

ZONING ORDINANCE

BROKEN BOW, NEBRASKA

ORDINANCE No. 1184

ADOPTED BY BROKEN BOW, NEBRASKA: JUNE 12, 2018

JEO PROJECT No. R111076.00

Prepared By:



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ARTICLE 1 – GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known, referred to, and cited as the Zoning Ordinance of Broken Bow, Nebraska.

1.2 INTENT AND PURPOSE

This Zoning Ordinance is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this Zoning Ordinance is adopted in order to achieve the following objectives:

1. To provide a precise plan for the physical development of the City, in such a manner as to achieve, progressively, the general arrangement of land uses depicted in the Comprehensive Plan of the City.
2. To foster a harmonious, convenient, workable relationship among local land uses and a wholesome, serviceable, and attractive living environment.
3. To promote the stability of existing land uses which conform with the objectives and policies of the City's Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions.
4. To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City and its citizens.
5. To promote beneficial redevelopment of those areas which exhibit conflicting patterns of use.
6. To prevent excessive population densities and overcrowding of the land with structures.
7. To promote a safe, efficient, and effective traffic circulation system.
8. To protect and promote appropriately located agricultural, commercial and industrial pursuits in order to preserve and strengthen the economic base of the City.
9. To protect and enhance real property values.
10. To facilitate the appropriate location of public facilities and institutions.
11. To conserve the natural and historic assets of the City and to capitalize on the economic and quality of life opportunities offered by its terrain, soils, vegetation and waterways.

1.3 JURISDICTION

The provisions of this Ordinance shall apply within the one-mile planning jurisdiction of Broken Bow, Nebraska as established on the map entitled “Official Zoning Map”.

1.4 COMPREHENSIVE DEVELOPMENT PLAN RELATIONSHIP

These zoning regulations are designed to implement various elements of the Comprehensive Development Plan as required by Nebraska State Statutes. Any amendment to the district regulations or map shall conform to the Comprehensive Development Plan adopted by the governing body.

1.5 PLANNING COMMISSION RECOMMENDATIONS

Pursuant to Section 19-901 (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

ARTICLE 2 – APPLICATION OF REGULATIONS

2.1 GENERAL

In their interpretation and application, the provisions of this Ordinance, adopted for the promotion of the public health, safety, morals, or general welfare, shall be held to be minimum requirements, and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided. Whenever the provisions of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or structures, or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required in any other Ordinances or regulations, the provisions of this Ordinance shall govern. Similarly, where the provisions of any other Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or structures, or require a greater percentage of a lot to be left unoccupied or impose other higher standards than are required by this Ordinance, the provisions of such other Ordinance or regulations shall govern.

2.2 SCOPE OF REGULATIONS

No building or structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any manner contrary to the provisions of this Ordinance.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, replaced, moved or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.

After a county road has been classified as a minimum maintenance road or is an unimproved road, no permits for residential dwellings, mobile home, or manufactured home shall be issued for construction on any property adjoining such classified road, unless by conditional use.

Any lot, portion of a lot, two or more contiguous lots, combination or contiguous lots or portions of contiguous lots under the same ownership or record on the effective date of this Ordinance shall, under this Ordinance, be considered a single lot and shall not be separated or subdivided in any way unless all lots created or remaining from such separation or subdivision shall meet or exceed the minimum lot area, lot width, and lot frontage requirements of the zoning district in which such lot, portion of a lot, two or more contiguous lots, combination of contiguous lots or portions of contiguous lots is/are located.

2.3 ZONING STANDARDS

No nonconforming building, structure, or part thereof shall hereafter be erected or altered, unless a variance is granted:

1. To reduce any required yard setbacks
2. To exceed the height or bulk
3. To occupy a greater percentage of lot area
4. To erect or place any nonconforming building, or structure, or part thereof into any zoning district to be used or occupied
5. To relocate or transport any nonconforming building, structure, or part thereof into any zoning district to be used or occupied
6. To accommodate or house a greater number of families
7. No part of a yard or other open space required in connection with any building, occupancy, or use for the purpose of complying with these regulations shall be included in the calculations to determine the size of area necessary to accommodate the off-street parking and loading space requirements.

2.4 ACCESS AND EASEMENTS

Every building hereafter erected or moved, with the exception of non-residential agricultural structures located in the A-1 Agricultural Zoning District, shall be on a lot or premises which abuts a public or approved private street/road or shall be accessible by means of a recorded access easement at least twenty (20) feet in width to provide safe and convenient access for servicing, fire protection and required off-street parking.

No building, structure, or impervious surface shall be placed or erected on or over any utility easements, except for structures associated with such utility easements.

2.5 YARD AND LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this Ordinance shall be reduced by private action in dimension or area below the minimum requirements set herein. Yards or lots created after the effective date of this Ordinance shall meet the minimum requirements established by this Ordinance.

2.6 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Where applicable, Municipal, State or Federal standards which are more restrictive than those contained herein, the more restrictive standards shall apply.

2.7 NONCONFORMITIES

2.7.01 INTENT: Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses.

2.7.02 NONCONFORMING LOTS OF RECORD: The Zoning Administrator may issue a Zoning Permit for any nonconforming lot of record provided that:

1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited; and
2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation; and
3. Said lot can meet all yard regulations for the district in which it is located.

2.7.03 NONCONFORMING STRUCTURES:

Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations and/or the applicable yard and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired, remodeled or rebuilt; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, unless provided herein. Any structure which is devoted to residential uses which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged up to forty percent (40%) of the present residential structure, but not rebuilt; provided that after any such remodeling, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

Damage or Destruction: In the event any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) , such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located, except when destroyed by a natural disaster (such as a tornado) then such structure may be reconstructed to its original footprint and location provided nonconformity is not increased. When a structure is damaged to the extent of fifty percent (50%) or less, no repairs or restoration shall be made unless a zoning permit is obtained within six (6) months, and restoration is actually begun one (1) year after the date of such partial destruction and is diligently pursued to completion.

Moving: No nonconforming structure shall be moved in whole or in part of any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

2.7.04 NONCONFORMING USES

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful. (Ref. 19-904.01 RS Neb.)

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation or nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, water and/or waste disposal systems, may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restorations to a safe condition.

Extension: A nonconforming use shall not be extended, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to the extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these Regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged to the extent of more than fifty percent (50%) of the its reasonable replacement value, the property shall conform to the zone in which it is located.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

Change in use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of twelve (12) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate, unless otherwise provided for herein.

The storage of inoperable vehicles or salvaged or junked materials not in conformance with these regulations and/or city ordinances shall be discontinued and said inoperable vehicles or salvaged or junked materials shall be removed.

2.8 STATUS OF SPECIAL PERMITTED, EXCEPTION OR CONDITIONAL USES AND VARIANCES

2.8.01 STATUS OF EXISTING SPECIAL PERMITTED EXCEPTION, OR CONDITIONAL USES: Where a use exists at the effective or amendment date of these Regulations and is permitted by these Regulations only as a special, exception, or conditional use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed an allowed nonconforming use in such zoning district, as provided by prior approval.

2.8.02 STATUS OF FUTURE SPECIAL PERMITTED, EXCEPTION, OR CONDITIONAL USES: Any use for which a special, exception, or conditional use permit has been issued, as provided in these Regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed an allowed nonconforming use.

2.8.03 FORMER VARIANCES AS NONCONFORMITIES: Any variance from the requirements of a zoning district granted by the Board of Adjustment under the provision of any previous or existing Zoning Ordinance of the City of Broken Bow

shall be considered an allowed nonconforming use, structure or land unless such variance would not be necessary to comply with these Regulations.

2.9 PROHIBITED USES

All uses and structures not specifically listed as a permitted or conditional use within a particular zoning district are deemed to be prohibited until some point where this Ordinance is amended to include a given use.

ARTICLE 3 – GENERAL DEFINITIONS

3.1 RULES

For the purpose of this ordinance the following rules shall apply:

- 3.1.01 Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
- 3.1.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
- 3.1.03 The word "shall" is mandatory and not discretionary; the word "may" is permissive and not compulsory.
- 3.1.04 The word "and" indicates all connected items, conditions, provisions, or events shall apply; the word "or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
- 3.1.05 Words importing the masculine gender shall include the feminine and neutral genders.
- 3.1.06 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 3.1.07 The word "commission" shall refer to the Planning Commission of Broken Bow, Nebraska.
- 3.1.08 The word "City" shall refer to the City of Broken Bow, Nebraska.
- 3.1.09 Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
- 3.1.10 The particular controls the general.
- 3.1.11 All references to City personnel or staff shall include the person identified or their appropriate designee.
- 3.1.12 All words, terms, and phrases not otherwise defined herein shall be given their usual and customary meaning as defined in a standard English dictionary or other applicable City, State, or federal regulation, unless the context clearly indicates another meaning was intended.

3.1.13 Computation of Time: Unless otherwise specifically provided, the time within which an act is to be completed shall be computed by excluding the first day and including the last day, unless it is Sunday or a City holiday. All acts shall be completed within the time frame specified subject to extension periods provided herein.

3.2 ABBREVIATION AND ACRONYMS

For purposes of this Ordinance, the following shall be standard abbreviations and acronyms found through the regulation.

ADA =	Americans with Disabilities Act
AU =	Animal Unit
CAFO =	Confined Animal Feeding Operation
DU =	Dwelling Unit
FAA =	Federal Aviation Administration
FCC =	Federal Communication Commission
FEMA =	Federal Emergency Management Agency
FT =	Foot or Feet
GFA =	Gross Floor Area
GIS =	Geographic Information System
HUD =	US Department of Housing and Urban Development
kV =	Kilovolt
kW =	Kilowatt
LFO =	Livestock Feeding Operation
NDA =	Nebraska Department of Aeronautics or successor department
NDEQ =	Nebraska Department of Environmental Quality or successor department
NPDES =	National Pollutant Discharge Elimination System
NRD =	Lower Loup Natural Resources District
NSFM =	Nebraska State Fire Marshall or successor department
NHHS =	Nebraska Department of Health and Human Services or successor department
NDOR =	Nebraska Department of Roads or successor department
R.O.W. =	Right-of-Way or Rights-of-Way
SF =	Square Feet
SY =	Square Yard
USACE =	United States Army Corps of Engineers
USDA =	United States Department of Agriculture
YD =	Yard

3.3 DEFINITIONS

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

3.3.01 A

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABATTOIR shall mean a place where cattle, sheep, hogs, poultry or other animals are killed or butchered for market or for sale. Also known as slaughterhouse.

ABUT, ABUTTING shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley. Two (2) adjoining parcels of property, with a common property line, are herein considered as one (1) parcel abutting the other. Except where two (2) or more lots adjoin only at the corner or corners, they shall not be considered as abutting unless the common property line between the two (2) parcels measures not less than ten (10) feet in a single direction.

ACCESS OR ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.

ACCESSORY BUILDING shall mean any detached subordinate building which serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes farm buildings, garages, carports, and small storage sheds.

ACCESSORY LIVING QUARTERS shall mean living quarters located within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY STRUCTURE shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure. Customary accessory structures include, but not limited to, tennis courts, swimming pools, detached garages, garden sheds, antenna/satellite dishes, amateur radio or land mobile towers, and residential, agricultural and recreational storage sheds. See also Building, accessory.



Example of an Accessory Use

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ACREAGE shall mean any tract or parcel of land which does not qualify as a farm or development and has not been subdivided or platted.

ADJACENT shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

ADULT DAY CARE CENTER shall mean a facility that provides care and an array of social, medical, or other support services for a period of less than twenty-four (24) consecutive hours to four or more persons who require or request such services due to age or functional impairment.

ADVERTISING STRUCTURE shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure. Also see Outdoor Advertising.

AESTHETIC ZONING shall mean the regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.

AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall mean any building or structure which is necessary or incidental to the normal conduct of an agricultural operation including but not limited to residence of the operator, residence of employees, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURE shall mean the use of land for agriculture as the primary purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or any other agricultural or horticultural use. Agriculture shall not mean the keeping of wild animals including species defined as zoo animals. Agricultural use shall not be construed to include any parcel of land of less than ten (10) acres or any non-agricultural commercial or industrial development.

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

ALLEY shall mean a minor public service street or public right-of-way measuring twenty (20) feet or less in width, through a block of lots primarily for vehicular service access to

the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

ALTERATION shall mean any change, addition or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL (See Structural alteration)

AMATEUR RADIO shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.

AMENDMENT shall mean a change in the wording, context, or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

AMUSEMENT ARCADE shall mean a building or a part of a building where five (5) or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

AMUSEMENT PARK shall mean a facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

ANIMAL HOSPITAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

ANIMAL UNIT shall mean a unit of measurement to compare various domestic animal types based upon equivalent waste generation. One (1) animal unit equals the following:

- One A.U.= One Cow/Calf combination
- One A.U.= One Slaughter, Feeder Cattle;
- One A.U.= One Horse;
- One A.U.= Seven Tenths Mature Dairy Cattle;
- One A.U.= Two and One-Half Swine (55 pounds or more);
- One A.U.= Twenty-Five Weaned Pigs (less than 55 pounds);
- One A.U.= Two Sows with Litters;
- One A.U.= 10 Sheep;
- One A.U.= 100 Chickens;
- One A.U.= 50 Turkeys;
- One A.U.= Five Ducks;
- One A.U.= Five Pigeons.

ANIMALS, DOMESTIC (See Household pet)

ANIMAL SPECIALTY SERVICES shall refer to establishments primarily engaged in pet grooming, clipping, bathing, daycare, training courses, obedience classes, and similar services; and does not include veterinary services or overnight boarding kennels.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

ANTIQUE STORE shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of belonging to the past, at least thirty (30) years old.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)

APARTMENT HOUSE (See Dwelling, multi-family)

APPAREL SHOP shall mean retail stores where clothing is sold, such as department stores, shoe stores, and dress, hosiery, and millinery shops.

APPLIANCE STORE shall refer to retail shops selling equipment used for domestic functions. A store may include heavy appliances such as refrigerators, washers, dryers, ovens, dishwashers, or other similar domestic equipment. The store may also include smaller appliances such as televisions, computers, radios, microwaves, and other similar domestic equipment.

APPEARANCE shall mean the outward aspect visible to the public.

APPURTENANCES shall mean the visible, functional objects accessory to and part of buildings.

ARCHITECTURAL CANOPY SIGN (See Sign, Architectural Canopy)

ARCHITECTURAL CHARACTER (See Architectural Concept)

ARCHITECTURAL CONCEPT shall mean the basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.

ARCHITECTURAL FEATURE shall mean a prominent or significant part or element of a building, structure, or site. Architectural features may include special lines, massing, and/or texture.

1. **LINES** shall mean visual elements of the building, either within the façade or on the building edge, which are in a linear form either horizontally or vertically and may be composed of masonry, glass, or other related materials.
2. **MASS** shall pertain to the volume, bulk of a building or structure.
3. **TEXTURE** shall mean the quality of a surface, ranging from mirror finish, smooth, to coarse and unfinished.

ARCHITECTURAL STYLE shall mean the characteristic form and detail, as of buildings of a particular historic period.

AREA shall mean a piece of land capable of being described with such detail that its location may be established, and boundaries definitely ascertained.

ART GALLERY shall mean an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three (3) but less than six (6) artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ASSEMBLY HALL shall mean a building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

ASSISTED LIVING FACILITY shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available twenty-four (24) hours a day, seven (7) days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

ATTACHED PERMANENTLY shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.

AUCTION SALES shall mean a building or structure, or lands used for the storage of goods, materials or livestock which are to be sold on the premises by public auction and for the sale of the said goods, materials or livestock by public auction and on an occasional basis. Auction sales also includes garage sales and motor vehicle wholesale sales, including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles.

AUTOMATED TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTOMOBILE SALES shall mean the storage and display for sale or lease of more than two motor vehicles or any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten or more sold or leased during the course of a calendar year, and where repair or body work is incidental to the operation of the new or used vehicle sales or leasing. Automobile sales includes all motor vehicle retail sales and leases including trucks, vans, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. (Also, see Auction Sales)

AUTOMOTIVE REPAIR SERVICES shall refer to any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work; oil change and lubrication; major painting services; collision services; and tire service and sales.

AUTOMOBILE SERVICES shall refer to any building, structure, improvements or land used for the general maintenance of automobiles, motorcycles, trucks, trailers or similar vehicles including but not limited to washing, cleaning, and/or detailing; installation of car stereos, accessories, or other light equipment; and minor painting.

AUTOMOBILE WRECKING YARD shall mean any lot, property, or acreage thereof, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

3.3.02 **B**

BAKERY SHOP shall mean an establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site. A bakery shop shall be considered a general retail uses.

BANK shall mean a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)

BASEMENT shall mean that portion of a building below the first or ground-floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

BEAUTY SHOP shall mean any establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

BED and BREAKFAST shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided.

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character and/or drainage improvements.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not interest of the immediate neighborhood.

BIG BOX RETAIL shall mean a singular retail or wholesale user. These uses typically include: membership wholesale clubs emphasizing large bulk sales, discount stores, pharmacies, grocery stores, especially warehouse style point sale concepts and department stores.

1. **LARGE BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 200,000 square feet of gross floor area.
2. **MEDIUM BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 120,000 square feet of gross floor area.
3. **SMALL BIG BOX RETAIL** shall mean a big box retail establishment that occupies no less than 40,000 square feet of gross floor area.

BILLBOARD (See Sign, Billboard)

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.

BOARD OF ADJUSTMENT shall mean that board that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

BOARDING OR ROOMING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.

BOOK STORE shall mean a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, or any other printed or electronically conveyed information or media, excluding any uses defined as “adult entertainment establishments”.

BOWLING CENTER shall mean an establishment that devotes more than fifty percent (50%) of its gross floor area to bowling lanes, equipment, and playing area. Accessory uses such as the retail sale of snacks, the retail sale of beverages, and video game arcade are customary.

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor, unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. By definition, these establishments produce no more than 20,000 barrels of beer annually and must sell at least twenty-five percent (25%) or more of its beer on site. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five percent (25%) of the total floor area of the commercial space.

BREWERY shall mean an industrial use that brews ales, beers, meads and/or similar beverages on site. Breweries are classified as a use that produces more than 20,000 barrels of beverage (all beverages combined) annually.

BREWERY, CRAFT shall mean a brew pub or a micro-brewery.

BREWERY, MICRO shall mean a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail or wholesale, on or off premises, with a capacity of not more than 20,000 barrels per year. The development may include other uses such as standard restaurant, bar, or live entertainment as otherwise permitted in the zoning district.

BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding fifty (50) feet in height shall not be considered broadcast towers.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)

BUFFER ZONE shall mean an area of land that separates two (2) zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

BUILDABLE AREA shall mean that part of a zoned lot not included within the required yards or subject to other restrictions herein required.

