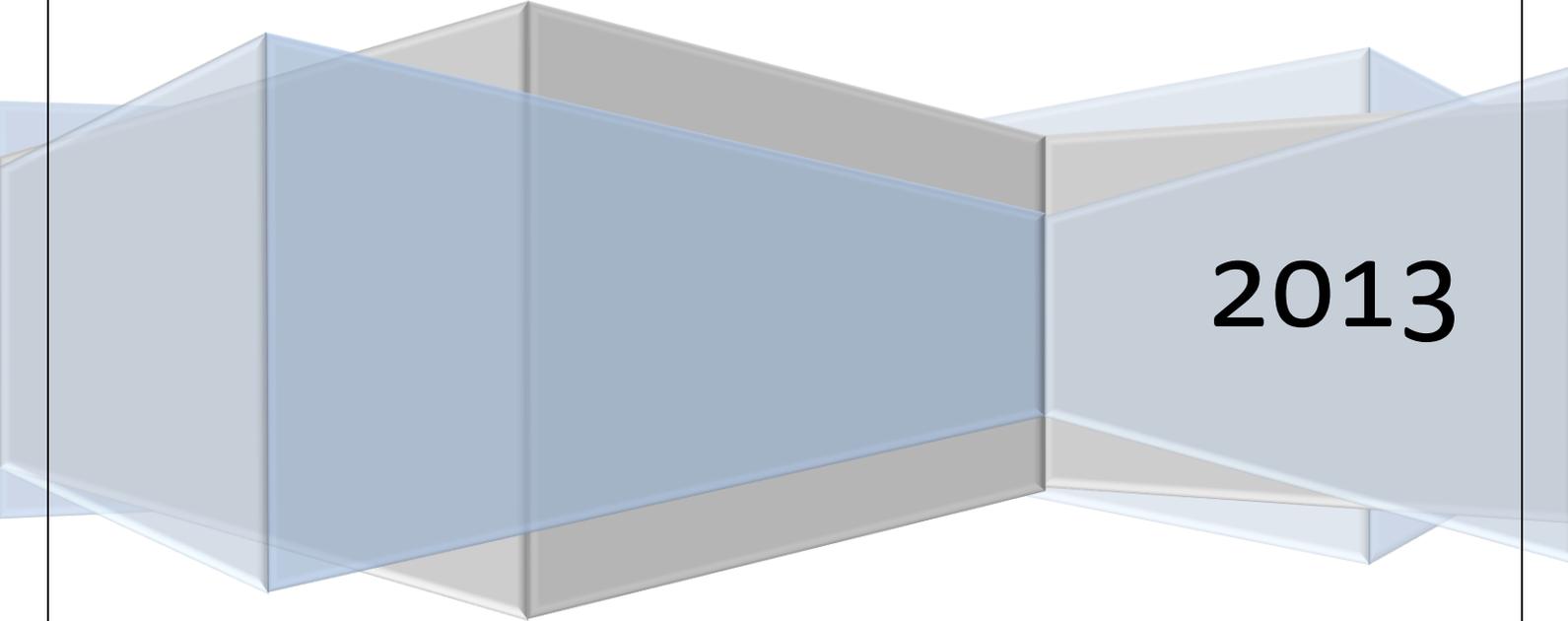


Developer's Guide to Fremont Nebraska

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2013

Introduction

The Developer's Guide to Fremont is a summary of the regulations and procedures that you are most likely to come across when building in the City of Fremont and its two-mile extraterritorial jurisdiction. It was created to help you understand the review and permit process that is required for all development, in order to help expedite your project.

Procedures and/or ordinances may have changed since the creation of this guide. Therefore, it should be used only as a reference. Near the end of this guide is a list of agencies and departments that are available to help you and answer your questions.

