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## **CHAPTER 11 – MUNICIPAL PLANNING**

### **Article 1. Zoning and Subdivision Regulations**

#### **§11-101 ZONING REGULATIONS; ADOPTED BY REFERENCE.**

A. The zoning regulations are in a pamphlet titled "Oakland, Nebraska, Zoning Regulations 2001" as prepared by JEO Consulting Group, Inc. Said zoning regulations are attached as Exhibit A to Ordinance 567 and are incorporated herein by reference.

B. Three copies of said zoning regulations shall be marked or stamped "Official Copy as Incorporated by Ordinance 567, Dated the 10th day of September, 2001," to which shall be attached a copy of the incorporating ordinance, and said copies shall be filed in the office of the City Clerk and shall be available to the public for inspection during regular business hours.

C. The zoning map titled "Oakland, Nebraska, Zoning Map" is hereby adopted as the official zoning map for the City and for the area outside of but within one mile of the city limits of Oakland, Nebraska, and said map shall be marked or stamped "Official Copy Incorporated by Ordinance No. 567." Three copies of said map shall be filed in the office of the City Clerk and shall be available to the public for inspection during regular business hours.  
(Amended by Ord. No. 567, 9/10/01)

#### **§11-102 SUBDIVISION REGULATIONS; ADOPTED BY REFERENCE.**

A. The subdivision regulations are in a pamphlet titled, "Oakland, Nebraska, Subdivision Regulations 2001" as prepared by JEO Consulting Group, Inc. Said subdivision regulations are attached as Exhibit A to Ordinance 568 and are incorporated herein by reference.

B. Three copies of said Subdivision Regulations shall be marked or stamped "Official Copy as Incorporated by Ordinance 568, Dated the 10th day of September, 2001," to which shall be attached a copy of the incorporating ordinance. Said copies shall be filed in the office of the City Clerk and shall be available to the public for inspection during regular business hours.

(Amended by Ord. No. 568, 9/10/01)



## Article 2. Fair Housing

### §11-201 FAIR HOUSING; PURPOSE.

The purpose of this article is to promote the general welfare of the residents of Oakland by endorsing the provisions of the Nebraska Fair Housing Act, Sections 20-301 through 20-344 RS Neb., to the effect that there shall be no discrimination in the City of Oakland in the acquisition, ownership, possession or enjoyment of housing in accordance with Article I, Section 25 of the Constitution of the State of Nebraska. (Ord. No. 550, 10/11/99)

### §11-202 FAIR HOUSING; DEFINITIONS.

As used in this article, unless the context otherwise requires:

“Aggrieved person” shall include any person who (A) claims to have been injured by a discriminatory housing practice or (B) believes that he or she will be injured by a discriminatory housing practice that is about to occur.

“Commission” shall mean the Nebraska Equal Opportunity Commission.

“Dwelling” shall mean any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a residence for one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

“Familial status” shall mean one or more minors being domiciled with (A) a parent or another person having legal custody of such individual or (B) the designee of a parent or other person having legal custody, with written permission of the parent or other person.

“Handicap” shall mean, with respect to a person, (A) a physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance as defined in section 28-401 RS Neb., which substantially limits one or more of such person's major life activities; (B) a record of having such an impairment; or (C) being regarded as having such an impairment.

“Person” shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

“Rent” shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant.

“Restrictive covenant” shall mean any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status, or ancestry.

(Ord. No. 550, 10/11/99)

## §11-203 FAIR HOUSING; UNLAWFUL ACTS.

A. Except as exempted by Section 11-307 of this code, it shall be unlawful to:

1. Refuse to sell or rent after the making of a bona fide offer; refuse to negotiate for the sale or rental of or otherwise make unavailable or deny; or refuse to show or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, or sex.

2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status, or sex.

3. Make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or an intention to make any such preference, limitation, or discrimination.

4. Represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

5. Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status, or sex of a person seeking to purchase, rent, or lease any housing.

6. Include in any transfer, sale, rental, or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing.

7. Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this Article or the Nebraska Fair Housing Act.

8. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex.

B. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

(Ord. No. 550, 10/11/99)

**§11-204 FAIR HOUSING; HANDICAPPED PERSON; DISCRIMINATORY PRACTICES PROHIBITED; DESIGN AND CONSTRUCTION STANDARDS.**

A. Except as exempted by Section 11-207 of this code, it shall be unlawful to:

1. Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of (a) the buyer or renter; (b) any person associated with the buyer or renter; or (c) a person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or to

2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of (a) such person; (b) any person associated with such person; or (c) a person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

B. For purposes of this section, "discrimination" shall include:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such manner that:

a. The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;

b. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

c. All premises within the dwellings contain the following features of adaptive design: (i) an accessible route into and through the dwelling; (ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (iii) reinforcements in bathroom walls to allow later installation of grab bars; and (iv) kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

C. Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subsection (B)(3)(c) of this section.

D. For purposes of this section, "covered multifamily dwellings" shall mean:

1. Buildings consisting of four or more units if such buildings have one or more elevators; and

2. Ground floor units in other buildings consisting of four or more units.

E. Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. (Ord. No. 550, 10/11/99)

**§11-205 FAIR HOUSING; TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE; DISCRIMINATORY PRACTICES PROHIBITED.**

A. It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status, or national origin.

B. For purposes of this section, "transaction related to residential real estate" shall mean any of the following:

1. The making or purchasing of loans or providing other financial assistance (a) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or (b) secured by residential real estate; or

2. The selling, brokering, or appraising of residential real property.

C. Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status, or sex. (Ord No. 550, 10/11/99)

**§11-206 FAIR HOUSING; MULTIPLE LISTING SERVICE; OTHER SERVICE; DISCRIMINATORY PRACTICES PROHIBITED.**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against any person in



the terms or conditions of such access, membership, or participation on account of race, color, religion, national origin, handicap, familial status, or sex. (Ord. No. 550,10/11/99)

**§11-207 FAIR HOUSING; RELIGIOUS ORGANIZATIONS, PRIVATE HOME; PRIVATE CLUB, OR HOUSING FOR OLDER PERSONS; RESTRICTING USE NOT PROHIBITED.**

A. Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status, or sex.

B. Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

C. Nothing in this article shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason or for no reason or to change tenants in his or her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her home.

D. Nothing in this article regarding familial status shall apply with respect to housing for older persons. For purposes of this subsection, "housing for older persons" shall mean housing:

1. Provided under any state program that the Commission determines is specifically designed and operated to assist elderly persons or defined in the program;
2. Intended for and solely occupied by persons 62 years of age or older; or
3. Intended and operated for occupancy by at least one person 55 years of age or older per unit.

(Ord. No. 550, 10/11/99)

**§11-208 FAIR HOUSING; INFORMATION.**

The City Clerk, upon request, shall make available to an aggrieved person or any other person, information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission without cost to such individual. (Ref 20-301 through 20-322 RS Neb.) (Ord. No. 550, 10/11/99)



### **Article 3. Comprehensive Plan**

#### **§11-301 COMPREHENSIVE PLAN; ADOPTED BY REFERENCE.**

A. The Comprehensive Plan is contained in a pamphlet titled "Oakland, Nebraska, Comprehensive Plan Update, 2001" as prepared by JEO Consulting Group, Inc. Said Comprehensive Plan Update, including all maps referred to therein, is incorporated herein by reference and shall have the same force and effect as if being set out verbatim herein.

B. Three copies of said Comprehensive Plan Update have been filed in the office of the City Clerk and shall be available to the public for inspection during normal business hours.

(Ord. No. 566, 9/10/01)



## **Article 4. Penal Provision**

### **§11-401 VIOLATION; PENALTY.**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$100.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