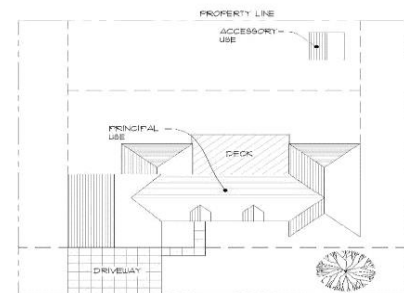
BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in Temporary Structure. Trailers, with or without wheels, shall not be considered as buildings.

BUILDING, ACCESSORY (See Accessory Building)

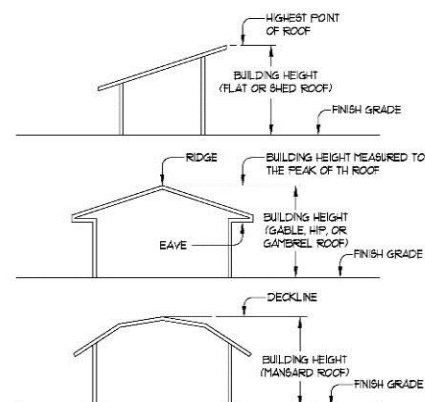
BUILDING, AREA OF shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the roof, measured from the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance at the exterior wall of the building. (Also, see Height of Building)

BUILDING, PRINCIPAL shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal)



**Building, Accessory
Building, Principal**



Example of Building Height Measurements

BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this ordinance between any property line and the closest point of the building line or face of any building or structure related thereto.

BUSINESS OR TRADE SCHOOL (see Vocational Training Facilities)

BUSINESS SERVICES shall mean establishments primarily engaged in rendering services to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services.

3.3.03 **C**

CAMPGROUND shall mean any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises used or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

CAR WASH, INDUSTRIAL shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses.

CARPORT shall mean a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

CELLAR shall mean a building space having more than one-half of its height below the average adjoining grade lines.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

CENTRAL BUSINESS DISTRICT shall include the following area in Broken Bow: Block 4 of Lewis Addition; Blocks 2,3,4,5,11,12,13,14,15,16,17,18,19,20,25,26,27, 28,29,30,31, and 32 of the Original Town; Block 9 and the north half of Block 8 of Maulick's Addition; Block 3,4,5, and 6 of J.P. Gandy Addition and all of the land south of the Chicago, Burlington, and Quincy Railroad tracks north of South B Street and between 5th and 14th Streets.

CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drainageway.

CHARITABLE ORGANIZATION or CLUB shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHILD CARE CENTER shall mean a facility licensed to provide child care for thirteen (13) or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

CHILD CARE HOME (See “Family Child Care Home I and II”)

CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation. Structures adapted for congregations including barns, stores, warehouses, old public buildings, and single-family dwellings.

CITY shall mean the City of Broken Bow.

CLEAR VIEW ZONE shall mean the area of a corner lot closest to the intersection that is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. (Also see Site Triangle)

CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

CLUSTER DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

CODE shall mean the Municipal Code of the City of Broken Bow.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other beverages, and remade bakery goods from a drive-through window or walk-up window to customers for consumption off the premises and that provides no indoor or outdoor seating.

COHESIVENESS shall mean the unity of composition between design elements of a building and/or a group of buildings and the landscape development.

COLLEGE or UNIVERSITY shall mean facilities which conduct regular academic instruction at collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions shall confer degrees as a college or university for undergraduate or graduate standing, conduct research, or give religious instruction. Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

COMMISSION shall mean the Broken Bow Planning Commission.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

COMMUNICATION SERVICES shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as utility services or wireless communication towers. Typical uses include television studios, communication service centers, internet service offices, or film and sound recording facilities.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY SANITARY SEWER SYSTEM shall mean an approved central sewer collecting system, meeting required standards, available to each platted lot and discharging into a treatment facility. This does not include individual septic systems.

COMMUNITY WATER SUPPLY SYSTEM shall mean a public water supply system which serves at least fifteen (15) service connections used by year-round residents or uses, or regularly serves twenty-five (25) or more year-round residents or uses.

COMPATIBILITY shall mean harmony in the appearance of two or more external design features in the same vicinity.

COMPATIBLE USES shall mean a land use which is congruous with, tolerant of, and has no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.

COMPREHENSIVE PLAN shall mean the Comprehensive Plan of Broken Bow, Nebraska as adopted by the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements set forth by State Statute.

CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare. Conditional use shall also mean special use or special exception.

CONDITIONAL USE PERMIT shall mean a permit issued by the Planning Commission and City Council that authorizes the recipient to make conditional use of property in accordance with the provisions of this ordinance and any additional conditions placed upon or required by said permit. Conditional use permit shall also mean special use permit or special exception permit.

CONDOMINIUM shall be as defined in the Nebraska State Statutes Section 76-824 - 76-894, the Condominium Law, whereby four or more apartments are separately offered for sale. A condominium shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

CONGREGATE HOUSING shall mean a residential facility for four (4) or more persons fifty-five (55) years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility.

CONSERVATION shall mean the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.

CONSERVATION AREA shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

CONSTRUCTION shall mean on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not limited to, clearing of land, earth moving, blasting and landscaping.

CONVENIENCE STORE shall mean a one-story, retail store containing less than 10,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to "Food Sales Limited and Food Sales General.") It is dependent on and is designed to attract and accommodate large volumes of stop-and-go traffic. (Also, see self-service Station.)



Convenience Store

CONTIGUOUS shall mean the same as "Abut".

COPY CENTER shall mean a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment, and may include the collating and binding of booklets and reports.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.

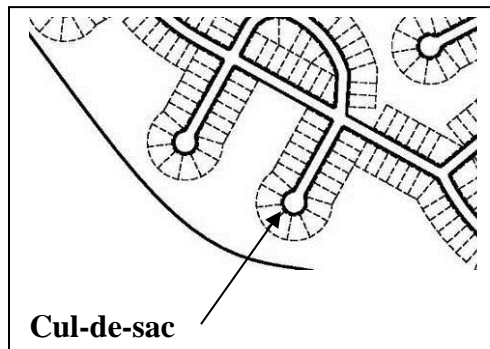
CUL-DE-SAC shall mean a short public way that has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

CURVED LOT (see "Lot, Curved")

3.3.04 **D**

DENSITY shall mean the number of dwelling units per gross acre of land.

DEPARTMENT STORE (See "Big Box Retail")



Cul-de-sac

DETENTION BASIN shall mean a facility for the temporary storage of stormwater runoff.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any unnatural change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,

grading, paving, excavation, or drilling operations for which necessary permits may be required. Also, shall mean any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; any activity that alters a river, stream, lake, pond, woodland, wetland, endangered species habitat, aquifer or other resource area.

DEVELOPMENT CONCEPT PLAN shall mean a plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, building, major landscape features (both natural and man-made), and depending on requirements, the locations of proposed utility lines.

DEVELOPMENT REVIEW shall mean the review, by the City of subdivision plats, site plans, rezoning requests, or permit review.

DISABILITY or HANDICAP shall mean the following but shall not include current, illegal use of or addiction to a controlled substance:

1. A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
3. Being regarded as having such impairment.

DISTRICT or ZONE shall mean a section or sections of the zoning area for which uniform regulations governing the use of land, the height, use, area, size and intensity of use of buildings, land, and open spaces are established.

DOG KENNEL (See Kennel, commercial; and Kennel, private.)

DOMESTIC ANIMALS shall mean the same as household pet and shall not include any type of exotic animal listed in this ordinance.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.

DRAINAGE shall mean the removal of surface water or groundwater from land by drains, grading, or other means that include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving the water supply, and the prevention or alleviation of flooding.

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine (9) months of the year, having a bed and well-defined banks; provided, that in the event of doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.

DUPLEX shall mean the same as "Dwelling, Two-Family".

DWELLING shall mean any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

DWELLING, MANUFACTURED HOME shall mean a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development and is permanently attached and has a permanent foundation. See Dwelling, Single Family.

1. Permanently Attached: Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such manufactured home in order to relocate it on another site in accordance to manufacturers recommendations.
2. Permanent Foundation: Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing located below ground level to a point below the frost line.

DWELLING, MOBILE HOME shall mean any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. Each dwelling unit shall be at least eight (8) feet in width and thirty-two (32) feet in length, but two-family mobile homes may have less length than the required minimum if the required width is exceeded by an amount sufficient to provide an area of at least five hundred (500) square feet. Mobile

homes shall meet all current HUD standards for mobile homes and shall have said sticker stating such is true. The term mobile home shall include trailer home.

DWELLING, MODULAR (Is considered a conventional type single-family dwelling) Shall mean any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Section 71-1555 through 71-1567 Revised Statutes of Nebraska 1943, in addition to any amendments thereto, those that do not meet the above criteria shall be considered a mobile home. (See Dwelling, Single Family)

DWELLING, MULTI-FAMILY shall mean a building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.



DWELLING, SINGLE FAMILY shall mean a building having accommodations for or occupied exclusively by one family which meet all the following standards:

1. The home shall have no less than nine hundred (900) square feet of floor area, above grade, for single story construction;
2. The dwelling space shall be at least fifty percent (50%) of overall structure;
3. The home shall have no less than an eighteen (18) foot exterior width;
4. The roof shall be pitched with a minimum vertical rise of two and one-half (2½) inches for each twelve (12) inches of horizontal run;
5. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction, and shall not include vertical metal wall panels;
6. The dwelling shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile, or rock, or an approved ribbed metal material with integrated colors;
7. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and

8. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
9. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of thirty-six (36) inches below the final ground level.

DWELLING, SINGLE-FAMILY (ATTACHED) shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

DWELLING, SINGLE-FAMILY (DETACHED) shall mean a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

DWELLING, TWO FAMILY shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.



Example of Single-Family Attached

DWELLING UNIT shall mean one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or for lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities.

3.3.05 **E**

EASEMENT shall mean a space, lot, parcel, or area of land reserved for or used for public utilities or public or private uses.

EDUCATIONAL FACILITY shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either:

1. Offer general academic instruction equivalent to the standards established by the State Board of Education; or

2. Provide degrees as a college or university or undergraduate or graduate standing; or
3. Conduct research; or
4. Give religious instruction.

Private schools, academies, or institutes incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.

EFFECTIVE DATE shall mean the date that this Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Ordinance as a result of such adoption or amendment.

ELEEMOSYNARY INSTITUTION shall mean any building or group of buildings devoted to and supported by charity.

ENCROACHMENT shall mean an advancement or intrusion beyond the lines or limits as designated and established by the ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

ERECTED shall mean constructed upon or moved onto a site.

ESCORT shall mean a person who, for consideration, agrees or offers to act as a companion, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY shall mean a person, or commercial establishment, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

EVENT CENTER shall mean all buildings and associated parking facilities which are kept, used, maintained, advertised, held out, or otherwise made available to private groups and/or the general public for such purposes as meetings, civic, educational, political, religious or social purpose such as receptions, dances, entertainment, secondhand merchandise sales and the like, and may include a banquet hall, private club or fraternal organization, but not including uses identified in Adult Establishment.

EXERCISE, FITNESS and TANNING SPA shall mean an establishment that provides exercise facilities for the purposes of running, jogging, aerobics, weight lifting, court sports, and/or swimming, as well as locker rooms, showers, massage rooms, tanning beds, hot tubs, saunas or other related accessory uses; however, excluding any uses defined as “Adult Establishments”, or “Sexually Oriented Establishments”.

EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

EXTERIOR BUILDING COMPONENT shall mean an essential and visible part of the exterior of a building.

EXTERNAL DESIGN FEATURE shall mean the general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning and building regulations and is exercising such powers. Second Class Cities may have up to one mile of extraterritorial jurisdiction and may be rounded or square in shape.

3.3.06 **F**

FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FAMILY shall mean a person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

1. any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;
2. two (2) unrelated people;
3. two (2) unrelated people and any children related to either of them;
4. group care home; or
5. group home for the handicapped.

Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

FAMILY CHILD CARE HOME I shall mean a child care operation in the provider's place of residence which serves between four and eight children at any one time. A Family Child Care Home I provider may be approved to serve no more than two (2) additional school-age children during non-school hours. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

FAMILY CHILD CARE HOME II shall mean a child care operation either in the provider's place of residence or a site other than the residence, serving four (4) or fewer children at any one time. In addition to these regulations, a Child Care Home shall meet requirement of the State of Nebraska.

FARM shall mean an area containing at least ten (10) acres or more which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FARM ANIMALS or LIVESTOCK shall mean animals associated with agricultural operations, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

FARM BUILDING or STRUCTURE shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

FARM RESIDENCE shall mean residential dwellings located on a farm including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

FARMER'S MARKET shall mean two (2) or more vendors offering for sale fresh agricultural or home-crafted products directly to the consumer at an open-air market designated as a community activity.

FARMSTEAD shall mean a tract of land of not less than one acre and not more than ten (10) acres, upon which a farm dwelling and other farm building existed at the time of the adoption of this ordinance and is used for single-family resident purposes.

FEEDLOT shall mean a lot, yard, corral or other area in which livestock are confined, primarily for the purpose of feeding and growth prior to slaughter.

FENCE shall mean an enclosure or barrier, such as wooden posts, smooth, non-barbed wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including vehicles, machinery, equipment, buildings or hedges, shrubs, trees, or other natural growth. A fence shall include retaining walls over four (4) feet in height. (See also “Fence Regulations” at 9.8)

FENCE, AGRICULTURAL shall mean an artificially erected barrier, other than a building, vehicles or machinery, constructed of manmade material, or combination of manmade materials, erected to enclose an area of land used for agricultural purposes. An agricultural fence may be constructed of barbed, smooth, or meshed wire and may be electrified.

FENCE, OPEN shall mean a fence, including gates, which has fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence.

FENCE, SEASONAL shall mean a temporary fence constructed of plastic or wood lathe erected and maintained from October through April to prevent snow drifting.

FENCE, SOLID shall mean any fence which does not qualify as an open fence.

FENCE, TEMPORARY shall mean a fence that is erected for construction purposes or for event security and is removed upon completion of the project or end of the event.

FESTIVAL shall mean the sale of ethnic specialty, regional, and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.

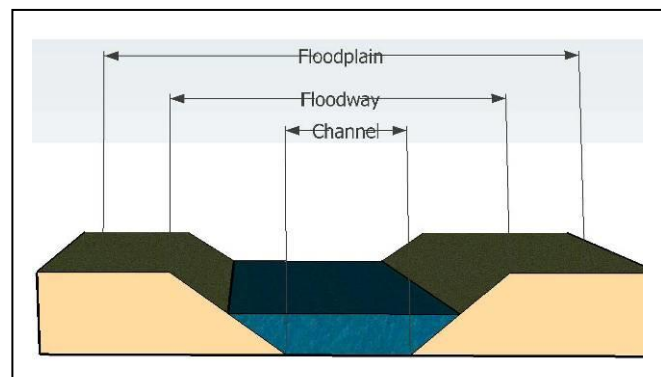
FIREWORKS STAND shall mean any portable or permanent building and/or structure used for the temporary retail sale and storage of fireworks and meets the requirements within the Municipal Code.

FIREWORKS STORAGE shall mean any permanent building and/or structure where fireworks are stored for any portion of a year provided there is no retail sales made from the storage location. Said storage facility may also be used for the delivery and distribution of fireworks on a wholesale basis.

FLOOD (See Section 5.14 of this Ordinance)

FLOOD PLAIN (See Section 5.14 of this Ordinance)

FLOODWAY (See Section 5.14 of this Ordinance)



FLOOR AREA Whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only

to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

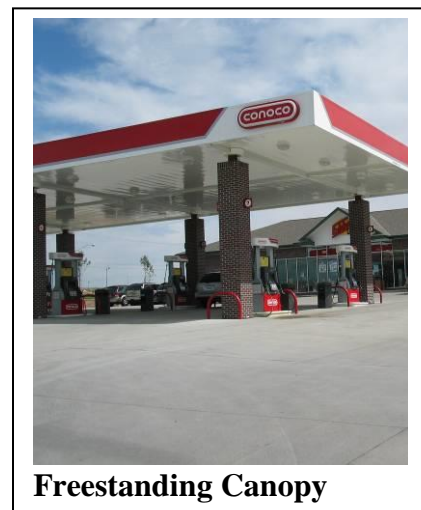
1. **FOOD SALES (LIMITED)** shall mean food sales establishments occupying 10,000 square feet or less of space.
2. **FOOD SALES (GENERAL)** shall mean food sales establishments occupying more than 10,000 square feet of space. Typically a supermarket.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FRONTAGE shall mean that portion of a parcel of property which abuts a dedicated public street or highway. See also Lot Frontage and Street Frontage.

3.3.07 **G**

GARAGE, PRIVATE shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.



GARAGE, PUBLIC shall mean any garage other than a private garage.

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (Also, see Service Station.)

GARAGE, STORAGE shall mean a building or portion thereof designed or used exclusively for housing four (4) or more motor driven vehicles.

GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

GATED COMMUNITIES shall mean residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses. The type of gates can range from elaborate guard houses to simple electronic arms.

GRADE shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

GRAPHIC ELEMENT shall mean a letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.

GREEN BUILDING shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered “green” if it meets the requirements of the most current LEED certification criteria or any other nationally recognized green building certification program.

GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.

GROUND COVER shall mean plant material used in landscaping which remains less than twelve (12) inches in height at maturity. (Also, see Landscaping.)

GROUND WATER shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials (whether created or natural) such that they may be considered saturated.

GROUP HOME shall mean a facility which houses twelve (12) or fewer persons who are unrelated by blood, marriage or adoption. Those facilities may offer, in addition to lodging, accommodations, meals, resident support services, counseling, guidance and varying levels of medical care. Such facility shall be licensed or approved by the State of Nebraska or other appropriate agency.

GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four (24) hour care for individuals in a residential setting. The term does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

GROUP HOME FOR THE HANDICAPPED shall mean a dwelling with resident staff shared by four or more handicapped persons who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; or (2) A record of having such an impairment.

GROUP HOUSING shall mean two (2) or more separate buildings on a lot, each containing one or more dwelling units.

GUEST ROOM shall mean a room which is designed to be occupied by one (1) or more guest for sleeping purposes, having no kitchen facilities, not including dormitories.

GUNSMITH shall mean a shop that designs, makes or repairs small firearms.

3.3.08 **H**

HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

HALFWAY HOUSE shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently and is a type of housing separate and apart from "Group Home".

HARD SURFACED shall mean any surface used for movement of vehicular and/or pedestrians which is properly designed and paved with either asphalt or concrete.

HARMONY shall mean a quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.