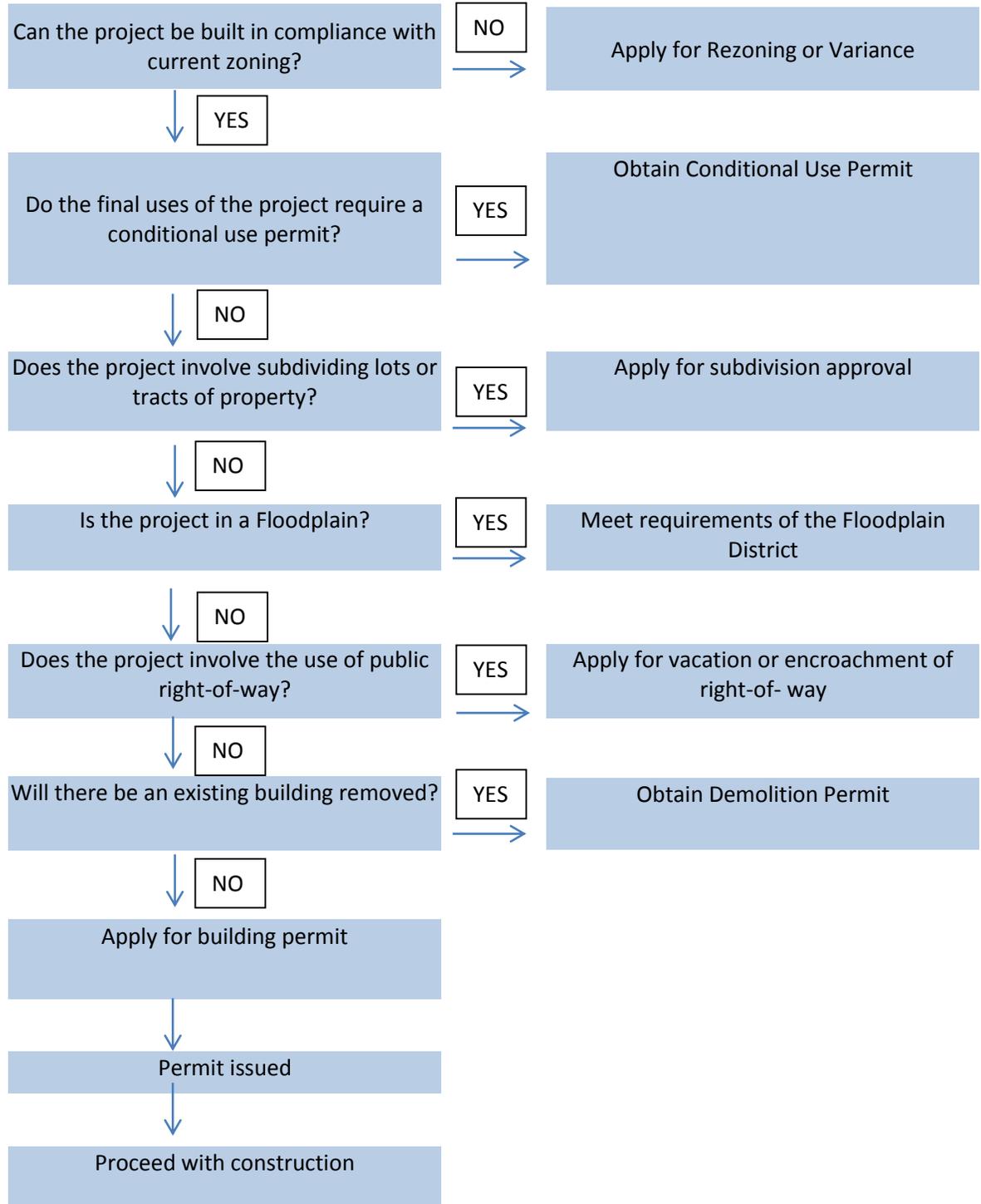
Acknowledgement

This guide was based off of the Developer's Guide to Omaha prepared in 2010 by the Omaha Planning Department, R.E. Cunningham, Planning Director in partnership with the Greater Omaha Economic Development Partnership at the Greater Omaha Chamber, David G. Brown, president and CEO.

