

ORDINANCE NO. 23-800

AN ORDINANCE TO AMEND CHAPTER 150: BUILDING REGULATIONS AND CHAPTER 154 ZONING REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE WHEN BUILDING PERMITS ARE REQUIRED AND TO ALLOW FOR THE CONSTRUCTION OF ACCESSORY BUILDINGS AS A PRINCIPLE USE, CONSTRUCTION OF DWELLING UNITS, SPECIAL TYPES, AND TO REGULATE SINGLE FAMILY DWELLINGS IN B-1 OR B-2 BUSINESS DISTRICTS, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Section 1. Chapter 150 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

Section 150.01 BUILDING CODE ADOPTED BY REFERENCE.

The building regulations adopted by the city are incorporated by reference as if set forth in full herein. These provisions include the adoption by reference of the following: the International Building Code and International Residential Code, the Uniform Code for the Abatement of Dangerous Buildings (1997 2018 Edition) and the Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials as amended or deleted or modified as set forth in the attachment to Ordinance 03-630 and as set for the below. The building regulations are on file at the office of the City Clerk and are available for inspection by the public during regular business hours.

Section 150.02 WHEN BUILDING PERMITS ARE REQUIRED

Any owner or owner's authorized agent who intends to construct, enlarge, later, repair, move, demolish, or change the occupancy of a building or structure, including modification or replacement of exterior doors, roofs, windows, siding, decks, or accessory buildings, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the 2018 International Residential Code, or to cause any such work to be performed, shall first make application to the building inspector, and obtain the required permit.

Based on the foregoing, the 2018 International Residential Code, Section R105.2 is hereby modified to remove building permit exemptions for the following:

1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge....
5. Sidewalks and driveways....
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

Section 150.03 DISPLAY OF BUILDING PERMIT

The building permit, or a copy thereof, shall be kept on site for the duration of the project and shall be placed in a window or otherwise displayed in a manner that makes it visible from the street-facing side of the property.

Section 2. Chapter 154 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

Section 154.002. DWELLING UNIT, SPECIAL TYPES

Dwelling Unit, Special Types shall mean any dwelling type consisting of a single-family two-family, or multi-family that does not meet the typical construction style of traditional stick framed structures and which is not authorized in the R-1 Residence District §154.017 or R-2 Multiple Dwelling District under §154.018, except as approved under §154.037(A)(12).

1. **Shouse:** A combination of a dwelling unit and machine shed under a common or connect roofing system.

2. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses must be constructed on a permanent foundation.

Section 154.037 SPECIAL USES

(A) The Mayor and City Council may, by special permit, after a public hearing and after a review and recommendation of the Planning Commission and imposing those conditions and protective restrictions that are deemed necessary, authorize the following special uses in any district in which they are otherwise prohibited:

(12) Accessory Use, Building, or Structure as a Principle Use, provided such use meets all of the following requirements:

- (a) is structurally anchored to a permanent foundation and said foundation and structure meets all local, state, and/or federal building codes;
- (b) meets all local, state and/or federal electrical codes;
- (c) meets all egress requirements found in local, state, and/or federal codes;
- (d) meets the lot and building height regulations for the zoning district in which the lot is located
- (e) is no greater than fourteen (14) feet in height;
- (f) has an eighteen (18) inch eave overhang;
- (g) includes at least forty-eight (48) inches of façade of brick, stone, or wood on the street-facing side of the building; and
- (h) is consistent with the character of the neighborhood. Signed consent of the lot's adjacent landowners is not required, but shall serve as substantial evidence of the use being consistent with the character of the neighborhood.

(13) Dwelling Unit, Special Types, provided such use is consistent with the character of the neighborhood. Signed consent of the lot's adjacent landowners is not required, but shall serve as substantial evidence of the use being consistent with the character of the neighborhood.

(14) Single-Family Dwelling in B-1 or B-2 Business District, provided the Dwelling Unit meets all of the following conditions:

- (a) The total floor space of the combined first floor residential use shall not exceed fifty percent (50% of the building's total first floor square footage. Hallways and common areas shall not apply to this percentage;
- (b) Access to the unit shall not be acquired through the store or commercial access. Access must be gained by a separate ingress and egress system in compliance with local, state, and/or federal codes;
- (c) No part or portion of the residential dwelling shall be visible to the public from the street storefront, either by window, door, or other opening;
- (d) Meets all local, state, and/or federal building and electrical codes codes;
- (e) All modifications shall be designed and engineered by a licensed architect and/or engineer;
- (f) Meets all applicable fire codes and fire separation requirements between any adjacent occupancies that may come about as a result of the development of the residential unit; and
- (g) Is owned or occupied by the proprietor or an employee of an active commercial business located on the first floor of the building.
- (h) Residential off-street parking is provided consistent with §154.036.

(B) If the Planning Commission and City Council approve the plans, after public hearing thereon, building permits may be issued even though the location of the building to be erected in the area and the yards, and open spaces contemplated by the plan do not conform in all respects to the district regulations or the district in which it is located.

(1999 Code, §11-113).

Section 154.041 Dwelling Unit, Special Types

This section is intended to establish special conditions by which Special Types of Dwelling Units may be established within the jurisdiction of Friend.

Section 154.041.01 Tiny Houses

1. Tiny homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Tiny homes shall have at least one habitable room with not less than 120 sf of gross floor area;
3. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
4. Habitable rooms shall not be less than seven feet in any horizontal dimension;
5. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
8. Tiny homes shall have a kitchen area and sink;
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
10. All electrical shall be in compliance with all local, state and/or federal electrical codes;
11. The unit shall meet all egress requirements found in local, state, and/or federal codes;
12. All foundations shall meet local, state, and/or federal building codes;
13. All structures shall meet the lot and building height regulations for the zoning district in which the lot is located.
14. No Tiny House shall be constructed in any floodplain.

§154.041.02 Shouses

Any residential structure meeting the definition of a Shouse shall meet the following criteria:

1. Shouses shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes;
2. Once a Shouse has been established, the overall structure, including the shop area will no longer be considered an agricultural structure/building;
3. Shouses homes shall have at least one habitable room with not less than 120 sf of gross floor area;
4. Other habitable rooms shall have not less than 70 sf of floor area, except for kitchens;
5. Habitable rooms shall not be less than seven feet in any horizontal dimension;
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor;
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room;
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms;
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower;
9. Shouses shall have a kitchen area and sink;
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes;
11. All electrical shall be in compliance with all local, state and/or federal electrical codes;
12. The unit shall meet all egress requirements found in local, state, and/or federal codes;
13. Any and all extensions off the Shouse shall be structurally designed regarding all attachments and cantilevers;
14. All modifications needed to convert the machine shed into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineer;
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer;

16. All structures shall meet the lot and building height regulations for the zoning district in which the lot is located.

Section 3. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby repealed.

Section 4. This ordinance shall be in full force and effect and after its passage, approval and either posting or publication in pamphlet form as provided by law.

Passed and approved this 5th day of September, 2023.

CITY OF FRIEND, NEBRASKA

By: _____

MAYOR

Attest:


CITY CLERK/TREASURER