HAZARDOUS WASTE/MATERIALS shall mean waste products of industrial or chemical processes including finished surplus, used, contaminated, or unwanted fertilizer, herbicide, petroleum products, or other such processed waste material.

HEALTH CLUB shall mean privately owned facilities such as gymnasiums, swimming pools, athletic clubs, recreational clubs, reducing salons, and weight control establishments.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, swimming pools, whirlpool spa and/or sauna and pro shop.

HEDGE shall mean a plant or series of plants, shrubs or other landscape vegetation, so arranged as to form a physical barrier or enclosure.

HEIGHT OF BUILDING shall mean the vertical distance above grade to the highest point of the coping of a flat roof, of the peak of a gable roof, or of any other type of pitched, hipped, or mansard roof measured from the curb level if the building is not more than ten (10) feet from the front line or from the grade in all other cases. The grade is the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

HOME IMPROVEMENT CENTER shall mean a facility of more than 40,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, lumber, paint and glass, housewares and household appliances, garden supplies, and cutlery.

HOME OCCUPATION shall mean an "in-home" or "home based" business, industry or service (not including uses defined as Adult Establishment or Sexually Oriented Business) operating from a residential dwelling, or within an accessory structure on the same property in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property in all residential zoning districts and not change the residential character nor infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes. Home occupations shall satisfy the standards set forth in Section 9.11 of these regulations. Home occupations shall include such uses as art/craft making, seamstress services, professional offices (real estate/chiropractic/law/dental/financial/insurance/medical), multi-level marketing, vending services, service establishments (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (beauty/barber/massage/licensed tattoo), shops, renting of rooms for residential purposes, and other similar uses. Uses also include business offices for services such as construction, repair and cosmetic services/sales rendered at other locations and internet establishments. Such uses include on-site sales and services and may include one (1) employee not residing on the premises.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and which may also provide services associated with restaurants, meeting rooms, and recreational facilities. The word

"hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

HOUSE TRAILER (See Dwelling: Mobile Home)

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents, such as gerbils and guinea pigs, but shall exclude pigeons.

3.3.09 **I**

IMPERVIOUS SURFACE shall mean the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

IMPERVIOUS COVERAGE, MAXIMUM shall mean the percentage measured of a site that may be covered by buildings and other surfaces and development features which prevent the penetration of water into the ground (such as driveways, porches, parking lots, and other features). Limits on impervious coverage help control the velocity and quantity of storm-water runoff and provide for groundwater recharge.

INCIDENTAL USE shall mean a use, which is subordinate to the main use of a premise.

INDUSTRY shall mean the manufacture, fabrication, processing reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominately built up area.

INFILL SITE shall mean any vacant lot, parcel, or tract of land within developed areas of the City, where at least eighty percent (80%) of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, and fire protection have already been constructed or are provided.

INOPERABLE MOTOR VEHICLE **refer to municipal code*

INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

INTENSIVE LIVESTOCK CONFINEMENT FACILITIES/ OPERATIONS shall mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals for more than ninety (90) consecutive days, or more than one hundred twenty (120) days out of a calendar year, which exceed the following animal capacities.

- a) Cattle - 500 AU
- b) Dairy Cattle - 300 A.U.
- c) Swine - 1,500 A.U.
- d) Sheep and Goats - 500 A.U.
- e) Turkeys - 2,000 birds
- f) Layers and Broilers - 2,000 birds
- g) Fur-bearing - 2,000 A.U.
- h) Swine < 50# - 1500 A.U.

INTENT AND PURPOSE shall mean that the Commission and Council by the adoption of this ordinance, have made a finding that the health, safety, and welfare of the Community will be served by the creation of the District and by the regulations prescribed therein.

3.3.10 **J**

JUICE BAR (See Adult Establishment.)

JUNK shall be any worn-out, cast-off, old, or discarded articles of scrap, copper, brass, iron, steel, rope, rags, batteries, paper, plastic, trash, rubber, debris, waste, wood, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

JUNK YARD shall mean any lot, land parcel, or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

3.3.11 **K**

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which four (4) or more dogs, cats or non-farm/non-domestic or any combination thereof, at least four (4) months of age, are boarded, , or trained.

KENNEL, COMMERCIAL shall mean any lot or premises on which four (4) or more dogs, cats or non-farm/non-domestic or any combination thereof (more than three (3) dogs and one cat or more than one dog and three (3) cats), at least four (4) months of age, are confined, treated, boarded, housed, cared for, or bred and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or

maintains a veterinary business, regardless of the number of animals treated, kept, confined, boarded or cared for.

KENNEL, PRIVATE shall mean the keeping, breeding, raising, showing or training of four (4) or fewer dogs, cats, or non-farm/non-domestic or any combination thereof (not exceeding two (2) dogs and two cats), over four (4) months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

3.3.12 **L**

LABORATORY shall mean a facility used for testing and analyzing medical and dental samples from off-site locations. “Testing Laboratories” shall refer to soil and geotechnical research and analysis. Laboratories do not include human or animal research testing facilities.

LAGOON shall mean a wastewater treatment facility which is a shallow, artificial pond where sunlight, bacterial action, and/or oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the design criteria and regulations established by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services.

LANDFILL shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

LANDSCAPE shall mean plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPING shall include the planting, or replacement, of suitable vegetation in conformity with the requirements of this ordinance and the continued maintenance thereof.

LAUNDRY SERVICE shall mean an establishment that provides washing, drying, and/or ironing facilities for customers on the premises.

LEED shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

LEED-ND shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.

LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment

living where residents share common meals and culminating in full health and continuing care nursing home facility. (also see Congregate Housing)

LIGHT CUT-OFF ANGLE shall mean an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by excavation and/or filling.

LIVESTOCK shall mean animals associated with agricultural operation, commonly kept or raised as a part of an agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

LOADING SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

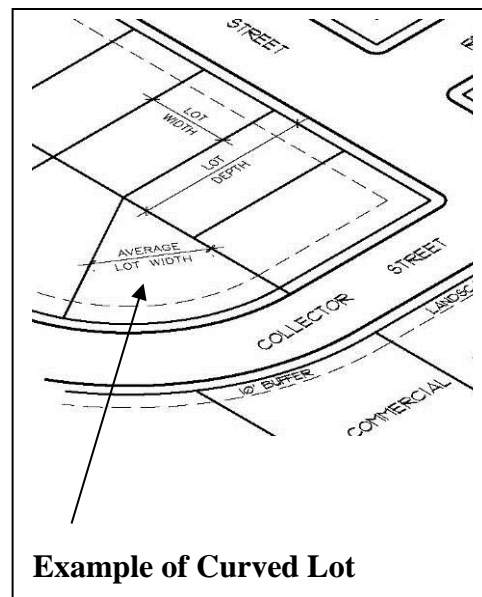
LOGIC OF DESIGN shall mean accepted principles and criteria of validity in the solution of the problem of design.

LONG-TERM CARE FACILITY shall mean a facility that provides the following services, as such are defined by state law: Nursing home facilities, boarding home, adult care home, assisted living facility, center for the developmentally disabled, group residence, swing bed.

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the County Recorder and having frontage along at least one public street or right-of-way, permanent ingress/egress easement meeting city standards, or one private road.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot



shall be considered an "Interior Lot". All sides facing a street/road on a corner lot shall be considered a front yard.

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

LOT, CURVED shall mean a lot fronting on the curve of the right-of-way of a curved street, which street has a centerline radius of three hundred (300) feet or less.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, DOUBLE FRONTAGE shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor.

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street/road right-of-way other than an alley or county road designated as minimum maintenance. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

LOT, NON-CONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this ordinance.

LOT, THROUGH shall mean a lot having frontage on two dedicated streets, not including a corner lot.

LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulation establishing the zoning district in which the lot is located.

LOT WIDTH shall mean the horizontal distance between the side lot lines, measured at the front yard setback line.

LOT, ZONING shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on the approved private street, and may consist of:

1. A single lot of record
2. A portion of a lot of record
3. A combination of complete lots of record and portions of lots of record, or of portions of record
4. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

3.3.13 **M**

MAIL ORDER SERVICES shall mean an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping, and receiving of merchandise intended for retail sale.

MANUFACTURED HOME PARK shall mean one (1) or more parcels of land under common ownership that have been planned and improved for the placement of manufactured housing used or to be used for dwelling purposes and where manufactured home spaces are not offered for sale or sold. The term "manufactured home park" does not include sales lots on which new or used manufactured homes are parked for the purposes of storage, inspection, or sale.

MANUFACTURED HOME SUBDIVISION shall mean any area, piece, parcel, tract or plot of ground subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

MANUFACTURING shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as

lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

MANUFACTURING, LIGHT shall mean an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textile, leather, wood, paper, chemical, plastic, or metal products.

MAP, OFFICIAL ZONING DISTRICT shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Broken Bow City Council.

MASSAGE ESTABLISHMENT shall mean any building, room, place, or establishment other than a regularly licensed and established hospital or dispensary, where non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and/or physical therapist, chiropractor, or osteopath, or their employees, with or without the use of therapeutic, electrical, mechanical, or bathing devices. Said establishment shall comply with all state regulations as per §71-1,278 through §71-1,283, Nebr. R.R.S., 1943

MASSAGE PARLOR (See Adult Massage Parlor, Health Club)

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Broken Bow and adopted, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning, Subdivision, and Zoning Inspection activities.

MECHANICAL EQUIPMENT shall mean equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.

MEDICAL/DENTAL OFFICES shall mean a building or portion of a building containing offices and facilities for providing medical, dental, or psychiatric services for outpatients only.

MEETING HALL shall mean a building used for public assembly.

MICROBREWERY (See Brew Pub)

MINI-STORAGE OR MINI-WAREHOUSE (See Self-Service Storage Facility)

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, , shelters, fences, and walls, kennels, transformers, drive-up facilities.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MOBILE HOME (See Dwelling, Mobile Home)

MOBILE HOME PARK shall mean any area of land, under common ownership, on which two (2) or more mobile homes are parked, connected to utilities and used for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for two (2) or more mobile homes, connected to utilities and used for living or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. See also Manufactured Home Park.

MOBILE HOME SUBDIVISION (See Manufactured Home Subdivision)

MONOTONY shall mean repetitive sameness, lacking variety and variation, and/or reiteration.

MORTUARY shall mean an establishment in which the deceased are prepared for burial or cremation. The facility may include funeral services and spaces for informal gatherings or display of funeral equipment. This classification excludes cemeteries and crematories.

MOTEL (See Hotel)

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

3.3.14 **N**

NEBRASKA REVISED REISSUED STATUTES 1943 and the abbreviated term Nebr. R. R. S., 1943 are one and the same.

NEWSSTAND shall mean a temporary structure manned by a vendor, who sells newspapers, magazines and other periodicals.

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. (Also, see Bar)

NON-COMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NON-CONFORMING shall mean a building or use, or portion thereof, which was lawful when established but which does not conform to subsequently established zoning regulations.

NON-CONFORMING STRUCTURE shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

NON-CONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or zoning regulation.

NON-FARM BUILDINGS are all buildings except those buildings utilized for agricultural purposes on a farmstead of ten (10) acres or more which produces one thousand dollars (\$1,000.00) or more of farm products each year.

NUISANCE shall mean anything as defined in the City of Broken Bow Nuisance Ordinance.

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

NURSERY SCHOOL (See Preschool)

3.3.15 **O**

OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.

OFFICE PARK shall mean a development which contains a number of separate office buildings, accessory and supporting uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.

OFFICIAL MAP (See Map, Official Zoning District)

OFF-STREET PARKING AREA or VEHICULAR USE AREA shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN AIR PORCH shall mean a porch that may have support posts and a roof, but no enclosure walls, trellises and no vegetation which impedes the vision of traffic.

OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTLOT shall mean a lot remnant or parcel of land left over after platting, which is intended as open space or other use, for which no building permit shall be issued for any private structures, except signs.

OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".

OUTDOOR STORAGE shall mean the storage of any material for a period greater than seventy-two (72) hours not in an enclosed building, including items for sale, lease, processing, and repair, including motor vehicles.

OUTDOOR STORAGE CONTAINERS shall mean a standardized, reusable, fully enclosed, detached and self-supporting structure, which by itself is incapable of motion or movement and is or appears to be originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities. The container must be manufactured or assembled off-site and transportable, by means other than its own power not having a foundation or wheels for movement. Examples include piggyback containers that can be transported by mounting on a chassis, and "POD"-type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

OVERLAY DISTRICT shall mean a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.

3.3.16 **P**

PAINTBALL shall mean all guns and other devices used for the purpose of firing pellets containing a latex paint at a person or target.

PAINTBALL COURSE, COMMERCIAL shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit by visit basis that allows individuals to participate in paintball activities.

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, restricted from general public use and used for the parking of automotive vehicles capable of moving under their own power.

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine (9) feet by twenty (20) feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARKWAY shall mean an arterial or collector roadway with full or partial control of access and located within a park or ribbon of park like development.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Broken Bow, Nebraska.

PET HEALTH SERVICE (See Animal Hospital)

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, cattle, goats, sheep and poultry.

PINBALL or VIDEO GAMES BUSINESS (See Amusement Arcade)

PIVOTS, PARTIAL OR WIPER shall mean any center pivot irrigation system that cannot make a full circle without coming into contact with public road right-of-way. Normally a mechanical or electrical stop is installed to stop the pivot from going out into the road right-of-way.

PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or industrial uses in accordance with an approved development plan.

PLANNING COMMISSION shall mean the Planning Commission of Broken Bow, Nebraska.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, and bulbs.

PLAT shall mean a map showing the location, boundaries, and legal description of individual properties.

POLICY shall mean a statement or document of the City, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

POSTAL STATION shall mean a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

POULTRY shall mean domestic fowl, chickens, ducks, pigeons, ostrich, rhea, emu, geese, and similar fowl, but specifically excluding turkeys and guinea fowl.

PRESCHOOL shall mean an early childhood program which provides primarily educational services.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or land within a prescribed area.

PRINCIPAL BUILDING (see “Building, Principal”)

PRINCIPAL USE (see “Use, Principal”)

PROHIBITED USE shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping shall be considered as a promotional device. However, the flag of the United States of American shall not be considered a promotional device and exempt from zoning regulations.

PROPORTION shall mean a balanced relationship of parts of a building, landscape, structures, or buildings to each other and to the whole.

PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

PUBLIC FACILITY shall mean any building, location, or structure, owned by a public entity such as a library, fire station, school, park, and other similar facilities and uses.

PUBLIC SERVICES/USE shall mean a specified activity or area that either through actual public ownership or through dedication of easements allows the general public access and use.

PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.

PUBLIC WATER SUPPLY shall mean a water supply system designed to provide public piped water fit for human consumption if such system has at least fifteen (15) service connections or regularly serves at least twenty-five individuals. This definition shall include: (1) Any collection, treatment, storage, or distribution facilities under the control of the operator of such system and used primarily in connection with such system; and (2)

Any collection or pretreatment storage facilities not under such control which are used primarily in the connection with such system.

3.3.17 **Q**

QUARRY shall mean an open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed or used for commercial purposes.

3.3.18 **R**

RAILROAD shall mean the land use including the right-of-way (R.O.W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RECREATIONAL ESTABLISHMENT (See Recreational Facility)

RECREATIONAL FACILITY shall mean public or private facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor-powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks.

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than forty (40) feet in overall length, 8½ feet in width, or twelve (12) feet in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

RECREATIONAL VEHICLE (RV) PARK shall mean a tract of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

RECYCLING FACILITY shall mean any location where the primary use is where scrap or recyclable materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including, but not limited to, scrap metals, paper, rags, tires, bottles and other materials.

RECYCLING COLLECTION POINT shall mean a collection point for small refuse items, such as bottles, cans and newspapers, located either in a container or small structure.

REDEVELOPMENT shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

RE-INSPECTION FEE shall mean any fee charged for an inspection other than the initial inspection when required work has not or was not completed and results in additional trips to the site by the agent of the City.

RESERVATION CENTER shall mean a travel agency; or other such agency involved in selling and arranging transportation, tours, trips, and accommodations for tourists.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESIDENTIAL AREA shall mean those parcels/areas to be used as a residential use (whether legal conforming or legal non-conforming) and/or those designated as residential in the future land use plan of the city's comprehensive plan.

RESTAURANT shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building.

RESTAURANT, DRIVE-IN shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

RESTAURANT, ENTERTAINMENT shall mean an establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, and virtual reality, play areas, video arcades or similar uses, billiards, or other forms of amusement.

RESTAURANT, FAST FOOD shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carryout, drive-thru or drive-in; and where food and/or beverages are usually served in paper, plastic, or other disposable containers.



RETAIL, BIG BOX (see Big Box Retail)

RETAIL TRADE or USE shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

REVERSE SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

REZONING shall mean an amendment to or change in the zoning regulations either to the text or map or both.

REZONING, PIECEMEAL shall mean the zoning reclassification of individual lots resulting in uncertainty in the future compatible development of the area.

RIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

ROAD shall mean the same as "Street".

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties not to exceed more than four lots served by such road. (Also, see right-of-way and Street.)

ROAD, PUBLIC shall mean a public right-of-way reserved or dedicated for street or road traffic. (Also, see right-of-way and Street.)

ROOM shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

3.3.19 **S**

SALVAGE YARD shall mean establishments engaged in the storage, collection, purchase, sale, salvage, or disposal of machinery, parts and equipment that are a result of dismantling or wrecking, including scrap metals or other scrap materials, with no burning permitted.

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

SCALE shall mean a proportional relationship of the size of parts to one another and to the human figure.

SCHOOL, PRE-, OR NURSERY shall mean a school or center for children under school age, whether licensed as a day care center or not, shall be approved by the Nebraska State Fire Marshall as being in safety conformance with the National Fire Protection Association, Pamphlet 101, known as the Life Safety Code and shall be approved by the Nebraska Department of Health and Welfare as meeting their health and welfare standards.

SCHOOL, PRIVATE shall mean facilities which conduct regular academic instruction for a profit, such as commercial schools, private trade schools, and business schools.

SCREENING shall mean a structure of planting that conceals from view from public ways the area behind such structure or planting.

SEASONAL USE shall mean those land uses and structures that are operated during specific seasons of the year, i.e. Christmas tree sales and haunted houses.

SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SERVICE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK LINE, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the street/road right-of-way line.

SETBACK LINE, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard in the district.

SHOPPING CENTER shall mean a group of commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery that is separated from customer access, aesthetic considerations, and protection from the elements.

SHOPPING CENTER, COMMERCIAL STRIP shall mean a commercial development, usually one store deep, that fronts on a major street for a distance of one City block or more. Includes individual buildings on their own lots with on-site parking and small linear shopping centers with on-site parking in front of the stores.