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Project Approval Process



Zoning in Fremont

The Zoning Ordinance can be found on the City of Fremont website at:

<http://www.fremontne.gov/index.aspx?NID=468>)

There you will find important information related to zoning regulations, special & overlay districts, landscaping & screening standards and sign regulations

If your project cannot comply with the zoning regulations at that site, there are two options for you. If the zoning classification needs to be changed in order for your project to move forward then you can submit a rezoning request. If you need a variance from a certain requirement (such as building setback) you may submit a variance request to the Board of Adjustment. Variances may be approved if the applicant demonstrates that the provision in the code causes undue hardship or practical difficulty. An application for either does not guarantee approval. Applications will be evaluated on their conformance with the City’s Comprehensive Plan and cohesiveness with the surrounding land uses.

Rezoning Request

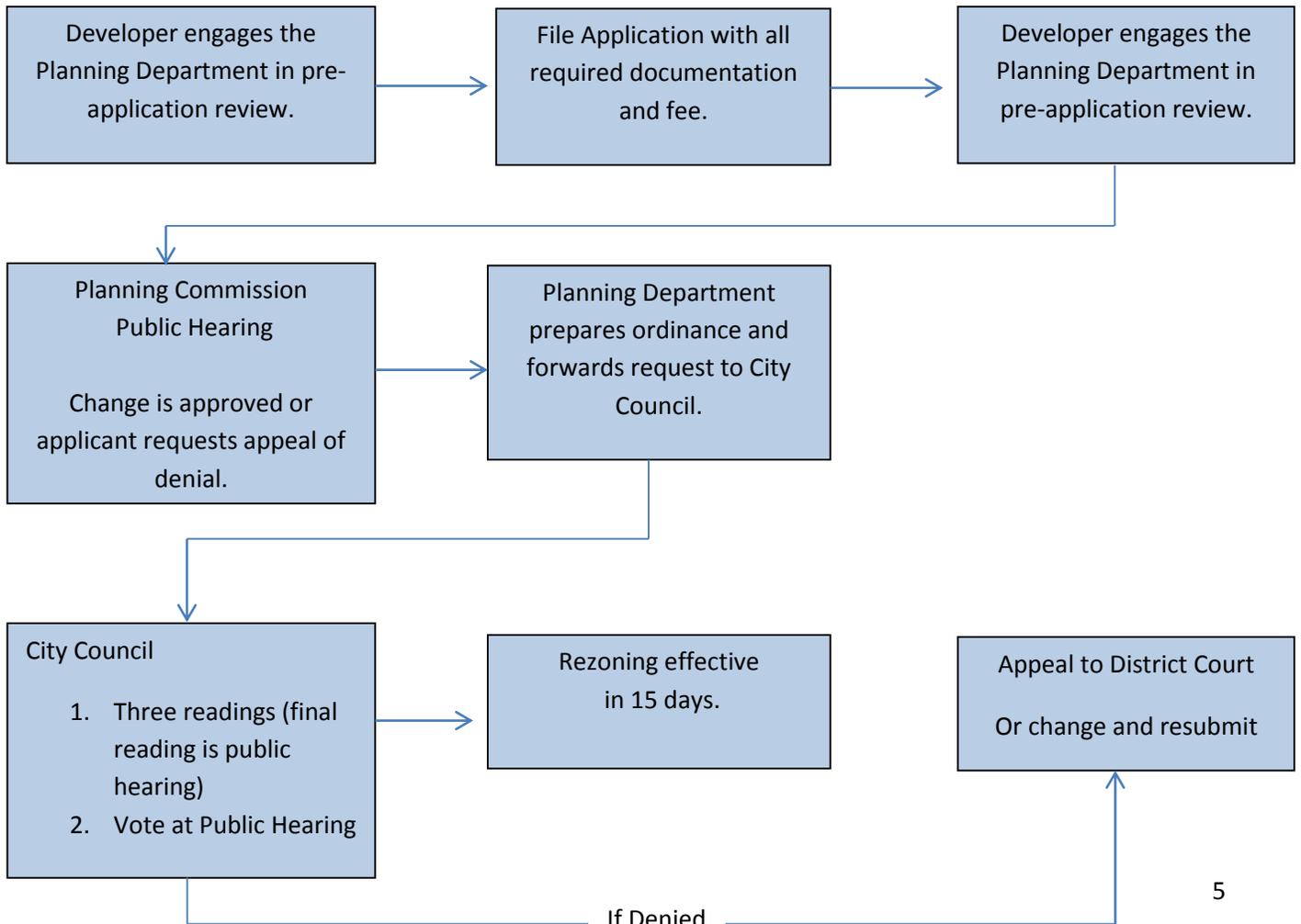
Zoning in Fremont must be changed by ordinance. The Planning Department and Planning Commission recommend action to the City Council, whom then votes on the ordinance.

