

ORDINANCE NO. 2024-852

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BENKELMAN, DUNDY COUNTY, NEBRASKA, TO REGULATE RESIDENTIAL STRUCTURES, INCLUDING PROHIBITIONS ON "SHOUSES" AND "BARNDOMINIUMS," WITHIN THE CITY LIMITS OF BENKELMAN, PROVIDING FOR ENFORCEMENT, PENALTIES, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF BENKELMAN, DUNDY COUNTY, NEBRASKA, finds that certain types of hybrid structures combining commercial or industrial uses with residential uses, including but not limited to "shouses" and "barndominiums," are inconsistent with the city's long-term planning and zoning objectives;

WHEREAS, the City Council seeks to promote uniform residential development standards to protect property values, public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BENKELMAN, NEBRASKA:

SECTION 1: PURPOSE

This ordinance is intended to regulate the design, construction, and use of residential structures within the city limits to maintain consistent neighborhood aesthetics and promote compatible land uses.

SECTION 2: DEFINITIONS

For purposes of this ordinance:

1. **Shouse:** A structure combining residential living space with a shop or commercial workspace, typically featuring metal siding or roofing materials and an industrial aesthetic.
2. **Barndominium:** A structure combining residential living space with a barn or agricultural storage or workspace, typically featuring a metal frame or exterior resembling a barn.
3. **Residential Structure:** A building designed and intended for human habitation, conforming to the design and construction standards set forth in this ordinance.

SECTION 3: PROHIBITED STRUCTURES

The following types of structures are prohibited within the city limits of Benkelman, except as otherwise provided herein:

1. **Shouses**, as defined in Section 2.
2. **Barndominiums**, as defined in Section 2.

SECTION 4: EXCEPTIONS

1. Structures meeting the definitions above may be permitted in areas zoned for : TA-1 Transitional Agricultural, C-3 Highway Commercial, I-1 Industrial, and FP – Flood Plain, Residential Transitional, R-4, C-2, and C-1, provided they meet all other applicable zoning and building code requirements.
2. Structures meeting the definitions above shall not be permitted in areas zoned for Residential: R-1, R-2 and R-3.

3. Structures existing prior to the effective date of this ordinance shall be considered **grandfathered** and may continue their current use but may not be expanded or substantially modified without compliance with this ordinance.

SECTION 5: CONSTRUCTION AND DESIGN STANDARDS

To maintain residential character and aesthetic consistency, all newly constructed residential structures in Benkelman shall:

1. Be constructed with exterior materials typical of residential homes, including but not limited to wood, brick, stucco, or vinyl siding.
2. Include roofing materials consistent with residential design, such as shingles or tiles.
3. Meet the design standards established by the city's zoning code and comprehensive plan.

SECTION 6: ENFORCEMENT

1. The City Clerk is authorized to enforce this ordinance and issue violations for noncompliance.
2. Any person or entity found constructing or permitting construction in violation of this ordinance shall be subject to:
 - o A fine not exceeding \$100.00 per day for each day the violation continues.
 - o An order to remove or alter the non-compliant structure to meet the ordinance's requirements.

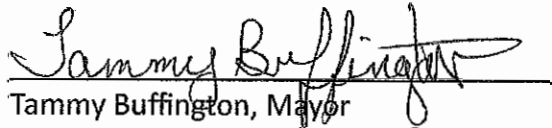
SECTION 7: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 8: EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED ON DECEMBER 16, 2024.


Tammy Buffington, Mayor

Attested to:


Diane Rosenfelt, City Clerk