SHOPPING CENTER, OUTLET shall mean a commercial development that consists mostly of manufacturers' outlet stores selling their own brands at a discounted price. This definition includes all forms of centers, such as strip style, enclosed mall style, and city clustered style centers.

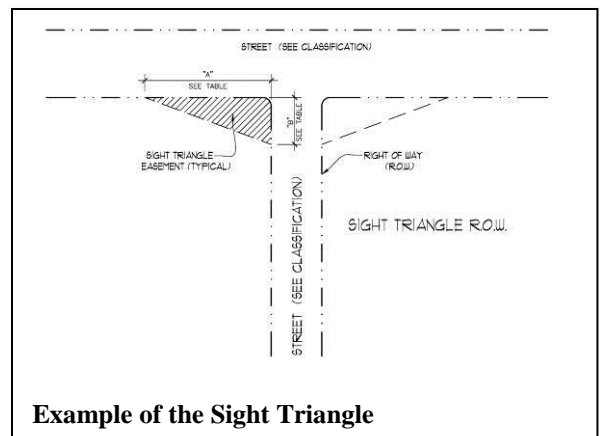
SHRUB shall mean a multi-stemmed woody plant other than a tree.

SIDEWALK CAFE shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.



Example of a Sidewalk Cafe

SIGHT TRIANGLE shall mean an area at a street intersection (or street and railroad) in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of thirty (30) inches and eight feet above grade level within the triangular area formed by the intersection of the property lines or street right-of-way lines which is at a distance of twenty-five (25) feet from the intersection of said lines. (See also Section 9.9)



Example of the Sight Triangle

SIGN see Article 8 of this Ordinance.

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE BREAK shall mean a structural or landscape device to interrupt long vistas and create visual interest in a site development.

SITE PLAN (See Development Concept Plan)

SITE, SEPTIC shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SKATE, IN-LINE shall mean a boot-type device, which is placed on an individual's feet. In-line skates contain wheels on the bottom of the boot, which are attached in linear fashion.

SKATE PARK shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for use with skateboards and in-line skates.

SKATEBOARD shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

SKATEBOARD PIPE shall mean an outdoor structure which is shaped into a half circle or oval that are designed and principally intended to permit persons on skateboards to move continuously from one side to the other.

SKATEBOARD RAMP shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SMALL WIND ENERGY SYSTEM (See section 9.15)

SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.

SOLID WASTE COMPANY shall mean any company or firm that takes away, removes, or transfers solid wastes from one location to another through the use of vehicles or rail cars.

SPECIAL EXCEPTION OR SPECIAL EXCEPTION PERMIT shall mean conditional use or conditional use permit

SPECIAL USE OR SPECIAL USE PERMIT shall mean conditional use or conditional use permit.

SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

STABLE shall mean a facility, either as a principal or accessory use, that is designed for the maintenance, rental, or storage of non-domesticated animals.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.

STATE shall mean the State of Nebraska.

STORAGE shall mean the keeping in any area of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

STOREFRONT shall mean the public-accessible entrance(s) to a commercial use visible from a private/public street or sidewalk.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof. Said detention shall be designed by a licensed professional engineer and approved by the City.

STORMWATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.



STORMWATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.

STORY, ONE-HALF shall mean the same as "Half-Story".

STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this ordinance.

STREET, ARTERIAL shall mean a street designed with the primary function of efficient movement of through traffic between and around areas of a village, city, or county with controlled access to abutting property.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

STREET, COLLECTOR shall mean a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.

STREET, EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.

STREET FRONTAGE shall mean the distance for which a lot line of a zoned lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

STREET, FRONTAGE ACCESS shall mean a street parallel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

STREET, LOCAL shall mean a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.

STREETS, MAJOR shall mean a street or highway used primarily for fast or high-volume traffic, including expressways, freeways, boulevards, and arterial streets.

STREET, PRIVATE shall mean an open, unoccupied space, other than a street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties. The term "private street" includes the term "place."

STREET, SIDE shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware, and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including fences, swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts, and similar recreation areas.

STRUCTURE, ADVERTISING shall mean the same as "advertising structure".

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

SUBSTANTIAL IMPROVEMENT shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

SWIMMING POOL shall mean a structure, and all appurtenant equipment, constructed either above or below grade with a depth of at least eighteen (18) inches utilized for the purposes of swimming, diving, or wading.

3.3.20 **T**

TANNING SPA or SALON shall mean any business that uses artificial lighting systems to produce a tan on the skin of an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs, and styling salons. This use is not included with any type of adult establishment.

TATOO / BODY PIERCING STUDIO shall mean a licensed establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TAVERN (See Bar)

TELECOMMUNICATIONS FACILITY shall mean any facility that transmits and/or receives signals by radio, electromagnetic or optical means, including antennas, microwave dishes, horns, or similar types of equipment, towers or similar structures supporting such equipment, and equipment buildings.

TELEPHONE EXCHANGE shall mean a building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless communications towers.

TEMPORARY STRUCTURE shall mean a structure without any foundation or footing and intended to be removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

TEMPORARY USE shall mean a use intended for limited duration, not to exceed three (3) months, to be located in a zoning district not permitting such use. Temporary use permits are limited to four (4) per calendar year per lot/property

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service, not to include activities which are considered adult entertainment of a sexually oriented business.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna)

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

TRAILER, AUTOMOBILE shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

TRANSPORTATION SERVICES shall mean establishments providing services incidental to transportation of goods, such as forwarding, packing, crating, or other means of preparing goods for shipping.

TRANSFER STATION (REFUSE) shall mean any enclosed facility where solid wastes, trash, or garbage is transferred from one vehicle or rail car to another or where solid wastes, trash, or garbage is stored and consolidated before being transported for disposal elsewhere.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.

3.3.21 **U**

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

USE shall mean the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USE, BEST shall mean the recommended use or uses of land contained in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

USE, PERMITTED shall mean any land use allowed without condition within a zoning district.

USE, PROHIBITED shall mean any use of land, other than non-conforming, which is not listed as a permitted use or conditional use within a zoning district.

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use. (Also, see Building, Principal)

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY EASEMENT shall mean the same as "Easement".

UTILITY HARDWARE shall mean devices such as poles, cross arms, transformers and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF shall mean the local service distribution circuit or lines and related

appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, or local generation plant. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit, which carries gas, water, electricity, oil and communications into a building or development.

3.3.22 **V**

VARIANCE shall mean a relief from or variation of the provisions of this Ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATION shall mean all plant life; however, for purposes of this Zoning Regulation it shall be restricted to mean trees, shrubs, and vines.

VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

VEHICLE, MOTOR (See Motor Vehicle)

VETERINARY SERVICES shall mean a building or part of a building used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention. Such clinics may also provide long-term lodging for ill or unwanted animals or lodging for healthy animals on a fee basis. Such clinics may also provide general grooming practices for such animals.

VIEW shall mean a range of sight including pleasing vistas or prospects or scenes. Views include but are not limited to the sight of geologic features, water, skylines, bridges, and distant cities.

VIEW CORRIDOR shall mean the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

VIEW PROTECTION REGULATIONS shall mean the regulations that protect the view of or from particular points, usually via height limitations.

VISUAL IMPACT shall mean a modification or change that could be either compatible or incompatible with the scale, form, texture, or color of the existing natural or man-made landscape.

VOCATIONAL OR SPECIAL TRAINING FACILITIES shall mean a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be included in this definition.

3.3.23 **W**

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WASTEWATER LAGOON (See Lagoon)

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

WETLAND shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in

cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WILDLIFE shall mean animals or plants existing in their natural habitat.

WIND ENERGY SYSTEM shall mean a wind-driven machine that converts wind energy into electrical power for the primary purpose of resale or off-site use.

WIRELESS COMMUNICATIONS TOWER shall mean a structure designed and constructed to support one or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground with guy wires), of either lattice or monopole construction.

3.3.24 **X**

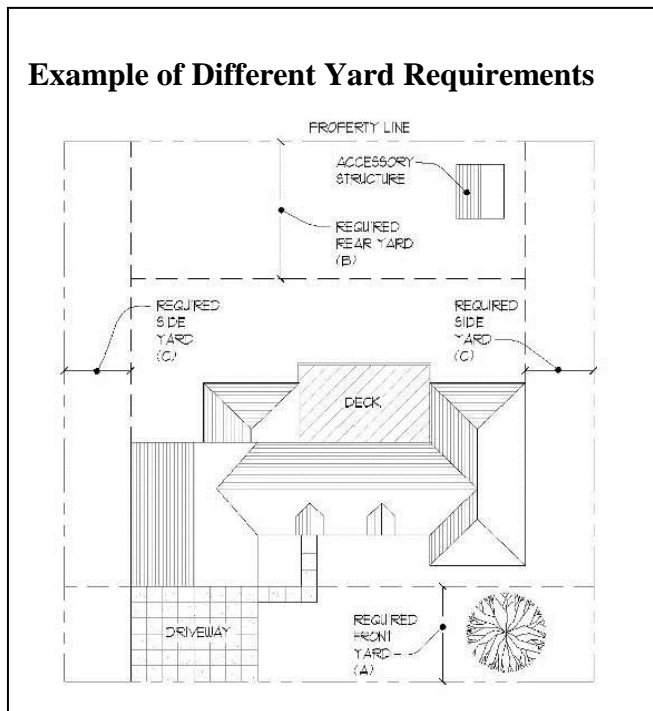
3.3.25 **Y**

YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this ordinance.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or street/road right-of-way line and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.



3.3.26 Z

ZONED LOT (See Lot, Zoning)

ZONING ADMINISTRATOR shall mean the person or persons authorized and empowered by the City of Broken Bow to administer and enforce the requirements of this Ordinance.

ZONING DISTRICT shall mean a portion of the zoned area of the City of Broken Bow and the extraterritorial jurisdiction for which uniform regulations governing the use, height, area size and intensity of the use of buildings and structures, land and open space are established by this ordinance. Zoning district shall also mean any section or sections of this ordinance which sets forth such uniform regulations.

ZONING PERMIT shall mean a written statement issued by the zoning administrator authorizing buildings, structures, or uses in accordance with the provisions of this ordinance

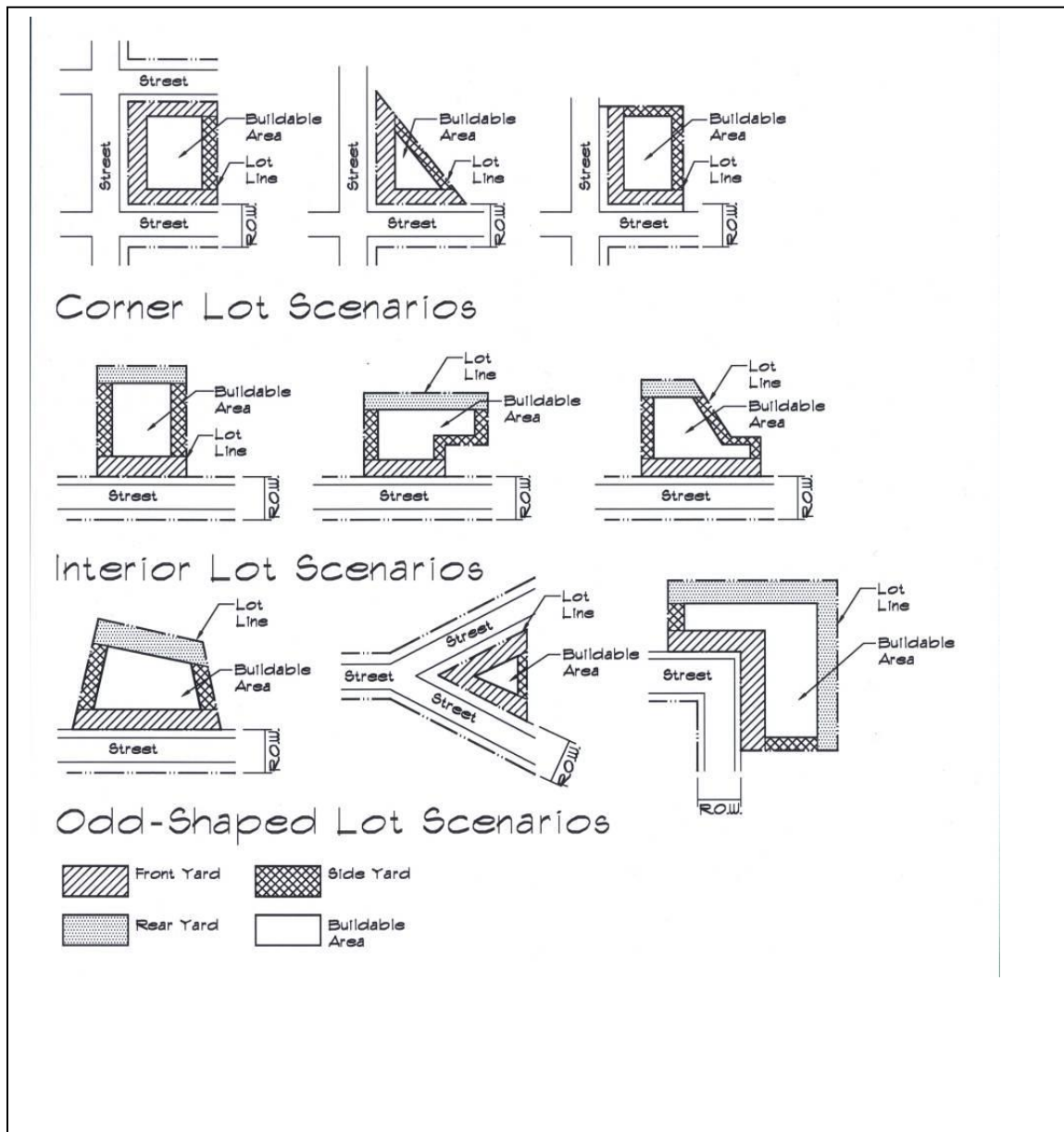
ZONING MAP shall mean the map or maps officially enacted by the City Council, as part of this Ordinance showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the City Clerk, as an official record of the City.

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

ZOO shall mean an area, building, or structures which contain wild animals on exhibition for public viewing.

ZOO ANIMALS shall mean those animals that are kept in either a zoo or private zoo which are not native to Nebraska or the Great Plains region.

ZOO, PRIVATE shall mean any lot, building, structure, enclosure, or premises whereupon or wherein are kept by any person, other than a municipal corporation, the United States, the state, or any other political subdivision thereof, two or more wild animals, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where two or more wild animals are boarded, kept for sale or kept for hire.



Example of possible Lot Configurations and Yard Requirements

ARTICLE 4 – ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Planning Commission.

4.2 DISTRICTS CREATED

For the purpose of this Ordinance, there are hereby created zoning districts for Broken Bow, as named and described in Article 5 of this Ordinance.

- A-1– Agricultural District
- R-1 –Residential Single Family District
- R-2 –Residential Single & Multifamily District
- R-3 – Mobile Home Single & Multifamily District
- C-1 – General Commercial District
- C-2 – Highway Commercial District
- I-1–Light Industrial District
- I-2 – Heavy Industrial District
- E-1 – Elevator District
- PUD – Planned Unit Development District
- FP – Flood Plain Overlay District

4.3 OFFICIAL ZONING MAP

- 4.3.01 The boundaries of the districts are shown upon map, which are made a part hereof by reference, which map is designated as the Broken Bow Zoning Map signed by the Mayor and attested by the City Clerk and hereinafter referred to as the “Official Zoning Map”.
- 4.3.02 The signed copy of the Zoning Map containing the zoning districts designated at the time of adoption of this Ordinance shall be maintained in the office of the City Clerk for the use and benefit of the public.
- 4.3.03 If in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the appropriate part of the Official Zoning Map promptly after the amendment has been approved by the governing body with an entry on the Official Zoning Map as follows: “On (date), by official action of the City Council, the following change was made in the Official Zoning Map (brief description of the nature of the change), “which entry shall be signed by the Mayor and attested by the City Clerk.”

No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry have been made on said map, but no longer than thirty (30) days after a vote of the City Council on the subject.

4.3.04 No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

4.3.05 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the City Council may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map

The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

4.4.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

4.4.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

4.4.03 Boundaries indicated as approximately following City limits shall be construed as following such City limits.

4.4.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

4.4.05 Boundaries indicated as parallel to or extension of features indicated in subsection 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

4.4.06 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsection 1 through 5 above, the Board of Adjustment shall interpret the district boundaries.

4.4.07 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance the Board of Adjustment may permit, as an exception, the extension of the regulations for either portion of the lot not to exceed one hundred and fifty (150) feet beyond the district line into the remaining portion of the lot.

ARTICLE 5 – ZONING DISTRICTS

5.1 A-1 – AGRICULTURAL DISTRICT

5.1.01 INTENT: This district is intended as a transitional area for general agricultural purposes generally within one mile of Broken Bow and residential uses within the corporate limits of Broken Bow.

5.1.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Single-family dwelling.
2. General farming and ranching activities, excluding any expansion of existing or development of intensive livestock confinement facilities/operations, and sales and auction yards and barns.
3. Public uses: including but not limited to public parks, playgrounds, golf courses, recreational uses, fire stations, public elementary and high schools, public utilities and facilities and utility distribution systems.
4. Churches, places of worship and public cemeteries.
5. College or private school

5.1.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Home occupations in accordance with Section 9.11.
4. Roadside stands for the sale of agricultural produce grown on the agricultural farm or operation.
5. Small wind energy systems up to fifty (50) feet and broadcast towers including television, amateur radio or land mobile towers under fifty (50) feet in height, subject to Section 9.13 and 9.15.
6. Detached barn, garage or other accessory buildings, provided such buildings shall not be placed closer to a front building line than sixty (60) feet, or, on a

corner lot, closer to a side street line than a distance equal to one-half of the width of the lot up to a distance which need not exceed seventy-five (75) feet. In relation to an attached garage or carport built as a structural part of a dwelling, with or without breezeway connection, the same side and front yards shall be required as for a dwelling and such side yards shall be measured from the outer walls or roof lines of such garage or carport. An attached garage or carport may extend into a rear yard.

7. A garage or accessory building used as a secondary dwelling by a person or persons employed on the premises.

5.1.04 **CONDITIONAL USES:** A building or premise may be used for the following purposes in the A-1 District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Sewage disposal and water systems, including agricultural irrigation wells, industrial pipelines and pumping stations, and asphalt or concrete batch plants.
2. Private uses including parks, recreational facilities, playgrounds, golf courses, country clubs, golf driving ranges, campgrounds, recreation uses, riding stables, and dude ranches.
3. Airport.
4. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than fifty (50) feet, subject to Section 9.13.
5. Bed and breakfast establishments.
6. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and quarries.
7. Utility substations.
8. Facilities used for commercial storage and motor vehicle storage yards.
9. Bulk grain and produce storage, retail sales of feed, grain, and seed, agricultural chemical and fertilizer storage, but excluding commercial warehouses and storage facilities.
10. Private cemeteries.
11. Dog breeding establishments and kennels.
12. Fairgrounds, race tracks and amusements parks.