Process	Applicant	Processing Agency
Pre-application Conference	Contacts Planning Department and provides general outline of development and reason for zoning change request.	Planning Department discusses the project with other departments and provides advice on a variety of development related issues back to the applicant.
Application and Planning Department Review	Files complete application form, supplemental information and required fee. Information required generally includes: legal description of property, general development plans, and current and proposed zoning. Specific submittal requirements are detailed on the application form.	The Planning Department reviews the application, inspects the site, prepares its recommendation and notifies surrounding property owners of the request. The application and recommendation are forwarded to the Planning Commission.
Planning Commission Review and Public Hearing	Attends public hearing to formally present request, answer questions and provide additional information if necessary.	Planning Commission holds public hearing and formulates its recommendation. The Planning Department prepares an ordinance for the zoning change and forwards it to the City Council.
City Council Review and Public Hearing	Attends public hearing to City Council to formally present request, answer questions and provide additional information if necessary.	City Council conducts three readings of the proposed zoning change, the last of which is a public hearing. The Council votes at the last reading following the public hearing. If approved, the ordinance is transmitted to the Mayor for signature. The change becomes final 15 days after Council action.

If Rezoning Request is Denied by the Planning Commission

Process	Applicant	Processing Agency
Appeal to City Council	Request automatically proceeds to the City Council with the Planning Department and Planning Commission recommendation, unless the applicant requests that it be withdrawn.	Planning Department prepares an ordinance for the zoning change and forwards it to the City Council.
City Council Approval	Attends public hearing to City Council to formally present request, answer questions and provide additional information if necessary.	<p>City Council conducts three readings of the proposed zoning change, the last of which is a public hearing. The Council votes at the last reading following the public hearing. If approved, the ordinance is transmitted to the Mayor for signature. The change becomes final 15 days after Council action.</p> <p>Processing time: Minimum 30 days from date of initial application.</p>

Rezoning Process

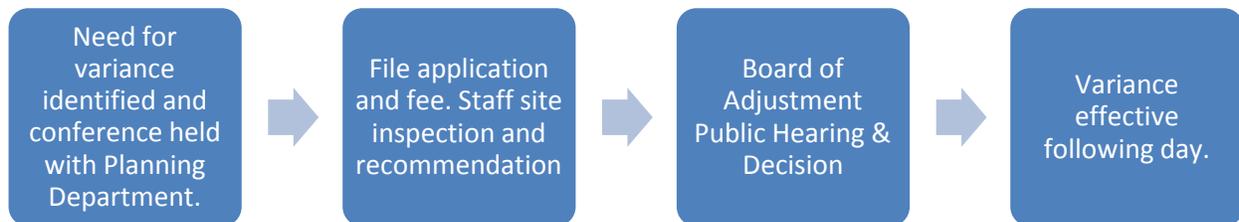


Zoning Variance

There may be times when the details of a project do not or cannot conform to the regulations for the current zoning of a property. The Board of Adjustment is authorized to grant a variance from the zoning ordinance when the strict interpretation of the ordinance produces an undue hardship or practical difficulty. This variance does not require Planning Commission or City Council approval.

