by such buildings, and abutting upon one or more streets. **LOT DEPTH.** The distance from the front lot line to the rear lot line. In case of a lot of irregular shape, the average depth shall be the lot depth. **FRONT STREET.** The front street of any block is the street running at right angles to the longest boundary line of the lots in said block according to the recorded plat thereof. **SIDE STREET.** The side street for any block is the longest boundary line of the lots in said block according to the recorded plat thereof. **NON-CONFORMING USE.** Use of a building or property that does not conform with the regulations of the district in which it is situated. **SET BACK.** The minimum horizontal distance between the street line and the front line of any building or projection thereof.

(3) **SAME DISTRICTS.** All of the conditions precedent as to notice and hearing, as required by law, concerning regulations, restrictions and boundaries of original districts having heretofore been complied with, it is hereby declared and ordained, subject to amendment from time to time according to law, that the City of O'Neill, Nebraska, is hereby divided into three classes of districts which shall be known as: **RESIDENCE DISTRICT; BUSINESS DISTRICT; and RAILROAD AND INDUSTRIAL DISTRICT.** The RAILROAD AND INDUSTRIAL DISTRICT shall comprise all

railroad rights-of-way and adjoining property now owned and controlled by them inside the city limits. In addition it shall include the South half of blocks 31, 32, 33, and 34, and 35, of the Original Town of O'Neill, and all of blocks 1, 2, 3, 4, and 5 of Faby's Addition to the City of O'Neill; and block H of Millard's Addition to the City of O'Neill. The **BUSINESS DISTRICT** shall be comprised of and shall include all lots which adjoin Douglas Street; and shall also include Lots 1, 2, 3, 21, 22, and 23 and 24 of Block 33; and Lots 6, 7, and 8 of Block 34; and lots numbered 1 to 8 both inclusive, and 13, 14, 15, and 16 of Block 28; and lots numbered 1 to 12 both inclusive in Block 27; and all of blocks numbered 15, 16, 21 and 22; and lots numbered 1, 2, 3, and 4 of Block 17; and lots 13, 14, 15, and 16 of Block 20; all of which are a part of the Original Town of O'Neill. The **RESIDENCE DISTRICT** shall include all of the property within the corporate limits of the City of O'Neill, Nebraska, except the territory included within the **BUSINESS DISTRICT** and the **RAILROAD AND INDUSTRIAL DISTRICT.**

The **RESIDENCE DISTRICT** shall be subdivided into sub-districts, to be known as Sub-district Number One, Sub-district Number Two, Sub-district Number Three, and Sub-district Number Four. Sub-district Number One shall comprise all of the residence district except for that property specifically included in Sub-districts Number two, three and four. Sub-district Number Two shall comprise all of the property located within the boundary lines of the Corporate Limits or section line on the North, 8th street on the West, John Street on the South, and 10th Street, or the Section Line and Corporate Limits on the East. Sub-district Number Three shall be comprised of the property located South of Fulton Street. Sub-district Number Four shall be composed of such property as is bounded by Hancock Street on the North, 9th Street on the West, 10th Street or the Section Line and Corporate Limits on the East, and the Corporate Limits on the South. All districts shall be as above designated.

(4) **RESIDENCE DISTRICT, USES.** — The residence district shall be used for residential uses only, and such uses shall include: 1. Private dwelling; 2. Two-family dwellings; 3. Churches; 4. Public or private schools; 5. Museums and libraries; 6. Parks and playgrounds; 7. Hospitals; 8. Truck gardens, orchards, nurseries, greenhouses; 9. The office, studio or shop of a physician, surgeon, dentist, musician, artist or beauty shop proprietor may be permitted therein when located in his or her dwelling; **PROVIDED**, that there shall be no outside display of goods and no advertising except a sign not exceeding two square feet in area, which shall announce only the name and occupation of the occupant of the premises. 10. Signs advertising the sale or rental only of the property upon which they are located. Such sign shall be distant as far as possible from abutting property and at least twenty-five feet from any curb line, or not more than five feet in front of any principal building. No such sign shall exceed five square feet in area. 11. Apartment house. 12. Boarding houses. 13. Clubs, lodges, or social or community center buildings, excepting those a chief function of which is service or activity conducted for pecuniary profit. 14. Home for the aged or orphans. 15. Private garages, private stables or accessory buildings. 16. Poster advertising board or painted bulletins providing they are constructed according to the latest accepted rules governing the construction thereof, and providing they shall be at least three feet from the ground and not to exceed fifteen feet in height and shall be set back from the front lot line the average set back distance in the block where they may be located, and if located on a corner lot they shall be built diagonally across the corner thereof and set back a sufficient distance from both streets so that they will not be an obstruction to the view and both the location and construction thereof must be subject to the approval of the Chief of Police. In addition the party desiring to erect such boards or bulletins must file with the City Clerk when he applies for a permit therefor the written consent of 80 percent of the owners of all property owners within 370 feet of the proposed location thereof. No permit shall be issued for the erection of such advertising poster or sign unless 80 percent of the property owners within 370 feet of the proposed location of such sign have given their written consent. If such permit is granted for such signs they shall not be in excess of 15 feet in height, at least three feet above the ground, and shall be set back from the lot lines in the same manner as residences.