13. Amphitheaters, stadiums, drive-in movies, arenas and field houses.
14. Greenhouses and garden centers.
15. Veterinary clinics and facilities.
16. Private elementary and high schools.
17. Motor vehicle body shop and repair services and related facilities.
18. Farm implement sales and repair.
19. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of a use similar to the above listed uses.
- 20.

5.1.05 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the A-1 District.

5.1.06 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows, unless provided for herein:

1. General Requirements:

	Lot Area	Lot Width	Required Front Yard	Required Side Yard	Required Read Yard	Height*
Dwellings & uses w/ water & sewer	3 acres	100'	25'	10'	15'	35'
Other Uses	3 acres	100'	25'	10'	15'	35'
Accessory Uses	3 acres	100'	25'	10'	15'	35'

* Non-residential structures have no height limits

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line. All requirements of sight triangle shall be met.

5.1.07 PARKING REGULATIONS: Parking within the A-1 District shall be in accordance with the provisions of this ordinance.

5.1.08 SIGN REGULATIONS: Signs within the A-1 District shall be in conformance with the provisions of this ordinance.

5.1.09 ADDITIONAL MINIMUM YARD REQUIREMENTS

Front Yard: There shall be a minimum front yard of twenty-five (25) feet from the established road right-of-way, provided however, that any grain bin or building used for grain storage which requires filling by use of a portable auger, elevator or conveyor or requires overhead probing of stored grain shall be set back from any existing primary voltage electric power distribution line owned and maintained by a public utility by distance at least equal to the height of the highest filling or probing opening on such bin or building plus eighteen (18) feet or the distance prescribed in Section 234 of the latest published edition of the National Electrical Safety Code, whichever is greater.

The owner of such bin or grain storage building may opt to pay whatever costs are necessary to meet the requirements of Section 234 of the latest edition of the National Electric Safety Code in order to reduce the setback requirement, but under no circumstances shall the front yard setback for any such bin or grain storage building be less than twenty-five (25) feet from the established road right-of-way.

5.2 R-1 – RESIDENTIAL SINGLE FAMILY DISTRICT

5.2.01 INTENT: This district is intended to provide for low density residential uses consisting of single family and two-family dwelling units and accessory structures.

5.2.02 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Single family dwellings.
2. Two-family dwellings.
3. Nursery, primary and secondary education.
4. Child care homes.
5. Public uses: including but not limited to public parks, playgrounds, golf courses, recreational uses, fire stations, public utilities and facilities and utility distribution systems.
6. Churches, places of worship and cemeteries.

5.2.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Section 9.11.
2. Accessory uses and structures normally appurtenant to permitted and conditional uses and structures and constructed of similar and/or acceptable building materials.

3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Towers and Antenna, including television, amateur radio or land mobile towers under thirty-five (35) feet in height, subject to Section 9.13.

5.2.04 **CONDITIONAL USES:** A building or premises may be used for the following purpose in the R-1 District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Medical clinics and services.
2. Mortuaries.
3. Child care center.
4. Museum and art galleries.
5. Nursing and retirement homes.
6. Private recreational facilities, playgrounds, golf courses, country clubs, golf driving ranges.
7. Bed and breakfast homes.
8. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of a use similar to the above listed uses.

5.2.05 **PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not specifically permitted, or not permissible as conditional uses shall be prohibited from the R-1 District.

5.2.06 **HEIGHT AND AREA REGULATIONS:** The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single Family Dwelling	6,000	50'	25'	6'	20'	35'
Two Family Dwelling	6,000 per Family	50'	25'	6'	20'	35'
Other Uses	6,000	50'	25'	6'	20'	35'
Accessory Uses			25'	6'**	6'**	35'

* The side yard setback between individual units of two-family dwellings may be reduced to zero, if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through the roof line is maintained.

** Increased to 16 feet if vehicular access from alley, and shall not be located on a recorded easement.

2. Building on corner lots shall provide front yard setbacks as listed above and a street side yard setback of 12.5 feet All requirements of sight triangle shall be met.
 3. Building and structures shall not exceed two and one half (2.5) stories in height. Accessory buildings shall not occupy more than fifty percent (50%) of the required area for the rear yard. Attached garages are considered part of principal building.
 4. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.
- 5.2.07 PARKING REGULATIONS: Parking with the R-1 District shall be in accordance with the provisions of this ordinance.

5.3 R-2 – RESIDENTIAL SINGLE AND MULTIFAMILY DISTRICT

- 5.3.01 INTENT: It is the intent of this district to provide for the medium to higher density residential uses consisting of single family, two-family, multi-family dwelling units, compatible supporting uses, and accessory uses on smaller lots in the older areas of Broken Bow where normal setbacks hinder development.
- 5.3.02 PERMITTED PRINCIPAL USES AND STRUCTURES: The following shall be permitted as uses by right:
1. Single family dwellings.
 2. Two-family dwellings.
 3. Multifamily dwellings.
 4. Townhouses.
 5. Nursery, primary and secondary education.
 6. Child care homes.
 7. Public uses: Including but not limited to public parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems, community buildings, public buildings.
 8. Places of worship such as churches and synagogues.
- 5.3.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Home occupations in accordance with Section 9.11.
2. Accessory uses and structures normally appurtenant to the permitted and conditional uses and structures and constructed of similar and/or acceptable building materials.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Towers and Antenna, including television, amateur radio or land mobile towers under thirty-five (35) feet in height, subject to Section 9.13.

5.3.04 **CONDITIONAL USES:** A building or premises may be used for the following purposes in the R-2 District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Medical campus.
2. Medical clinics and services.
3. Mortuaries, funeral homes and cemeteries.
4. Child care center.
5. Museum and art galleries.
6. Retirement and/or nursing homes.
7. Public and private golf courses.
8. Bed and breakfast homes.
9. Communication and utility building and uses, excluding towers over thirty-five (35) feet.
10. Clubs, fraternities, lodges and meeting places of a non-commercial nature.
11. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of a use similar to the above listed uses.
- 12.

5.3.05 **PROHIBITED USES AND STRUCTURES:** All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the R-2 District.

5.3.06 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Single Family Dwelling	5,000	50'	25'	6'	15'	35'
Two Family Dwelling	5,000 per family	25' per family	25'	6'	15'***	35'
Multifamily Housing	1,500 per family	50'	25'	6'	15'***	45'
Townhouses	3,600 per family	25'	25'	6'	15'***	35'
Other Uses	5,000	50'	25'	6'	15'***	35'
Accessory Uses			15'	6'**	6'***	35'

* The side yard setback between individual units of two-family dwellings, multi-family housing, or townhouses may be reduced to zero, if a one-hour fire rated constructed common wall between units starting at the basement level and continuing through to the roof line is maintained.

** Increased to sixteen (16) feet if vehicular access from alley, and shall not be located on a recorded easement.

*** Or 20% of lot depth, whichever is less.

2. Building on corner lots shall provide front yard setbacks as listed above and a street side yard setback of 12.5 feet. All requirements of sight triangle shall be met.
3. Building and structures shall not exceed three (3) stories in height. Accessory buildings shall not occupy more than thirty percent of the required area for the rear yard. Attached garages are considered part of principal building.
4. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5.3.07 PARKING REGULATIONS: Parking with the R-2 District shall be in accordance with the provisions of this ordinance.

5.3.08 SIGN REGULATIONS: Signs within the R-2 District shall be in conformance with the provisions of this ordinance.

5.4 R-3 – MOBILE HOME SINGLE & MULTIFAMILY DISTRICT

5.4.01 INTENT: The intent of the Mobile Home Single & Multifamily District shall be to provide for mobile home dwellings on leased or owned property in areas where a

mobile home court is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Broken Bow.

5.4.02 PERMITTED USES: The following principal uses are permitted in the R-3 District.

1. Mobile home dwellings within a mobile home park.
2. Single family dwelling.
3. Townhouses.
4. Multifamily dwellings.
5. Public school.
6. Public uses: Including but not limited to public parks, playgrounds, recreational uses, fire stations, public utilities and utility distribution systems, community buildings, public buildings.
7. Places of worship such as churches and synagogues.

5.4.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory buildings and uses are permitted in the R-3 District.

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses including decks, gazebos, gardens and small greenhouses.
2. Private swimming pools (above or below ground), tennis courts, and other recreational facilities in conjunction with a residence.
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
4. Home occupation.
5. Signs as provided for in Article 8.
6. Parking as provided for in Article 7.

5.4.04 CONDITIONAL USES: The following uses are subject to any conditions listed in this Resolution and are subject to conditions relating to the placement of said use on a specific tract of ground in the R-3 District.

1. Buildings and uses customarily incidental to the permitted uses.

2. Mobile Home Park, subject to regulations in Section 5.5.05 through 5.5.08 of this Section.
3. Nursery or daycare schools.
4. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
5. Sewage disposal and water supply and treatment facilities.
6. Campgrounds.
7. Public buildings not including schools, parks and recreation facilities.
8. Family Child Care Home.
9. Family Child Care Center.
10. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of a use similar to the above listed uses.
- 11.

5.4.05 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the R-3 District.

5.4.06 HEIGHT AND AREA REQUIREMENTS: The maximum height and minimum area regulations shall be as follows:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Mobile Home	4,000	50'	25	6'	15'	35'
Single Family Dwelling	6,000	50'	25'	6'	15'	35'
Two Family Dwelling	3,000 per family	25' per family	25'	6'	15'	35'
Multifamily Dwelling	1,500 per family	50'	25'	6'	15'	45'
Other Uses	6,000	50'	25'	6'	15'	35'
Accessory Uses			25'	6'	5'	17'

* When a lot is located on a cul-de-sac the minimum frontage shall be forty-five (45) feet at the property line.

5.4.07 MOBILE HOME PARK REQUIREMENTS AND STANDARDS:

1. Open areas along entrances and contiguous to streets, county road, federal highways, or state highways shall be landscaped.
2. There shall be a minimum livable floor area of five hundred (500) square feet in each mobile home.
3. All mobile homes shall meet all applicable standards specified by Federal and State Regulations, be in constructed in or after 1980, and be maintained as to not be a health or safety issue to the neighborhood.
4. The entire mobile home park shall be considered as one (1) zoned lot.
5. An office shall be provided for conducting business pertaining to the mobile home park. Said office may be located in a mobile home residence.
6. Mobile homes shall comply with all other applicable City Ordinances.

5.4.08 MOBILE HOME PARK PLAN REQUIREMENTS: A complete plan of the mobile home court shall be submitted showing:

1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

5.4.09 OTHER APPLICABLE MOBILE HOME PARK PROVISIONS:Area and Setback Requirements:

Minimum Mobile Home Park Land Area	Five (5) acres
Minimum Mobile Home Park Width	300 feet
Minimum Front Buffer Area	50 feet (street line to individual interior lot line)
Minimum Side Buffer Area	25 feet (street property line to individual interior lot line)
Minimum Rear Buffer Area	25 feet (rear property line to individual interior lot line)

Individual Interior Lot (sublot) Requirements:

Minimum Lot Area	Shall be consistent with underlying district
Minimum Front Yard	20 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	5 feet

Mobile Homes Shall Maintain the Following Minimum Separations:

End to End	10 feet
End to Side	10 feet
Side to Side	10 feet
Mobile Home to Community Building	30 feet
Mobile Home to Accessory Storage Building	6 feet
Mobile Home to Accessory Garage	10 feet

Mobile Home Minimum Size:

Minimum Livable Floor Area	500 square feet
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Streets:

1. Public streets are subject to the requirements of the City of Broken Bow subdivision regulations.
2. If private streets are utilized, the following shall apply:
 - A. On streets where parallel parking is allowed on both sides of the street, the width of the street shall be a minimum of thirty-six (36) feet exclusive of curbs.
 - B. On streets where parallel parking is allowed on one side of the street, the width of the street shall be a minimum of thirty (30) feet exclusive of curbs.
 - C. On streets where parking is prohibited, the width of the street shall be a minimum of twenty-four (24) feet exclusive of curbs.
 - D. On streets restricted to one-way traffic with parking on one side, the width of the street shall be a minimum of twenty-four (24) feet exclusive of curbs.
 - E. Each individual interior lot shall have access to a paved drive of either concrete or asphaltic concrete with concrete curbs.
 - F. Verification of rescue vehicle access to all individual interior lots will be required.

G. All private streets shall have unobstructed access to a public street.

3. All streets and sidewalks within the mobile home park shall be adequately lighted.
4. All streets must be completely constructed prior to the placement of any mobile home on said street.

Parking:

1. Off-street parking shall be provided for all uses established in this zoning district.
2. A minimum of two (2) hard surfaced off-street parking stalls shall be provided for each individual interior lot

Sidewalks:

1. Sidewalks shall be provided in locations where pedestrian traffic is concentrated and shall be installed along streets, to the entrance of the office, community building and other important facilities.
2. Minimum sidewalk width shall be four (4) feet.
3. Sidewalks shall be constructed of concrete.

Storm Shelter/Community Building: A community building shall be provided which shall include at a minimum a storm shelter for park residents. The community building may also provide recreational facilities, laundry facilities and other similar uses. The Storm Shelter shall:

1. Provide equivalent space for a minimum of two and one half (2½) persons per mobile home unit.
2. Be designed in conformance with “National Performance Criteria for Tornado Shelters” by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA.
3. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.

Mobile Home Installation: Mobile Home Installation shall conform to the following:

1. Stabilizing devices for mobile homes bearing HUD labels shall be installed in accordance with the manufacturer's installation instructions provided with the unit pursuant to §3280.306 of the federal regulations.
2. When the information for stabilizing device materials is not provided in the manufacturer's installation instructions, the materials shall be as approved by the local enforcement agency.
3. When a mobile home is located in an area subjected to frost heave, the footings and load-carrying portion of the ground anchors shall extend below the frost line or as per the requirements established by the local enforcement agency.
4. Enforcement of installation procedures shall be in accordance with the Federal Regulations, codified at 24 C.F.R. Part 3282, Subpart G.

Skirting:

1. Skirting shall be required for all mobile homes.
2. Skirting shall be in good repair, meet manufacturer standards, and be in conformance with the color scheme of the mobile home to which it is applied.
3. Skirting shall be able to withstand wind load requirements and shall not provide harborage for junk or rodents, nor create a fire hazard.
4. Skirting shall provide easy access to all utility connection points of the mobile home and its subsequent connection to the utility risers if they are located within the skirted area.

Park/Open Space: A minimum of eight percent (8%) of the total Mobile Home Park area must be maintained as open space to be use for recreation, playground, or park space.

Buffer Space:

1. A solid or semi-solid fence or wall, minimum six (6) feet high, maximum eight (8) feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other than for mobile homes.
2. In lieu of a fence or wall, a landscape buffer may be provided not less than fifteen (15) feet in width, and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide screening for the park.
3. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home unit.

4. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.

Accessory Buildings/Garages:

1. Accessory buildings used primarily for storage shall be permitted on individual interior lots, with the following requirements:
 - A. Shall be located no closer than five (5) feet from any Mobile Home.
 - B. Shall be setback a minimum of three (3) feet from any individual interior lot line.
 - C. Shall be setback a minimum of twenty-five (25) feet from the mobile home park interior street.
 - D. Shall be setback a minimum of fifty (50) feet from any public street located outside the mobile home park.
2. Accessory garages used for the storage of motor vehicles shall be permitted on individual interior lots, with the following requirements:
 - A. Shall be located no closer than ten (10) feet from any Mobile Home.
 - B. Shall be setback a minimum of three (3) feet from any individual interior lot line.
 - C. Shall be setback a minimum of twenty (20) feet from the mobile home park interior street.
 - D. Shall be setback a minimum of fifty (50) feet from any public street located outside the mobile home park.
3. Carports may be attached to a mobile home provided that:
 - A. Car port structure is considered part of a mobile home structure and must maintain the same setback requirements as the mobile home unit.
 - B. Car port shall be in good repair, meet manufacturer standards, and be in conformance with the color scheme of the mobile home to which it is applied.
 - C. Car port structure shall only be enclosed on the side attached to the mobile home unit.

Outdoor Storage: Owner/manager of mobile home park shall discourage outdoor storage of any materials, equipment, or refuse containers by providing appropriate storage facilities such as an enclosed storage building or solid fence enclosure.

Utilities: Each individual interior lot shall be served with water and sanitary sewer utilities, and shall have separate shut-offs as required by city utility regulations, and service facilities for bathing, laundry, etc., as required by the State and County regulations. Dedicated easements shall be granted for city access to said shutoffs.

Procedure:

1. A Site Development Plan shall be filed with the Application for Rezoning as an Amendment to the Zoning Map showing the buffer areas for landscape plantings, the layout of individual interior lots, the access roads or drives, utilities distribution system, service facilities, earth grading plan, and such other information necessary to determine whether the proposed development conforms with the provisions of the Primary Zoning District to which it is appended; and such development plans, diagrams, and calculations shall become a part of the amendment and shall be the basis for the issuance of a building permit in conformity therewith.
2. Development Plan alterations which increase the number of dwelling units the arrangement of individual interior lots, and roadway or driveway alignment shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments in the individual interior lot lines, or decrease in the number of dwelling units may be approved by the City Council without resubmission.

5.5 C-1 – GENERAL COMMERCIAL DISTRICT

5.5.01 INTENT: This district is to provide a commercial area for those establishments serving the general shopping needs of the trade area and in particular, those establishments customarily oriented to the pedestrian shopper. The grouping of uses is intended to strengthen the central business area as the urban center of trade, service, governmental and cultural activities and to provide neighborhood commercial convenience areas.

5.5.02 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Auction sales.
2. Automobile services and service stations.
3. Automotive wash facilities.

4. Electrical repair, radio and television repair; and watch, clock and jewelry sales and repair.
5. Bakery.
6. Banks, savings and loan associations, credit unions and finance companies.
7. Barbershops, beauty parlors and shoeshine shops.
8. Business offices and services, excluding any warehousing and storage services.
9. Bus passenger terminals and taxicab transportation.
10. Child care homes and centers.
11. Welfare and charitable services; business associations; professional membership organizations; labor unions and similar labor organizations; and civic; social and fraternal associations.
12. Commercial recreation facilities (bowling alleys, miniature golf courses and similar uses).
13. Communication and utility building and uses, excluding towers over forty-five (45) feet.
14. Detached banking facilities, including ATMs
15. Dry cleaning or laundry establishments; apparel repair, alteration and cleaning pick-up services; shoe repair services.
16. Eating and drinking places, including restaurants and taverns.
17. Educational services.
18. Funeral home and mortuaries.
19. Garden Centers.
20. Grocery Stores.
21. Messenger and telegraph stations.
22. Motels and hotels.