Process	Applicant	Processing Agency
Pre-application Conference	Contacts Planning Department to discuss project and need for a variance.	Planning Department discusses the project with the other departments and provides advice on a variety of development related issues back to the applicant.
Application and Planning Department Review	Files variance application, supplemental information, and fee.	Planning Department reviews application, site, and formulates its recommendation and notifies adjacent property owners. The application and recommendation are forwarded to the Board of Adjustment.
Board of Adjustment Meeting	Attends Board of Adjustment public hearing to formally present proposal, provide information and answer questions.	Board of Adjustment holds a public hearing on the request and makes decision to grant or deny the variance. All approved variances are effective the following business day. Appeals of the Board of Adjustment's decision are made to District Court. Processing time: 3-4 weeks.

Zoning Variance Process



Note: If denied, applicant can appeal to district court.

Conditional Use Permit

The zoning ordinance (found at <http://www.fremontne.gov/index.aspx?nid=468>) has a complete list of conditional uses. Conditional Use Permits must be approved by the Planning Commission. The application process is similar to the rezoning process. The approval process ends with the City Council reviewing the item.

Flood Plain Overlay District

Certain areas of the city are designated as flood plains because of the probability of significant flooding. Any construction in the flood plain must meet specific standards relating to items such as finished floor elevation or flood proofing. The flood plain is an overlay district, therefore the base zoning regulations still apply. A flood plain development permit must be obtained before an application for a building permit. Upon completion of construction and prior to occupancy, the applicant must submit a completed Elevation Certificate to the Planning Department.

Process	Applicant	Processing Agency
Application	Completes application form, including general information about the project, and provides one set of plans (including elevations in the area, proposed structures, fill, drainage facilities and storage of materials).	Planning Department receives the application and forwards a copy to Building and Public Works.
Review	If necessary, meets with Planning Department and other related departments to provide further information.	The Planning Department and other departments review the site and its proposed use and formulate their recommendations.
Development Permit Issued		Permit is issued following the review by related departments. A building permit application may then be filed. Applicant must submit a completed Elevation Certificate prior to occupancy.

Other Overlays and Special Districts

There are a number of additional overlay districts and special zones that exist which may impact the uses or structures permitted on a parcel. A few examples are: Airport Overlay (AO), Campus/University (CU), and Traditional Neighborhood Development (TND).

Subdivisions

Process	Applicant	Processing Agency
Pre-Application Review	Provides general sketch of plans for development including all streets, lots and other public improvements. Provides location map showing relationship of site to abutting property, subdivisions and community facilities.	Planning Department reviews the plans with other departments and provides the developer written comments.
Preliminary Plat Review	Provides 3 copies of the preliminary plat including proposed name, legal description of property, names of surveyor and developer, streets, utility, parks, sewers and zoning (both existing and proposed) along with application form and appropriate fees.	<p>Planning Department transmits plat copies to the following agencies for their review:</p> <p>Public Works Police Fire Utilities Parks & Recreation</p> <p>Planning Department formulates its recommendation and notifies surrounding property owners, if required. The recommendation is forwarded to the Planning Commission.</p>
Preliminary Plat Approval	Attends Planning Commission public hearing to formally present proposal, provide additional information and answer questions.	The Planning Commission holds a public hearing regarding the preliminary plat and either approves, denies or lays over the request for additional information. A preliminary plat must be approved by the Planning Commission before being forwarded to the City Council.
Preliminary Plat Approval-City Council	Attends City Council public hearing to formally present proposal, provide additional information and answer questions.	City Council holds public hearing and approves or disapproves the preliminary plat.
Final Plat Review-Planning Department	<p>Provides application form, appropriate fees, and 2 copies of final plat prepared by a registered engineer or surveyor (1 mylar and one electronic). Included must be:</p> <ol style="list-style-type: none"> 1. Signed copy of the subdivision agreement. 2. Copy of any covenants or restrictions. 3. Proposed sanitary and improvements district boundaries. 4. Source and use of funds. 	Planning Department forwards final plat to agencies (see above) for recommendations.
Final Plat Approval-Planning Commission	Attends Planning Commission public hearing to provide additional information and answer questions.	Planning Commission formulates its recommendation and transmits plat to City Council.
Final Plat Approval-City Council	Attends City Council public hearing to formally present proposal, provide additional information and answer questions.	City Council holds public hearing and approves or denies the plat (and subdivision agreement, if applicable) Processing time: Minimum of 90 days from initial submittal.