(5) **SAME, RESIDENCE DISTRICT, AREA.** — Except as is hereinafter provided, no building shall be erected, enlarged or altered in the **RESIDENCE DISTRICT** except in conformity with the following regulations: **A. FRONT YARD.** Upon every lot upon which the building is to face a front street, there shall be a front yard having a depth not less than thirty feet from the front lot line of the street; nor shall any part of the building be less than six feet from the side lot lines, provided that in case a residence is located on any lot where not less than three houses in the block have a set back of less than thirty feet, then the residence to be located shall be set back not less than the average set back of the three houses or more than located on the front lots of such block; such average set back to be determined by the City Engineer, and the permit holder to be advised in writing, with a copy of such written notice also to be filed with the City Clerk by the City Engineer. **B. SIDE AND REAR YARD.** There shall be a side and rear yard on each side and in the rear of the building of at least four feet, and with an additional foot for each full story above the second story of any building, measured from the projection nearest the lot line, except that on lots measuring less than forty-five feet in width each side yard shall be not less than ten percent of the width of the lot, and except on lots where the side yard adjoins an alley, no side yard shall be required on the side adjoining the alley. **C. ACCESSORY BUILDINGS.** Private garages are permitted upon the same lot or an adjacent lot with a dwelling, either as a separate building or in a suitable room within or attached to the dwelling, provided that space for not more than two automobiles for each dwelling is permitted on one lot. Every such garage shall be at least two feet from the side lot line, except that within fifty feet of the street line such garage shall be distant at least two feet from any rear lot line that serves also as the side lot line to an adjoining property. In any case a private garage may be erected or maintained across a common lot line by mutual agreement between adjoining property owners. The same regulation concerning private garages shall also apply to private stables, except that one horse-drawn vehicle shall be considered the equivalent of one automobile. Other accessory buildings may be erected and maintained in the residence district; **PROVIDED**, they are not connected with the dwellings, are not more than ten feet in height, and are built as an accessory in the rear of a dwelling, and at least two feet from the lot line and no nearer the side lot line on the street side than the average set back distance in the block as determined by the Chief of Police. This does not apply to incinerators, which may be

built on the alley line. **D. No fence shall be erected or maintained upon, or adjoining, any property nearer the street than the rear line of the principal building located upon such property, that is objectionable to the owner of any adjacent property; PROVIDED**, that ornamental shrubbery, trees or flowers shall not be considered as fences. **E. No lot or portion of a lot shall be used for the salvaging or repairing of automobiles or other machinery, the assembling or storage of machinery for compensation, or the storage of building material; within the residential district, without first obtaining the consent of the Board of Adjustment. F. Where anyone desires to erect a BUSINESS BUILDING, or to carry on a business, upon any lot in a RESIDENTIAL DISTRICT, said person shall present to the Board of Adjustment his petition, setting forth his desire in detail; the Board of Adjustment shall thereupon fix a time and place for hearing upon said petition, and shall have power to hear and determine all matters so presented. Such notice of the time and place of hearing shall be made by publication in a legal newspaper of general circulation in the City not less than 10 days prior to the date of hearing. Such notice to state the purpose of the hearing; and the cost of such publication shall be paid by the applicant.**

(6) **SAME, BUSINESS DISTRICT, USES.** — In the business district the property, or the buildings thereon, may be used for any use permitted in the residence district; and, in addition, for retail and wholesale business, trades, industries and professions; and for any light manufacturing or light industry not noxious or offensive due to the emission of odors, gas, smoke, dust or noise, which is not a menace to public health or safety, and which will not substantially or permanently injure or damage the use, or value, of neighboring property. But, it is specifically directed that no filling station or drive-in station, shall be placed or erected in the blocks numbered 15, 16, 17, 20, 21, 22, 27, or 28 of the Original Town of O'Neill. It is further stated that, within the meaning of this paragraph, the processing of livestock or their by-products; or the storage of live stock or poultry within the Business District is offensive, due to the emission of odors, dust and noise. Therefore, the erection or placement of buildings within the Business District for those purposes are specifically prohibited.

(7) **SAME, NON-CONFORMING USES, WHAT ARE.** — A. The lawful use existing at the time of this passage and adoption of this ordinance, of buildings, may be continued although such provisions hereof. **B. Whenever a new district herein established shall hereafter be changed, any resulting non-conforming use of buildings in such changed district may be continued as though the change had not occurred; PROVIDED**, compliance is made with all other requirements or restrictions due to such change of district. **C. If any building now existing and used in conformity with the provisions of this ordinance shall be damaged or destroyed by any casualty, it may be replaced and the use at the time of such damage or destruction may be continued therein; PROVIDED**, that the work of reconstruction shall be commenced within a reasonable time and be prosecuted diligently thereafter. **And PROVIDED FURTHER**, that any building that is erected or altered may conform to all regulations of the building ordinance of the City of O'Neill. **D. If any building is actually used, at the time of the effective date of this ordinance, as a business within the Business District, or within the Residence District if it should be an activity carried on in that district, which becomes prohibited and is non-conforming by the provisions of this ordinance; such business or activity may continue to operate in its present state; PROVIDED**, that no expansion of the building takes place, or its scope of operation, is not enlarged over and above those in effect at the time of the passage of this ordinance. **E. The application for the erection, establishment, or maintenance of any packing plant for the processing of live stock or poultry; for the erection, establishment or maintenance of any hatchery, within the Industrial District shall be reviewed by the Board of Adjustment; and if such application is approved and a permit issued, the same must, in all respects, conform with any and all restrictions and regulations provided for the operation of such enterprise; whether such regulations be promulgated by the Board of Adjustment or the Board of Health of the City of O'Neill.**