23. Museums; art galleries; planetaria; aquariums; historic and monument sites; motion picture theaters; legitimate theaters.
24. Office buildings.
25. Parking lots, parking garages and other off-street parking facilities.
26. Personal and professional services, excluding adult entertainment.
27. Photography studios.
28. Private schools, including but not limited to business or commercial schools, and dance or music academies.
29. Public and private charitable institutions.
30. Public parks, buildings and grounds.
31. Public uses of an administrative, public service or cultural type including City, county, state or federal administrative centers and courts, libraries, police and fire stations and other public buildings, structures, and facilities.
32. Public utility, structures and facilities.
33. Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure walls of the buildings.
34. Stores or shops for the sale of goods at retail.
35. Temporary shelter for homeless.

5.5.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to permitted uses and structures and to uses and structures permitted as conditional uses and constructed of similar and/or acceptable building materials.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Towers and Antenna, including television, amateur radio or land mobile towers under forty-five (45) feet in height, subject to Section 9.13

5.5.04 CONDITIONAL USES: A building or premises may be used for the following purposes in the C-1 District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Bed and breakfast guest home;
2. Food storage lockers with slaughtering facilities, provided that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors;
3. Recycling center and collection points;
4. Apartments above stores/businesses (not on ground floor);
5. Multifamily dwellings;
6. Churches and other religious institutions;
7. Private meeting halls, community centers and auditoriums;
8. Warehouse and storage services;
9. Radio stations;
10. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of an industrial use similar to the above listed uses.

5.5.05 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the C-1 District.

5.5.06 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted and Conditional Uses	3,750	25'	0'	0', or 10' setback of residential district when abutting	15'	45'
Multifamily Dwelling	2,200 per family	50'	25'	5' on corner	15'	45'

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5.5.07 **PARKING REGULATIONS:** Parking within the C-1 District shall be in accordance with the provisions of this ordinance. Uses in the C-1 District are exempt from the off-street parking requirements, except for those permitted or conditional uses that involve large assemblies or overnight parking, such as churches, motels, hotels, auditoriums, and residential uses.

5.5.08 **SIGN REGULATIONS:** Signs within the C-1 District shall be in conformance with the provisions of this ordinance.

5.6 C-2 – HIGHWAY COMMERCIAL DISTRICT

5.6.01 **INTENT:** The C-2 Highway Commercial District is intended for the purpose of providing commercial areas for those establishments which can function most satisfactorily in an area directly related to a major vehicular circulations route due to the nature of the merchandise handled and the display space required, particularly items requiring expansive display area such as motor vehicles, trailers, and farm implements; the method of transport required of the purchaser for the merchandise handled particularly goods customarily traded in bulk such as lumber or feed requiring access for the customer to the sales area primarily dependence upon the vehicular, as opposed to pedestrian access such as drive-in facilities; and all types of automotive and farm implement service or the clientele toward which the establishment is primarily oriented particularly for travelers on the highway. Off-street parking is required in order to reduce adverse effects on adjacent properties.

5.6.02 **PERMITTED PRINCIPLE USES AND STRUCTURES:** The following shall be permitted as uses by right:

1. Automobile services excluding salvage yards;
2. Automobile wash facilities;
3. Bus garaging and equipment maintenance;
4. Churches and other religious institutions;
5. Commercial service oriented businesses, such as landscaping business, except those specifically provided within these regulations;
6. Communication and utility building and uses;
7. Construction sales and services;
8. Convenience store or filling station;
9. Banks and detached banking facilities (ATM);

10. Eating and drinking places, such as restaurants and taverns;
11. Commercial recreation facilities such as bowling alleys, miniature golf course, arcades and similar uses;
12. Farm products warehousing and storage;
13. Food storage lockers with slaughtering facilities, provided that any slaughtering, killing, eviscerating, skinning, or plucking be done indoors;
14. Funeral and crematory services;
15. Commercial recreation facilities such as bowling alleys, miniature golf courses, arcades and similar uses;
16. Garden centers and nurseries;
17. Household goods warehousing and storage;
18. Libraries; museums; art galleries; planetaria; aquariums; historic and monument sites; exhibition halls; auditoriums;
19. Mini storage facilities and general warehousing and storage;
20. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
21. Parks;
22. Professional services, including business and governmental offices;
23. Upholstery and furniture repair services;
24. Stores or shops for sale of household and grocery goods at retail;
25. Transportation and refrigerated warehousing;
26. Trucks and freight terminals and equipment maintenance;
27. Medical clinics;
28. Wholesale and retail sales of drugs, chemicals and allied products; dry goods and apparel; groceries and related products; electrical goods; hardware; plumbing, heating equipment and supplies; equipment and supplies, beer, wine

and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; lumber and construction materials stored inside;

29. Recycling collection points.

5.6.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
3. Towers and Antenna, including television, amateur radio or land mobile towers under 45 feet in height, subject to Section 9.13

5.6.04 CONDITIONAL USES: A building or premises may be used for the following purposes in the C-2 District if a conditional use permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Automobile sales;
2. Farm implement sales and services, excluding major repair services;
3. Irrigation equipment sales and services;
4. Private clubs and lodges;
5. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals;
6. Radio studios, transmitters and antenna;
7. Electric and telephone substations;
8. Recycling centers;
9. Wholesale and retail sales of building materials stored outside, motor vehicles, marine craft, aircraft, mobile homes, trailers;
10. Amphitheaters; stadiums; drive-in movie theaters, arenas and field houses; race tracks; fairgrounds; amusement parks; golf driving ranges, go-cart tracks; golf courses and country clubs; riding stables; play fields and athletic fields; bowling; swimming pools; campsites;

11. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than forty-five (45) feet, subject to 9.13;
12. Veterinary clinic with large and small animal facilities;
13. Agriculture, feedlots, sales and auction yards and barns;
14. Electric and telephone substations;
15. Motor vehicle body shops, and machinery and automobile repair and services, provided that all work shall be performed and all materials stored in an enclosed building and provided further that all operable or inoperable motor vehicles determined by the Administrative Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than fifty percent (50%);
16. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of an industrial use similar to the above listed uses.

5.6.05 SCREENING REQUIREMENTS:

1. Where a site adjoins or is located across an alley from the Residential District, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials accessory to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.6.06 PROHIBITED USES: All other uses and structures which are not specifically permitted or permissible as conditional uses shall be prohibited from the C-2 District.

5.6.07 HEIGHT AND AREAS REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted and Conditional Uses	7,500**	66'	25'	7'	20'	35'

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise 1 acre with any combination of public and private water/sewer systems and 3 acres with both systems being private.

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.
- 5.6.08 **PARKING REGULATIONS:** Parking within the C-2 District shall be in accordance with the provisions of this ordinance.
- 5.6.09 **SIGN REGULATIONS:** Signs within the C-2 District shall be in conformance with the provisions of this ordinance. Advertising signs are permitted in accordance with the Nebraska Department of Roads guidelines along applicable highways unless a sign overlay district restricting the type or location of signs has been designated.
- 5.6.10 **PERFORMANCE STANDARDS:** Performance standards for industrial uses shall be in conformance with the provisions of Section 9.22 of these regulations.

5.7 I-1 – LIGHT INDUSTRIAL DISTRICT

- 5.7.01 **INTENT:** This district is designed to provide space for certain commercial and a wide range of light industrial and related uses and structures. Residential and other similar uses are prohibited from this district in order to limit environmental effects associated with certain commercial and industrial uses.
- 5.7.02 **PERMITTED PRINCIPAL USES AND STRUCTURES:** The following shall be permitted as uses by right:
 1. Agriculture, excluding the development and expansion of livestock feeding operations;
 2. Agricultural seed cleaning and processing;
 3. Animal hospitals;
 4. Automobile sales and services;
 5. Automotive wash facilities;
 6. Blacksmithing and welding shops;
 7. Bottling works;
 8. Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor or smoke;
 9. Carpenter, cabinet, plumbing or sheet metal shops;
 10. Carpet and rug cleaning and repair services;

11. Communication and utility building and uses;
12. Disinfecting and exterminating services;
13. Dry cleaning, laundering and dyeing services;
14. Dyeing and finishing of textiles;
15. Educational and scientific research services;
16. Electrical sales and services;
17. Equipment rental and leasing services;
18. Farm machinery and equipment – retail;
19. Farm produce sales;
20. Farm supplies – retail;
21. Feeds, grains and hay – retail;
22. Food lockers and storage services;
23. Freight forwarding services;
24. Furniture repair and reupholster services;
25. Fur trading services;
26. Garden centers and nurseries;
27. Gas utility maintenance yard;
28. Light manufacturing operation;
29. Landscape sales and services;
30. Mobile and modular home sales and manufacturing;
31. Motor vehicle body shops, and machinery and automobile repair and services, provided that all work shall be performed and all materials stored in an enclosed building and provided further that all operable or inoperable motor vehicles determined by the Administrative Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence

having a minimum height of six (6) feet and a visual density of no less than fifty percent (50%);

32. Newspaper publishing plants and commercial printing;
33. Photoengraving;
34. Photo finishing services;
35. Public facilities, utility and public service uses;
36. Radios, computers, televisions, phonographs, recorders, electronics, tape players and other similar devices repair services;
37. Railroad equipment maintenance yards;
38. Recycling collection points;
39. Seed cleaning and processing;
40. Service stations;
41. Stores or shops for the sale of industry goods at retail;
42. Telephone services;
43. Transportation warehousing;
44. Truck wash services;
45. Veterinarian services;
46. Warehousing and storage except for products of a highly explosive, combustible or volatile nature;
47. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature;
48. Mini-warehouse.

5.7.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;

2. Broadcast towers including television, amateur radio or land mobile towers under one hundred (100) feet in height, subject to Section 9.13;
3. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work;
4. Caretaker and watchmen quarters;
5. Medical facilities accessory to an industrial use.

5.7.04 **CONDITIONAL USES:** A building or premises may be used for the following purposes in the I-1 District if a conditional use permit for such use has been obtained in accordance with Article 6 of this Ordinance.

1. Recycling center;
2. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries;
3. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than one hundred (100) feet, subject to Section 9.13;
4. Airport;
5. Quasi-public uses of educational, recreational or religious types including schools, churches, parsonages, and other religious institutions, parks and playgrounds;
6. Automobile salvage and junk yards;
7. Ethanol plants;
8. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of an industrial use similar to the above listed uses.

5.7.05 **SCREENING REQUIREMENTS:**

1. Where a site adjoins or is located across an alley from a residential district, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.
2. Open storage of materials accessory to a permitted use or conditional use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.7.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as conditional uses shall be prohibited from the I-1 District.

5.7.07 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted & Conditional Uses	10,000**	75'	25'	10', or 25' when abutting a residential district, street or road	20', or 25' when abutting a residential district, street or road	45'

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise one (1) acre with any combination of public and private water/sewer systems and 3 acres with both systems being private.

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5.7.08 PARKING REGULATIONS: Parking with the I-1 District shall be in accordance with the provisions of this ordinance.

5.7.09 SIGN REGULATIONS: Signs within the I-1 District shall be in conformance with the provisions of this ordinance. Advertising signs are permitted in accordance with the Nebraska Department of Roads guidelines along applicable highways unless a sign overlay district restricting the type or location of signs has been designated.

5.7.10 PERFORMANCE STANDARDS: Performance standards for industrial uses shall be in conformance with the provisions of Section 9.22 of these regulations.

5.8 I-2 – HEAVY INDUSTRIAL DISTRICT

5.8.01 INTENT: This district is designed to provide for the widest range of industrial and related uses.

5.8.02 PERMITTED PRINCIPAL USES AND STRUCTURES: All uses permitted in the I-1 – Light Industrial Districts as well as the following principal uses and structures shall be permitted in the I-2 District:

1. Agriculture, excluding the development and expansion of livestock feeding operations;
2. Animal hospitals;

3. Automotive wash facilities;
4. Automotive and truck sales and service;
5. Bottling works;
6. Building material sales and ready-mix concrete plants;
7. Carpenter, cabinet, plumbing or sheet metal shops;
8. Carpet and rug cleaning and repair services;
9. Cold storage plants;
10. Communication and utility building and uses;
11. Construction sales and services;
12. Disinfecting and exterminating services;
13. Dyeing and finishing of textiles;
14. Electrical sales and services;
15. Equipment rental and leasing services;
16. Farm machinery sales, service and storage;
17. Farm supplies – retail;
18. Feeds, seeds, grains and hay – retail;
19. Food lockers and storage services;
20. Foundries;
21. Freight and truck services;
22. Furniture repair and reupholster services;
23. Fur trading services;
24. Garden centers and nurseries;
25. Gas and petroleum utility maintenance yard and field services;
26. Harvesting services;

27. Irrigation equipment sales and manufacture;
28. Light or heavy manufacturing operation;
29. Landscape sales and services;
30. Machinery sales and storage lots;
31. Mini-warehouse;
32. Mobile and modular home sales and manufacturing;
33. Newspaper publishing plants and commercial printing;
34. Outdoor advertising services;
35. Photoengraving;
36. Public facilities and utility and public service uses;
37. Railroad equipment maintenance yards;
38. Railroad freight terminals;
39. Railroad passenger terminals;
40. Railroad switching yards;
41. Road maintenance yards;
42. Recycling collection points and centers;
43. Service stations;
44. Stores or shops for the sale of industry goods at retail;
45. Storage yards;
46. Telephone services;
47. Transportation warehousing;
48. Truck wash services;
49. Veterinarian services;

50. Warehousing and storage except for products of a highly explosive, combustible or volatile nature;
51. Wholesale establishments, sales and services, except those which handle products of a highly explosive, combustible or volatile nature;
52. Water well, drilling services.

5.8.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses;
2. Small wind energy systems;
3. Broadcast towers including television, amateur radio or land mobile towers under one hundred (100) feet in height, subject to Section 9.13;
4. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work;
5. Caretaker and watchmen quarters;
6. Medical facilities accessory to an industrial use.

5.8.04 CONDITIONAL USES: A building or premises may be used for the following purposes in the I-2 District if a conditional use permit for such use has been obtained in accordance with Article 6 of this Ordinance.

1. Agricultural chemicals manufacturing;
2. Animal rendering;
3. Bulk petroleum storage wholesale;
4. Explosives – manufacturing;
5. Recycling center;
6. Mineral extraction, which shall include the following: oil wells, sand and gravel extraction and strip mine operations and quarries;
7. Broadcast towers and stations, including television, amateur radio or land mobile towers of more than one hundred (100) feet, subject to Section 9.13;
8. Airport;

9. Adult Entertainment as per Section 9.17;
10. Commercial/Utility Grade Wind Energy Systems;
11. Ethanol Plants;
12. Warehousing and storage including products of a highly explosive, combustible or volatile nature;
13. Motor vehicle storage yard and salvage yards, provided that at a minimum all vehicles be screened from public view from adjacent arterial and collector streets and from all zoning districts other than the heavy industrial district by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than fifty percent (50%);
14. Grain elevators and grain processing;
15. Fertilizer storage;
16. Industrial waste disposals;
17. Solid waste transfer stations;
18. Livestock – wholesale;
19. Stockyards and slaughter houses;
20. Meat packing plants;
21. Asphalt batch plant;
22. Refuse incineration;
23. Any similar uses that are determined by the City Council after referral to and recommendation by the Planning Commission to be of an industrial use similar to the above listed uses.

5.8.05 SCREENING REQUIREMENTS: Where a site adjoins or is located across an alley from a residential district, a solid wall or fence or compact evergreen hedge six (6) feet in height may be required on the property line common to such districts, except in a required front yard.

5.8.06 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the I-2 District.

5.8.07 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted & Conditional Uses	10,000**	80'	25'	10', 25' when abutting a residential district, street or road	20', or 25' when abutting a residential district, street or road	75', except for uses provided for herein

* Excluding Road R.O.W.

** If with public/community water and sewer, otherwise one (1) acre with any combination of public and private water/sewer systems and three (3) acres with both systems being private.

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5.8.08 PARKING REGULATIONS: Parking with the I-2 District shall be in accordance with the provisions of this ordinance.

5.8.09 SIGN REGULATIONS: Signs within the I-2 District shall be in conformance with the provisions of this ordinance. Advertising signs are permitted in accordance with the Nebraska Department of Roads guidelines along applicable highways unless a sign overlay district restricting the type or location of signs has been designated.

5.8.10 PERFORMANCE STANDARDS: Performance standards for industrial uses shall be in conformance with the provisions of Section 9.22 of these regulations.

5.9 E-1 – ELEVATOR DISTRICT

5.9.01 INTENT: This district is to provide an area for those establishments which can provide for handling of grain and grain supplies; feed; seed; farm supplies; livestock supplies and equipment and fencing material.

5.9.02 PERMITTED PRINCIPAL USES AND STRUCTURES: In the district no building or other structure or land shall be used, and no building or other structure shall be built, altered, or erected to be used for any purpose other than that of:

1. Elevators for grain handling to store, sell, and purchase grain.
2. Retail sales of animal feed, seed, tools and hardware.

5.9.03 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as conditional uses.
2. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

5.9.04 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the E-1 District.

5.9.05 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows:

1. General Requirements:

	Lot Area (Sq. Ft.)*	Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	none	66'	20'	10'	10'	150'

2. All measurements to structure are taken from the property line unless adjacent to road or street, then from the designated right-of-way line.

5.9.06 PARKING REGULATIONS: Parking within the E-1 District shall be in accordance with the provisions of this ordinance.

5.9.07 SIGN REGULATIONS: Signs within the E-1 District shall be in conformance with the provisions of this ordinance.

5.9.08 PERFORMANCE STANDARDS: Performance standards for industrial uses shall be in conformance with the provisions of Section 9.22 of these regulations

5.9.09 ENVIRONMENTAL APPLICATION: Before any new construction expansion or remodeling of any building in an E-1 District is commenced, the zoning permit application shall be accompanied by an environmental assessment prepared by the applicant and reviewed by the planning commission and approved by the city council.

5.10 FP- FLOOD PLAIN OVERLAY DISTRICT

5.10.01 STATUTORY AUTHORIZATION: The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety and general welfare. The Legislature, in Sections 31-1001 to 31-1022, R.R.S. 1943, has further assigned the responsibility to adopt, administer, and enforce floodplain management

regulations to the county, city or village with zoning jurisdiction over the flood-prone area.