Building Permits

The City of Fremont requires building permits for all new construction, repairs and alterations to verify compliance with the City building, plumbing, electrical and mechanical codes and to ensure access to buildings by the handicapped is provided. These requirements can be found in chapter 9 of the Municipal Code. The City of Fremont’s Municipal Code can be found on our website:

<http://www.fremontne.gov/>

Process	Applicant	Processing Agency
Application	Provides preliminary plans and specifications to Permits & Inspections	Permits & Inspections reviews development proposals with applicant and identifies possible problem areas.
Application	Files completed application from and required fee. Information required includes: legal description of property , proposed use, square footage, materials to be used, estimated cost, names of owners, architect, contractor, and three sets of plans including plot, foundation and floor plans, elevations, survey certificate, certificate from state fire marshal and cross section of construction. All plumbing, electrical and mechanical work must be noted. Plans must be signed and sealed by a licensed architect/engineer in accordance with Nebraska state law.	Permits & Inspections routes plans for review by: Planning, Building, Mechanical, Electrical, Plumbing and Public Works.
Plans Examination	Meets with Permits & Inspections to answer questions and provide additional information.	City Departments review plans for completeness and adherence to Municipal Codes before building permit is issued. Processing time: 2-3 weeks Construction must begin within six months after the permit is issued and be complete within 12 months (a six month extension be granted)
Construction Inspection	Notifies Permits & Inspections at various stages of construction so that work completed may be inspected.	Construction inspections of building, electrical, mechanical and plumbing systems. Additional inspection items include: drain tile, foundation and insulation.
Certificate of Occupancy	Notifies Permits and Inspections of project completion.	All applicable inspectors verify the completed project is in compliance with the approved plans and municipal codes. Certificate of Occupancy will be issued following the project passing final inspection.

Additional Building-Related Permits

In addition to the building permit, most construction projects will require one or more of the following permits:

	Municipal Code Reference	Contact
Electrical	Chapter 9	Permits and Inspections
Plumbing	Chapter 9	Permits and Inspections
Heating and Air Conditioning	Chapter 9	Permits and Inspections
Signs	Chapter 8	Permits and Inspections
Elevators	N/A	State Elevator Inspector
Sidewalks	Chapters 8 & 10	Public Works
Driveways	Chapters 8 & 10	Public Works
Cutting of Existing Curbs	Chapters 8 & 10	Public Works
Fire	Chapter 7	State Fire Marshal

When Permits & Inspections receives an application for a building permit, it is reviewed by the staff for the construction of any of the items listed above. In general, three sets of plans showing the details of each item are required for the building permit. The information provided for the building permit will be used for the processing of these additional permits.

Handicapped Access Requirements Contact: Permits & Inspections

All buildings and facilities shall be designed and constructed to provide accessibility. This includes new buildings, additions, remodel and tenant finishes. Design criteria include requirements for parking places, entrances, doors, stairs, restrooms, water fountains, telephones and elevators.

Street Obstruction Permit Contact: Public Works

A permit is required to obstruct an alley, street or sidewalk during construction. The applicant must submit a completed application form, site plan with dimensions showing the area of obstruction and proof of insurance.