(8) **SAME, PETITIONS FOR BUSINESS CLASSIFICATION IN RESIDENCE AREA, ADVERTISING COSTS.** — Any person, firm or corporation presenting to the Board of Adjustment a petition for permission to carry on a business upon any lot in the Residential District, praying for permission to erect a post or advertising board of painted bulletin in the Residential District, or praying for other relief which requires a meeting of the Board of Adjustment, a

notice of hearing thereon as provided in this ordinance, shall upon the filing of said petition pay to the secretary of said Board of Adjustment the sum of \$7.50. It shall be the duty of the secretary of the Board of Adjustment to thereupon advertise notice of hearing, and plans necessary incidental to the petition to be prepared, and upon final determination of said matter to make delivery to the petitioner.

(Continued on page 5.)

ROYAL THEATER

O'NEILL
FRIDAY - SATURDAY
FEBRUARY 13-14

Big Double Bill
Allan Lane and Jane Fraze in

A Guy Could Change

—also—
Zane Greys

Sunset Pass

with James Warren, Nan Leslie, John Laurenz, Jane Greer, Robert Bar-rat, Harry Woods, Robert Clarke, Steve Brodie, and Harry Harvey

Adm. 42c, plus tax 8c, total 50c — Matinee Sunday 2:30, Adm. 42c, plus tax 8c, total 50c — Children 10c, plus tax 2c, total 12c. Matinee Sat., 2:30.

SUNDAY - MONDAY - TUESDAY
FEBRUARY 15-16-17

Cary Grant, Shirley Temple, and Myrna Loy in

Bachelor and Bobby Soxer

Adm. 42c, plus tax 8c, total 50c — Matinee Sunday 2:30, Adm. 42c, plus tax 8c, total 50c — Children 10c, plus tax 2c, total 12c.

WEDNESDAY
FEBRUARY 18

Laraine Day, Briane Abern, Robt. Mitchum, and Gene Raymond in

The Locket

Adm. 42c, plus tax 8c, total 50c — Children 10c, plus tax 2c, total 12c.

SUMMERLAND
Ewing
Music by
JOHNNY MULLEN
and His Orchestra
Sunday, Feb. 15

FOODS FOR APPETIZING MEALS

Whiting FISH PER LB. 19c	Swift's Brookfield SAUSAGE PER EB. 59c	CHEESE 2 LB. BOX 98c
ORANGES CALIF. NAVELS, BAG 59c	APPLES RED ROMES, BU. BAG 2.98	POTATOES RED TRIUMPHS, PER 100 2.59
CELERY LARGE BUNCH 19c	Apple BUTTER Per Quart 29c	MACARONI 2-Lb. Pkg. 35c
SHORTENING 3-Lb. Can 1.45	COFFEE Nut-Brown, Lb. 49c	JELLY 10-Oz. Glass 26c
OYSTERS Wells Point, Can 45c	KRAUT 2 No. 2 Cans 23c	HOMINY No. 2 Can 10c
PRUNES Italian, 2 1/2 Can 29c	PETTIOHNS 18-Oz. Pkg. 18c	Salad Wafer 49c
CRACKERS 2 Lb. Box 49c		

Clover Farm Store
Phone 33 O'Neill

☆ **Thursday Star Specials** ☆

Gillespie's
RADIO — ELECTRIC — APPLIANCES
— O'Neill —
Case of Super Suds With Any Washer
Thursday Only

Gambles
★ THURSDAY STAR SPECIAL ★
A SPECIAL BUY . . . 500 PAIR
DOUBLE-THICK, QUILTED, FLANNEL
Chore Mitts
● Extra Stitching for Extra Wear
● Double-Knit Wrist
Regular 39c Seller
Thursday Only **25c** Per Pair

BEN FRANKLIN
NATIONALLY KNOWN — LOCALLY OWNED
A. E. BOWEN, Owner O'NEILL
★ Thursday's Star Special ★
VANITY SETS
IDEAL FOR VALENTINE'S DAY
98c UP TO 6.98
★ Include Comb, Brush and Mirror
★ Plastic or Metal

OUTLAW
F-L-O-U-R
● MOTHER'S BEST 50-Lb. Bag 3.59
● OMAR 50-Lb. Bag 3.59
● PILLSBURY'S 50-Lb. Bag 3.59
● LEXINGTON CREAM 50-Lb. Bag 3.29
● SUGAR 100-Lb. Bags 9.19