5.10.02 FINDINGS OF FACT:

1. Flood Losses Resulting from Periodic Inundation. The flood hazard areas of Broken Bow, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.
2. General Causes of the Flood Losses. These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.
3. Methods Used to Analyze Flood Hazards. These regulations use a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
 - A. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood is selected for these regulations. It is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to these regulations. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the most current Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated as amended, and any future revisions thereto.
 - B. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
 - i. Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
 - ii. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines, but which still is subject to inundation by the base flood.

5.10.03 STATEMENT OF PURPOSE: It is the purpose of these regulations to promote the public health, safety, and general welfare and to minimize those losses described in Section A-2a by applying the provisions of these regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

5.10.04 GENERAL PROVISIONS:

1. **Lands to Which Ordinance Applies:** These regulations shall apply to all lands within the jurisdiction of the City of Broken Bow identified on the Flood Insurance Rate Map (FIRM) dated (DATE), as numbered and unnumbered A Zones (including AE, AO and AH Zones) and within the Zoning District established in Section D of these regulations. In all areas covered by these regulations no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Mayor and Council or its duly designated representative under such safeguards and restrictions as the Mayor and Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Section E.
2. **The Enforcement Officer:** The Zoning Administrator of the City of Broken Bow as local administrator of the community is hereby designated as the community's duly designated Enforcement Officer under these regulations.
3. **Rules for Interpretation of District Boundaries:** The boundaries of the floodplain overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board of Adjustment and to submit his/her own technical evidence, if he/she so desires.

4. Compliance: Within identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of these regulations and other applicable regulations.
5. Abrogation and Greater Restrictions: It is not intended by these regulations to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where these regulations impose greater restrictions, the provision of these regulations shall prevail. All other ordinances inconsistent with these regulations are hereby repealed to the extent of the inconsistency only.
6. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
7. Warning and Disclaimer of Liability: The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These regulations do not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Broken Bow or any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.
8. Severability: If any section, clause, provision or portion of these regulations is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.
9. Appeal: Where an application is denied by the Zoning Administrator of the City of Broken Bow as local administrator, the applicant may apply for such permit or variance directly to the Board of Adjustment.

5.10.05 DEVELOPMENT PERMIT:

1. Permit Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Sub-Section 3 herein.

2. Administration: The Zoning Administrator of the City of Broken Bow as local administrator is hereby appointed to administer and implement the provisions of these regulations. Duties of the Zoning Administrator of the City of Broken Bow as local administrator shall include, but not be limited to:
 - A. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
 - B. Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - C. Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - E. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
 - F. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
 - G. When flood proofing is utilized for a particular structure the Zoning Administrator of the City of Broken Bow as local administrator shall be presented certification from a registered professional engineer or architect.
3. Application for Permit: To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - A. Identify and describe the development to be covered by the floodplain development permit.
 - B. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.

- C. Indicate the use or occupancy for which the proposed development is intended.
- D. Be accompanied by plans and specifications for proposed construction.
- E. Be signed by the permittee or his/her authorized agent who may be required to submit evidence to indicate such authority.
- F. Give such other information as reasonably may be required by the Zoning Administrator of the City of Broken Bow as local administrator of these flood plain regulations.

5.10.06 ESTABLISHMENT OF ZONING DISTRICTS: The mapped floodplain areas within the jurisdiction of these regulations are hereby established as the floodplain overlay district as identified in the Flood Insurance Study and accompanying map(s). Within this district all new uses not meeting the standards of these regulations and those standards of the underlying zoning district shall be prohibited.

5.10.07 STANDARDS FOR FLOODPLAIN DEVELOPMENT

1. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones (including AE, AO, and AH zones) unless the conditions of this Section are satisfied.
2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of these floodplain regulations. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodplain data currently available from Federal, State or other sources.
3. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.
4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:

- A. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - B. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - C. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D. All utility and sanitary facilities be elevated or flood proofed up to the regulatory flood protection elevation.
5. Storage of Material and Equipment
- A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - B. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be required to assure that:
- A. All such proposals are consistent with the need to minimize flood damage.
 - B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage.
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - D. Proposals for development (including proposals for manufactured home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevation.

7. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
8. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator of the City of Broken Bow as local administrator as set forth in section C- 2(b)(vii).
9. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
10. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
11. Manufactured Homes
 - A. All manufactured homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - i. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 - ii. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured

- homes less than fifty (50) feet long requiring four additional ties per side;
 - iii. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - iv. Any additions to the manufactured home be similarly anchored.
- B. Require that all manufactured homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
- i. Outside of a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section E-11a.
- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section E-11b be elevated so that either:
- i. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section E-11a.
12. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either:
- A. Be on the site for fewer than one hundred eighty (180) consecutive days,
 - B. Be fully licensed and ready for highway use, or
 - C. Meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of these regulations. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

13. Located within the areas of special flood hazard established in Section B-1 are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
- A. All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - B. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - ii. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section C- 2(b)(vii).
 - C. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

5.10.08 VARIANCE PROCEDURES

- 1. The Board of Adjustment as established by the City of Broken Bow shall hear and decide appeals and requests for variances from the requirements of these regulations.
- 2. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator of the City of Broken Bow as local administrator in the enforcement or administration of these regulations.
- 3. Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
- 4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluation, all relevant factors, standards specified in other sections of these regulations, and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- F. The compatibility of the proposed use with existing and anticipated development;
- G. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- I. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges

5. Conditions for Variances

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b-e below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

- i. A showing of good and sufficient cause,
- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

E. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premiums rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by these regulations.

5.10.09 **NONCONFORMING USE:** A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of these regulations may be continued subject to the following conditions:

1. If such use is discontinued for twelve consecutive months, any future use of the building premises shall conform to these regulations. The Zoning Administrator shall notify the floodplain administrator and planning commission in writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.
2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of these regulations. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration shall not preclude its continued designation.

5.10.10 **PENALTIES FOR VIOLATION:** Violation of the provisions of these regulations or failure to comply with any of its requirements (including violations of

conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Broken Bow or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

5.10.11 **AMENDMENTS:** The regulations, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Broken Bow. At least ten days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. These regulations are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Flood Plain Management Act.

5.10.12 **DEFINITIONS:** Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application:

APPEAL means a request for a review of the Zoning Administrator of the City of Broken Bow as local administrator's interpretation of any provision of these regulations or a request for a variance.

AREA OF SHALLOW FLOODING means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD means the flood having one percent chance of being equaled or exceeded in any given year.

BASEMENT means any area of the building having its floor sub grade (below ground level) on all sides.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING CONSTRUCTION means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community. Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The usual and rapid accumulation of runoff of surface waters from any source.

FLOOD FRINGE is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e., that has a one percent chance of flood occurrence in any one year).

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

FLOOD INSURANCE STUDY is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN means any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODWAY or REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FREEBOARD means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated

for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior or
 - B. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK or SUBDIVISION means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

OVERLAY DISTRICT is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

PRINCIPALLY ABOVE GROUND means that at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

RECREATIONAL VEHICLE means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

START OF CONSTRUCTION [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE is a grant of relief to a person from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

VIOLATION means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

ARTICLE 6 – CONDITIONAL USE PERMIT

6.1 GENERAL

The City Council may authorize by conditional use permit after public hearing, any of the buildings or uses designated in this Ordinance as permitted conditional uses.

6.2 PROCEDURES

Such application shall be in writing, filed in the zoning office, state the proposed location and use of the property, and such other relevant matters as may be requested by the Planning Commission. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the City Council, within thirty (30) days. Upon hearing, the City Council may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. No conditional use permit shall become effective until after separate public hearings are held by both the Planning Commission and the City Council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the City one time at least ten (10) days prior to such hearing.

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the conditional use permit in incorporated areas and up to one (1) mile of the property line of the property requesting the conditional use permit in unincorporated areas and three hundred (300) feet of the property line if adjacent to the corporate limits. Addresses certified by a registered title abstractor of such record title holders shall be provided to the city by the applicant.

Except as otherwise provided herein, no conditional use permit shall be granted by the City Council, without an affirmative vote of a majority of all members of the City Council and providing the proposed use is found to comply with the following guidelines:

1. Be compatible with and similar to the use permitted in the district
2. Not be a matter which should require re-zoning of the property
3. Not be detrimental to adjacent property
4. Be compatible with the stated intended use of the district
5. Not change the character of the district

6. Be in accordance with the Comprehensive Plan

In case of protest against such conditional use permit, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the side and in the rear thereof extending one hundred (100) feet, there from, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such conditional use permit shall not become effective except by the favorable vote of two-thirds of all members of the City Council.

ARTICLE 7 – PARKING REGULATIONS

7.1 OFF-STREET AUTOMOBILE STORAGE

- 7.1.01 Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used.
- 7.1.02 If vehicle storage space or standing space required in Section 7.1.01 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Zoning Administrator, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 7.1.03 All parking spaces for single-family, rooming houses, convalescent homes, apartments, townhouses, and two or more unit multi-family dwellings, and mobile homes shall be paved with asphalt or concrete.
- 7.1.04 Where calculations in accordance with the foregoing list results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
- 7.1.05 In Districts R-1 through R-3, R-M and NR, required off-street parking shall be provided on the same lot that the use is located on. In other districts, such parking may be provided either on the same lot, or an adjacent or other lot, provided the lot on which the use requiring them is located is not separated by more than four hundred (400) feet at closest points, measured along a street or streets. Additional provisions for C-1 provided in district regulations.
- 7.1.06 Where off-street parking is located on a lot other than the lot occupied by the use, which requires it, site plan approval for both lots is required.
- 7.1.07 Some uses may require two different use types to be calculated together in order to determine the total parking requirement (Example: Primary schools may require a tabulation for classrooms and assembly areas)
- 7.1.08 Commercial establishments providing drive-in or drive-through services shall provide minimum on-site stacking distances as provided below:

TYPES OF OPERATION	MINIMUM STACKING SPACE
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Financial Institution – Electronic Teller	Two vehicles per lane*
Financial Institution – Personal Teller	Two vehicles per window or kiosk*
Car Wash – Self Service	Two vehicles per bay at entrance*
	One vehicle per bay at exit
Car Wash – Automatic / Conveyor	200 feet per bay at entrance*
	One vehicle per bay at exit
Drive-through Restaurant	Four vehicles per window*
Coffee Kiosk	
- Drive side service	Two vehicles per lane*
- Passenger side service	Two vehicles per lane*
Drive-through Pharmacy	Two vehicles per lane*
Service Stations	
- Service Islands	Two vehicles per pump lane*
- Service bay	One vehicle per bay*
- Quick lube / Oil change “starting gate design”	Two vehicles per bay*
- (4 or more pump islands side by side, 18 feet apart	One vehicle per lane*
Gated parking lot entrance	One vehicle per gate
Garage Unit or Overhead door (Major streets only)	One vehicle per door
Other uses	Two vehicles per lane being serviced
* Stacking requirements are in addition to vehicle being served.	

Required vehicle stacking shall not block driveways or required parking stalls and shall not be located in side, front, or rear yards where parking stalls are prohibited. Each vehicle stacking unit shall be twenty-two (22) feet long. Required stacking may be reduced by approval of the City Council following site plan review by the Planning Commission. Site plan review must demonstrate that circulation and loading patterns accommodate adequate space for queuing and temporary parking by users during peak hours of operation.

7.1.09 Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator, based upon comparable uses listed.

7.2 STORAGE OR PARKING OF VEHICLES, BOATS, CAMPERS AND TRAILERS

7.2.01 No lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Broken Bow shall be used for any of the following:

1. The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate property displayed; provided, however, that the following shall not constitute a violation of this subparagraph.
 - A. The storage of unlicensed and/or unregistered motor vehicles in a fully enclosed garage.

- B. The storage or keeping of operable off-highway farm or industrial vehicles on tracts zoned A-1, C-2, E-1, I-1 or I-2 District and used in agricultural or industrial activity conducted on said premises.
 - C. The storage of not more than one passenger type motor vehicle in good operable condition (owner shall be required, upon request, to provide proof of operability) and located on a hard surfaced driveway.
- 2. The storage, keeping or abandonment of parts, including scrap metals, from motor vehicles or machinery, or parts thereof, except in enclosed buildings or garages or where otherwise authorized by the Broken Bow zoning regulations.
 - 3. Parking storage or keeping other than in a fully enclosed garage, of any non-operable motor vehicle on any lot zoned residential, provided, however, that automobiles that are non-operable solely by reasons of repair work being done thereon may be parked on residential lots within the Broken Bow zoning jurisdiction occupied by the owner of said automobile, under the following conditions:
 - A. The automobile is owned by the occupier of the premises and registered to him/her at that address.
 - B. The period of said repair work does not exceed 10 days in duration;
 - C. Said repair work is at all times conducted on a hard surface driveway; and
 - D. No more than one automobile in need of repair is situated on the premises at the same time.
 - 4. No motor vehicle as defined by section 60-301 of Nebraska State Statutes (or boat, camper or trailer in excess of fifteen (15) feet in length or ten (10) feet in height) shall be parked in the front, side or rear yard of any lot zoned residential except on paved or rocked driveways or other hard surfaced or rocked areas as designed and provided for; provided that;
 - A. Boats, campers, trailers or any combination thereof not exceeding two may be parked in the side or rear yard of lots zoned residential from October through April of each year provided they are parked on a hard or rocked surface. A camper or boat situated on a trailer shall be considered as one vehicle.
 - B. Said boats, campers and trailers together with accessory structures shall not occupy more than thirty-five percent of the required rear yard.
 - C. Notwithstanding the foregoing, it shall be permissible to park motor vehicles in the yards of residential lots on areas which are paved or rocked

as driveways or otherwise hard surfaced or rocked for a period not to exceed seventy-two (72) hours, when on-street parking is illegal.

- D. There shall be no more than two vehicles displayed for private sale at any time on any residential lot. The display of vehicles for sale both commercially and privately within any other district shall require the appropriate permits.
- E. The storage and parking restrictions of this sub-section (7.2) shall not only apply to lots zoned C-1 (Commercial) and I-1 and I-2 (Industrial) located in the Central Business District, nor shall they apply to properties upon which schools or churches are located.

7.2.02 The storage of unlicensed automotive vehicles or trailers stored in all non-residential zones must be enclosed and shielded from view from all public streets and highways with a screening structure. All stored, unlicensed vehicles and trailers shall be completely within an enclosed building or within a wall barrier or uniformly painted fence at least six (6) feet high. Such structures may be opaque or perforated provided that not more than fifty percent (50%) of the fence is open. In all other districts, a densely planted shrub or tree screening at least four feet wide may be substituted in all other zone districts. In addition, such screening shall be maintained in good condition at all times, and shall not be placed within fifteen (15) feet of any vehicular entrance or exit, nor have any signs hung or attached thereto.

7.2.03 Any motor vehicle, boat, camper or trailer parked, stored or kept in violation of the provisions hereof may be removed by the City. Before the City removes a vehicle suspected of violation hereof, the City shall give the owner of the premises upon which the offending vehicle is situated a seventy-two (72) hour warning notice which may be given by either tagging the motor vehicle or by sending notice by regular mail, postage prepaid, to the occupier of the premises upon which the motor vehicle is situated. Any motor vehicle not removed from the premises within such seventy-two (72) hour period shall be presumed to be in violation hereof and may thereafter be removed by the City. If he chooses, the owner may demonstrate operability of the vehicle by making special arrangements with the designated law enforcement agency to demonstrate within said seventy-two (72) hour period. The operability of the vehicle and, if such operability is satisfactorily demonstrated, the automobile need not be removed.

7.2.04 All towing, storage and other costs of removal pursuant to this section shall be solely at the expense of the owner of the premises from which the vehicle, boat, camper or trailer is situated, and if the owner is different than the occupier of the premises, then both owner and occupier shall be jointly and severally liable. In addition, the City, upon certifying the same to the county treasurer, shall have a lien against the premises in the full amount of such removal costs, together with interest at the highest legal rate that the City is authorized by law to collect on special assessments.

7.3 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

7.3.01 Off-street parking spaces shall be provided as follows:

Use	Parking Requirements
Adult entertainment establishments	One space per four persons of licensed capacity
Agricultural Sales / Service	One space per 500 s.f. of gross floor area
Amusement Arcades	One space for each 300s.f. of gross floor area, in addition to one space for each employee on the max. shift
Animal Specialty Services	One space per 300 sq. ft. of gross floor area
Assisted-living facilities	One space per dwelling unit plus one space per employee on the largest shift
Automotive Rental / Sales	One space per 500 s.f. of gross floor area
Automotive Repair Services	Three spaces per repair stall
Bars, Taverns, Nightclubs	Parking equal to 30 percent of licensed capacity
Boarding Houses / Bed and Breakfasts	One space per rental units
Bowling Alleys	Five spaces per alley plus required spaces for bar, restaurant or other affiliated facilities as provided
Campground	One space per camping unit
Car wash	Two holding spaces plus two drying spaces per wash stall
Churches, Synagogues, and Temples	One space per three seats in main worship area
Social Clubs, fraternal organizations	One space per 500 s.f. of gross floor area
College/University	Eight spaces per classroom plus one space per employee
Commercial Recreation	One space per three persons of licensed capacity
Communication Services	One space per 500 s.f. of gross floor area
Construction Sales / Service	One space per 500 s.f. of gross floor area
Convalescent and Nursing Home	One space per three beds plus one per employee on the
Convenience Store with limited fuel sales	One space per 200 s.f. of gross floor area; spaces adjacent to fuel pump are included in total number
Services	largest shift
Day Care (Child Care Center)	One space per employee plus one space or loading stall
	per each ten persons of licensed capacity
Discount Retail Sales Establishments	One space per 300 s.f. of gross floor area
Dormitories, Fraternities, and Sororities	Two spaces per three occupants based on maximum design capacity
Duplex	Two spaces per dwelling unit
Educational Uses, Primary facilities – Kindergarten, Elementary School, Junior High	Two spaces per classroom
Educational Uses, Secondary facilities – High School	10 spaces per classroom plus one space per employee
Equipment Rental / Sales	One space per 400 s.f. of gross floor area

Food Sales (general)	One space per 200 s.f. of gross floor area
Food Sales (limited)	One space per 300 s.f. of gross floor area
Funeral Homes and Chapels	One space per three seats based on maximum capacity plus one space per employee
General Retail Sales establishments	One space per 300 s.f. of gross floor area
Group Care Facility	One space per four persons of licensed capacity plus one space for each employee on largest shift
Group Care Home	One space per four persons of licensed capacity plus one space for each employee on largest shift
Guidance Services	One space per 300 s.f. of gross floor area
Health Club	One space per 200 s.f. of gross floor area, plus one space for each employee on peak shift.
Hospitals	One space per two licensed beds plus one space per employee
Hotels and Motels	One space per rental unit, plus one space per employee on largest shift plus such spaces required for restaurants, assembly rooms and other affiliated facilities
Industrial Uses/Manufacturing	1.0 times the maximum number of employees during the largest shift
Laundry Services	One space per 200 s.f. of gross floor area
Libraries	One space per 500 s.f. of gross floor area
Medical Clinics	Five spaces per staff doctor, dentist, chiropractor
Mobile Home Park	Two per dwelling unit
Multi-family / Apartments / Condominiums	Two spaces per dwelling unit, or one space per bedroom Note: This does not include detached garages
Offices and Office Buildings	One space per 200 s.f. of gross floor area
Recreational Facilities	One space per four occupants or, in the case of a nonstructural facility, one space per four persons the facility is intended to accommodate.
Residential (Single-family, attached and detached)	Two spaces per dwelling unit with one required to be enclosed
Restaurants (General)	One space per each 2.5 seats based on maximum capacity
Restaurants w/ drive-thru	Ten spaces, plus one space per 2.5 seats based on maximum capacity, plus one space per employee, plus five stacking spaces for drive-thru window
Roadside stands	Four spaces per stand
Self-Service Storage Facilities	Two spaces at the rental office or 1.5 spaces per employee, whichever is greater.
Service Oriented Establishments	One space per 200 s.f. of gross floor area
Special and Vocational Training	One space per 500 s.f. of gross floor area
Theaters, Auditoriums, and Places of Assembly	One space per three persons of licensed capacity
Veterinary Establishments / Pet Health Services	Three spaces per staff doctor
Warehousing	One per 2,000 s.f. of gross floor area
Wholesaling / Distribution Operations	One space per two employees on the largest shift

Gross Floor Area of Use (sq. ft.)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
75,001 – 150,000	3
Over 150,000	4 plus one for each additional 100,000 s.f

7.3.02 The off-street parking requirements listed at 7.3.01 shall apply to all new construction initiated after adoption of these rules.