Demolition Permit

A permit is required for the razing of any structure.

Process	Applicant	Processing Agency
Application	Completes application form including legal description of property, name of owner, name of contractor, and the efforts made to ensure public safety.	Permits & Inspections receives the application and checks for accuracy.
Approval	<p>Obtains written statement from a pest control contractor that states the property is free of rodent, pigeon and/or vermin infestation.</p> <p>Obtains written statement from asbestos inspector that states the property is free of asbestos.</p> <p>If applicable, obtains written confirmation from the Department of Utilities that gas and water have been disconnected.</p>	Following the submittal of all required paperwork the permit is issued. Permit is issued only to a bonded wrecker when other than a one-story structure with less than 1,500 sq. ft.

House Moving Permit

Moving a structure from one lot to another or to a different location on the same lot requires a permit.

Process	Applicant	Processing Agency
Application and Review	Completes application including property locations and surveyor's certificates, qualifications of mover, route to be followed, two sets of plot plans and architectural plans and photograph of building.	Permits & Inspection receives application and reviews the condition of the building and its compatibility with the new neighborhood. Existing and future location of structure is posted for five days.
Approval	Obtains written approval from Department of Utilities, Parks and Recreation and Public Works.	Permits & Inspection issues the permit with specific designation as to route and time of day after an administrative hearing.
Actual Move	The mover must provide at least 24-hour notice of the move to the Fire, Police, Utilities and Public Works Department	Processing time: 10 days

Use of Public Right-of-Way

Awnings, balconies, entrance canopies, dumpsters and sidewalk cafes are a few examples of projects which may require the use of public right-of-way. It is unlawful for any person to use any space underneath, upon or above any street, alley or public grounds without first obtaining permission to do so.

Process	Applicant	Processing Agency
Application for Encroachment	Complete application form. Information required includes dimensioned site plan of space desired, intended use (including materials to be used and estimated cost) and legal description of the abutting property.	Permits and Inspections receive application and forward copies to Planning and Public Works for their review.
Recommendations	If necessary, meet with City departments to answer questions and provide information.	Recommendations are made by City departments. If approved, the request is forwarded to the City Council in the form of a resolution.
City Council Approval	Attendance at the Council meeting to answer questions is recommended.	If the Council approves the application, and it is signed by the Mayor, the change in use is effective the following business day. Processing time: 4-6 weeks.

Vacation of Streets, Alleys and Easements

Development may require the permanent closing of a public thoroughfare. You may request that the City vacate a street, alley or easement, with ownership of the property reverting to the owners of the abutting property.

Process	Applicant	Processing Agency
Application	Files a petition of owners of 75 percent of the taxable front footage abutting the requested vacation. Information required includes legal description of area to be vacated and reason for the request. (Streets and alleys may be vacated via replat, if appropriate)	Planning Department receives petition and forwards a copy to the Utilities and Public Works Departments.
Review	If necessary, meet with departments to discuss proposal, and provide additional information.	Planning and Public Works staff review the site and the vacation request and formulate their recommendations.
City Council Approval	Attends public hearing to formally present proposal, provide additional information and answer questions.	The City Council reviews the proposal. If passed the resolution is forwarded to the Mayor for his signature. The Council may require payment of fair market value for the vacated property by the applicant. Processing time: 1-2 months.

Industrial Projects

Industrial Wastewater Discharge

Contact: Department of Utilities

All commercial/industrial users connected to, or discharging into, any part of the wastewater treatment system must obtain a NPDES (National Pollutant Discharge Elimination System) permit from the State of Nebraska Department of Environmental Quality.

Questions related to Industrial Wastewater should be directed to:

Derril Marshall
400 E. Military Ave.
Fremont, NE 68026
Phone: 402-727-2600

Industrial Stormwater Discharge

Contact: Public Works

Industrial or commercial facilities that discharge stormwater, directly or indirectly, to the City of Fremont's Storm Sewer system, must obtain permission from the City of Fremont.

Before permission is given on the project, the user should submit to Public Works: detailed plans showing storage areas and drainage pathways, and a Stormwater Pollution Prevention Plan (SWPPP). Public Works will evaluate the data provided by the user and may require additional information. After analyzing the data, the Department may grant permission to the project subject to certain terms and conditions.

Noise

In order to control noise levels, construction activities within 300 feet of residential districts and uses shall not take place between the hours of 7 pm and 7 am. Between the hours of 7 am to 7 pm the maximum decibels allowed in the GC and LI zoning districts is 60 dbA and the maximum decibels allowed in the GI district is 65 dbA. The Public Works Director may authorize construction during the hours of 7 pm to 7 am for a good cause shown, such as minimizing peak hour traffic disruptions and performing emergency repairs.

Appeals

Zoning

Contact: Planning

The decisions of the City Council or the Planning Commission may be appealed to the District Court.

Building Regulations

Contact: Permits & Inspections

Housing Advisory and Appeals Board is a board appointed by the Mayor to receive appeal requests relating to construction activities. Such an appeal should be filed within 15 days from the ruling from Permits & Inspections. The board may affirm, modify or reverse the previous ruling. The decision of the Housing Advisory and Appeals Board may be appealed to the district court.

Plumbing Regulations

Contact: Permits & Inspections

The Board of Plumbing Examiners is appointed by the Mayor to oversee the licensing of plumbers in the City and review decisions of the Permits & Inspections department concerning plumbing regulations. Any owner or contractor may appeal a ruling from Permits & Inspections, stating the objections to the ruling. The Board of Plumbing Examiners may affirm, modify or reverse the previous ruling.

Electrical Regulations

Contact: Permits & Inspections

The Board of Electrical Examiners is appointed by the Mayor to oversee the licensing of electricians in the City and review decisions of the Permits & Inspections department concerning electrical regulations. Any owner or contractor may appeal a ruling from Permits & Inspections, stating the objections to the ruling. The Board of Electrical Examiners may affirm, modify or reverse the previous ruling.

Utility Connections

Telephone-	Century Link Fremont, NE Contact: Kim Jirovsky Phone: (402) 721-9070
Cable TV-	TimeWarner Cable Lincoln, NE Contact: Michael Willey Phone: (402) 412-0394
Electrical-	City of Fremont Dept. of Utilities Contact: Darryl Stewart Phone: (402) 727-2636
Natural Gas-	City of Fremont Dept. of Utilities Contact: Kirk Hillrichs Phone: (402) 727-2661
Sanitary Sewer Water-	City of Fremont Dept. of Utilities Contact: Larry Andreasen Phone: (402) 727-2821
General	Diggers Hotline of Nebraska Phone: 1-800-331-5666

References

City of Fremont Offices:

City offices are located in the Municipal Building, 400 E. Military Avenue, Fremont, NE 68525

Public Works	3 rd Floor	402-727-2636
Parks & Recreation	2 nd Floor	402-727-2630
Planning	3 rd Floor	402-727-2636
Permits & Inspections	3 rd Floor	402-727-2638
City Council Boxes	2 nd Floor	
Mayor's Box	2 nd Floor	
City Clerk	2 nd Floor	402-727-2633
Utilities	2 nd Floor	402-727-2600

State Fire Marshal

246 S 14th Street
Lincoln, NE 68508
Alan Viox
Phone: 402-395-2164
Fax: 402-395-2400
Plan Submittal forms may be downloaded at:
www.sfm.ne.gov

Greater Fremont Development Council

1005 E. 23rd Street, Suite 2, PO Box 472
Fremont, NE 68026
Phone: 402-753-8126
<http://www.fremontcodev.org/fremont>

Lower Platte North Natural Resources District

511 Commercial Park Rd.
Wahoo, NE 68066
Phone: 402-443-4675
www.lpnnrd.org/