7.3.03 The off-street parking requirements listed at 7.3.01 shall not apply to lots zoned C-1 which are located within the Central Business District.

7.4 OFF-STREET PARKING: SHARED PARKING REQUIREMENTS

7.4.01 Notwithstanding the provisions of Section 7.3, in cases of shopping centers having 400,000 or more square feet of gross floor area and where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in the center is likely to occur, compliance with the standard retail parking ratios may be decreased by the Zoning Administrator after a recommendation by the Planning Commission and approval by council.

7.4.02 Where convention centers, conference centers, assembly halls, ballrooms, or other similar facilities are built in conjunction with a hotel, office park, or shopping center, the Zoning Administrator, after receiving a recommendation from the Planning Commission and approval by council may permit the construction of fewer parking spaces, due to overlapping usage of a portion of the parking spaces.

7.5 OFF-STREET PARKING: PARKING FOR INDIVIDUALS WITH DISABILITIES

7.5.01 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different lot, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3

76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

7.5.02 Except as provided to Section 7.5.02 (1) of this Ordinance, access aisles adjacent to accessible spaces shall be sixty (60) inches (1525 mm) wide minimum.

1. One in every eight accessible spaces, but not less than one, shall be served by an access aisle ninety-six (96) inches (2440 mm) wide minimum and shall be designated “van accessible” as required by Section 7.5.04 of this Ordinance. The vertical clearance at such spaces shall comply with 7.5.05 of this Ordinance. All such spaces may be grouped on one level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

2. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.5.06 of this Ordinance.
3. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.5 of this Ordinance shall be provided in accordance with 7.5.02 (1) of this Ordinance; except as follows:
 - A. Outpatient units and facilities: ten percent (10%) of total number of parking spaces provided serving each such outpatient unit or facility;
 - B. Units and facilities that specialize in treatment or services for persons with mobility impairments: twenty percent (20) of the total number of parking spaces provided serving each such unit or facility.
4. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.5.02 of this Ordinance located on an accessible route to the entrance of the facility.

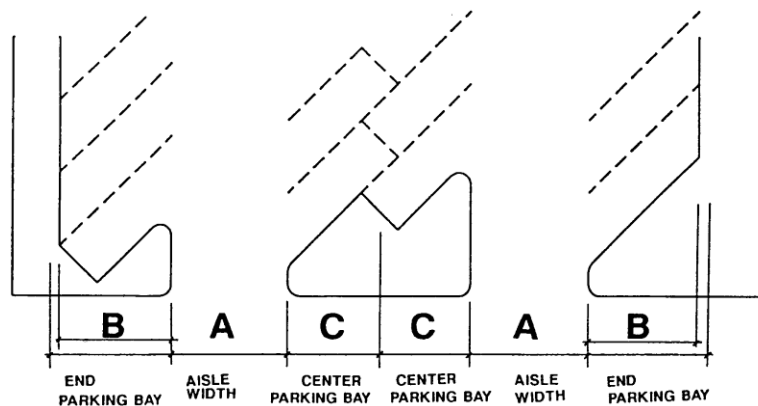
7.5.03 Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

1. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 2. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- 7.5.04 Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 7.5.02 (1) shall have an additional sign “Van Accessible” mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
- 7.5.05 Minimum vertical clearance of one hundred fourteen (114) inches (2895mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.5.02 (1), provide minimum vertical clearance of ninety-eight (98) inches (2490mm) at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
- 7.5.06 Passenger Loading Zones shall provide an access aisle at least sixty (60) inches (1525mm) wide and twenty (20) feet (240inches) (6100mm) long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

7.6 OFF-STREET PARKING DESIGN CRITERIA

- 7.6.01 Standard parking stall dimensions shall not be less than nine (9) feet by twenty (20) feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration			
	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



7.6.02 Minimum dimensions for a parallel parking space shall be nine (9) feet by twenty-three (23) feet

7.6.03 Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Planning Commission and City Council upon recommendation of the Zoning Administrator and City Engineer

7.7 PARKING OF UNLICENSED VEHICLES AND TRAILERS

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially-zoned property other than in completely enclosed buildings. The storage of unlicensed automotive vehicles or trailers stored in all other zones must be enclosed and shielded from view from all public streets and highways with a screening structure. All stored, unlicensed vehicles and trailers shall be completely within an enclosed building or within a wall barrier or uniformly painted fence at least six (6) feet high. Such structures may be opaque or perforated provided that not more than fifty percent (50%) of the fence is open. In all other districts, a densely planted shrub or tree screening at least four feet wide may be substituted in all other zone districts. In addition, such screening shall be maintained in good condition at all times, and shall not be placed within fifteen (15) feet of any vehicular entrance or exit, nor have any signs hung or attached thereto.

ARTICLE 8 - SIGN REGULATIONS

These regulations are intended to apply to all zoning districts. However, these regulations may not be pertinent to all uses and situations.

8.1 DEFINITIONS

ABANDONED SIGN shall mean a sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six (6) months.

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated (backlit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

AUDIBLE SIGN shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and/or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and/or sounds to attract attention.

AWNING, CANOPY OR MARQUEE SIGN shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Regulations.

BILLBOARD shall mean a free-standing sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

BUILDING SIGN shall mean any sign supported by, painted on or otherwise attached to any building or structure.

BUSINESS SIGN shall mean an on-site sign which identifies or directs attention to an object; product, place, activity, business, person or persons, service or interest situated on the same premises as such sign.

CENTER IDENTIFICATION SIGN shall mean a sign which identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

DIRECTIONAL SIGN shall mean a sign which serves only to designate the location or direction of any area or place.

DOUBLE-FACED SIGN shall mean a sign consisting of no more than two parallel or near parallel faces supported by a single structure. The angle created by the two (2) faces of a double-faced sign shall not exceed fifteen (15) degrees.

ELECTRONIC INFORMATION SIGNS shall mean on-premises signs which use an array of electronically illuminated lights, generally controlled by a computer or other electronic programming device, to display information or supporting graphics. Information may include news, events or information about businesses or attractions.

ELECTRONIC CHANGEABLE MESSAGE SIGN (ECMS) shall mean an outdoor advertising sign that changes the message, advertisement, or copy on the sign face by electronic or mechanical device or process, either automated or remote, regardless of the process used. Blinking, flashing, rotating, revolving, spinning, fluttering lighting or animation is not allowed. Transition between messages is permitted, but such transitions may only fade, scroll, travel or reveal.

FLASHING SIGN shall mean a sign designed to give an electrical light flash intermittently or a revolving beacon light.

FREESTANDING SIGN shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

FRONTAGE shall mean the length of a property line of any one premises abutting and parallel to a public street, road, highway, or court.

GROUND MONUMENT (LOW PROFILE) SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed ten (10) feet.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

MOVING SIGN shall mean a sign which conveys its message through rotating, changing, or animated elements.

NIT shall mean a unit of luminous intensity equal to one candela per square meter (1 cd/m²)

NUMERIC DISPLAY SIGNS shall mean on premise signs which display numeric information only. Typical examples include time and temperature displays and fuel price displays. The numeric information may be changed electronically or manually.

OFF-PREMISES SIGN shall mean a sign, display, or device advertising activities conducted somewhere other than the site where the sign is located. This definition may also include the definition of billboard when the advertising message is off-premises.

ON-PREMISES SIGN shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located. This definition may also include billboards used for on-premises advertising.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

POLE SIGN shall mean an on-premises sign built on a freestanding frame, mast, or pole(s) with a clearance of greater than three feet.

PORTABLE SIGN shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

PREMISES shall mean a tract of one or more lots or sites which are contiguous and under common ownership or control.

PROJECTING SIGN shall mean a sign suspended from or attached to a building and extending outward therefrom.

RESIDENTIAL SIGN shall mean a small detached or attached sign located on residential premises, conveying a message communicated by the owner of the property.

ROOF SIGN shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.

SIGN AREA shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN FACE shall mean the surface of the sign upon, against, or through which the message of the sign is exhibited.

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN SURFACE shall mean the entire area within a single continuous perimeter enclosing all elements of a sign which are intended to be part of the visual image of the sign.

STREET FAÇADE shall mean any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, road, highway or court (excluding alleys). Separate faces oriented in the same direction or within forty-five (45) degrees of one another are considered a part of the same street façade.

SUBDIVISION SIGN shall mean a sign erected on a subdivision identification lot which identifies the platted subdivision where the sign is located.

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

VIDEO SIGN shall mean any on-premises or off-premises sign that convey either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

WALL SIGN shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than twelve (12) inches from the face of the building wall and not extending above the parapet or eave of the building.

WINDOW SIGN shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.

8.2 GENERAL

1. All signs and sign structures shall be kept in good repair and in proper state of presentation. Signs which are abandoned shall be removed within thirty (30) days following abandonment and restored to a condition free from refuse and rubbish.
2. Any sign, by definition, shall be a structure. No land, building, or structure shall be used for sign purposes except in conformance with these regulations including any applicable zoning district.
3. No sign shall be erected, enlarged, or otherwise modified until a zoning permit for same has been issued, except as specified in this Section.

4. No flashing, animated, electronic information, changeable information, neon for time, date, temperature, or weather signs are allowed unless it is first determined by the Zoning Administrator that the sign will in no way create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.
5. If any non-conforming sign is damaged and the damage exceeds two-thirds of its replacement value, it shall not be rebuilt; provided, however, that nothing herein contained shall prevent maintenance of non-conforming signs.
6. Signs located within the Neighborhood Residential District shall be based on the use of the lot/property or of the structure, whichever applies.

8.3 STANDARD OF MEASUREMENT

1. The total area of all signs permitted on a lot shall include:
 - A. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign, or architectural elements of the building.
 - B. The area of double-faced signs is calculated on the largest face only.
 - C. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the copy only.
 - D. In the case of individual letters mounted to a wall, the area of the extreme limits of the copy is considered to be the sign area.
2. The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.
3. The setback of a sign is measured from the property line to the line projected to the ground plane of the nearest portion of the sign.
4. The maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street or private way. For properties with frontage on more than one public street or private street (excluding alleys), the total frontage shall be calculated as the longest frontage plus one-half ($\frac{1}{2}$) the length of all additional frontages. A premise with a lawful billboard shall not include the area of the billboard in the maximum sign area for the premise.

8.4 SIGNS AND REGULATIONS FOR COMMERCIAL, BUSINESS, ELEVATOR AND INDUSTRIAL DISTRICTS

8.4.01 BUSINESS: No more than three (3) business signs shall be permitted on any lot in a commercial, business, elevator or industrial zoning district, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets/roads or when the principal business building has public entrances to both a front and rear of the building, one additional sign shall be permitted.

8.4.02 WALL: The maximum sign face area for wall mounted business signs shall be limited to twenty percent (20%) of the area of the building façade which faces a public street or road up to a maximum three hundred (300) square feet. Such signs shall be limited to one wall sign per street frontage.

8.4.03 BILLBOARD: Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.

1. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety. No billboard shall be located within two hundred fifty (250) feet from the right-of-way line of any road intersection measured in any direction from the right-of-way line provided this restriction shall not apply to the intersection of frontage roads with State highways.
2. No billboard, signboard, or similar advertising signs shall be located within three hundred (300) feet of any lot in a residential district.
3. Billboards may be single or double faced but no billboard shall have more than one face per side of the structure and the sign face shall not exceed two hundred (200) square feet in area. Double-stack billboards are prohibited.
4. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property and not within 1,500 feet to another billboard.
5. Each billboard shall be setback at least fifty (50) feet from the street/road right-of-way line.
6. There shall be no more than two (2) billboards per mile, measured from section line to section line regardless of which side of the roadway the billboards are located.
7. No billboard shall be located within one thousand (1,000) feet of the property line of a school, church, hospital, a care facility, cemetery, public building, park or playground, or National Register site.

8. No billboard shall be erected or maintained upon or immediately above the roof of any building.
 9. Billboards shall have either a monopole or pedestal support.
 10. No billboard shall exceed thirty-five (35) feet in height measured from the average grade of the surrounding area to the highest point of the billboard.
 11. Lighting on any billboard shall be shielded to light the sign face only. Light trespass from the sign face is prohibited.
 12. Attention attracting devices are prohibited except for lighted message signs displaying time, date, temperature or weather or alert information. Lighted message sign displaying other information or advertising shall be prohibited.
 13. Any billboard structure existing as of the effective date of this resolution may be restored at its current location provided that any restored billboard shall not exceed the size, height, and other limits of the existing structure. Any billboard existing as of the effective date of this resolution may be replaced at the same location, provide such requirements (c) and (h)-(l) herein are met.
 14. Any billboard that is allowed to deteriorate to the point of being a public nuisance or a threat to the public safety, health or welfare because it has become so damaged, decayed, dilapidated, structurally unsafe or of such unstable condition that partial or complete collapse is possible, shall be caused to be removed. The owner shall remove the billboard and structure within thirty (30) days of receiving notice that the City has declared the billboard a public nuisance or dangerous structure. Failure to remove such sign and structure shall be considered a violation to these regulations and punishable as such.
- 8.4.04 **LOW PROFILE OR GROUND MONUMENT:** Ground signs at least ten (10) feet from any lot line or right-of-way line with a maximum height of ten (10) feet. Ground signs shall not exceed three hundred (300) square feet per sign face.
- 8.4.05 **PROJECTING OR POLE:** One (1) free standing or projecting sign for each enterprise on the premises of not more than fifty (50) square feet per sign face, at a setback of at least ten feet from any lot line or right-of-way line, and not exceed the maximum height of forty-five (45) feet from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.
- 8.4.06 **SUBDIVISION:** Not more than one sign per entrance into the subdivision. No sign shall be greater than fifty (50) square feet in size and shall not be higher than forty-two (42) inches in height. All signs shall be set back a minimum of ten feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility.

8.4.07 CANOPY AND AWNING SIGNS: Canopy and Awning signs shall be no closer than eighty (80) inches from the bottom edge of the sign to grade below and shall not extend more than nine (9) feet from the building façade to which they are mounted. Such signs shall count towards wall sign area.

8.4.08 ELECTRONIC INFORMATION AND CHANGEABLE MESSAGE SIGNS: One (1) per premises and not exceeding two hundred (200) square feet in area. Such signs shall be classified as either a monument, ground, wall mount or pole sign and constructed accordingly and shall not be programmed in a way that suggests or resembles a traffic control device. Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four seconds, however, full animation video is allowable provided such video does not flash or blink. The surface/face illumination of any sign shall not exceed 1,250 Nits after dusk or 7,500 Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

8.5 SIGNS AND REGULATIONS FOR AGRICULTURE AND RESIDENTIAL DISTRICTS

8.5.01 RESIDENTIAL SIGNS: Limited to one (1) sign per premises, which exceeds four (4) square feet and shall not be illuminated, either directly or indirectly.

8.5.02 CIVIC USES: Permitted or conditional uses in the Agricultural and Residential districts shall be limited to a total of two (2) ground, pole or monument signs per frontage.

8.5.03 NON-RESIDENTIAL, NON-CIVIC USES: Two (2) non-illuminated ground, pole or monument signs are permitted for any permitted use in the Agriculture district with each sign limited to fifty (50) square feet and a maximum height of ten (10) feet.

8.5.04 WALL: The maximum sign face area for wall mounted business signs in a commercial or industrial zoning district shall be limited to ten percent (10%) of the area of the building façade which faces a public street or road up to a maximum of two hundred (200) square feet in these districts. Such signs shall be limited to one (1) wall sign per street frontage.

8.5.05 LOW PROFILE OR GROUND MOUNUMENT: Ground signs shall be at least ten (10) feet from any lot line or right-of-way line with a maximum height of ten (10) feet in these districts. Ground signs shall not exceed fifty (50) square feet per sign face.

- 8.5.06 **PROJECTING OR POLE:** One (1) freestanding or projecting sign shall be allowed for each enterprise on the premises in these districts of not more than fifty (50) square feet per sign face in Agriculture Districts and of not more than thirty-five (35) square feet in Residential Districts, at a setback of at least ten (10) feet from any lot line or right-of-way line, and not exceed the maximum height of twenty-five (25) feet in Agriculture Districts and twelve (12) feet in Residential Districts from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight (8) feet above the established grade level.
- 8.5.07 **SUBDIVISION:** Not more than one sign per entrance into the subdivision. No sign shall be greater than fifty (50) square feet in size and shall not be higher than forty-two (42) inches in height. All signs shall be set back a minimum of ten (10) feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility.
- 8.5.08 **CANOPY AND AWNING SIGNS:** Canopy and Awning signs shall be no closer than eighty (80) inches from the bottom edge of the sign to grade below and shall not extend more than nine (9) feet from the building façade to which they are mounted. Such signs shall count towards wall sign area.
- 8.5.09 **ELECTRONIC INFORMATION AND CHANGEABLE MESSAGE SIGNS:** One (1) per premise and not exceeding fifty (50) square feet in area. Such signs shall be classified as either a monument, ground or pole sign and constructed accordingly and shall not be programmed in a way that suggests or resembles a traffic control device. Electronic information signs shall be programmed in a way that no sign shall flash or blink and the image, message or lighting pattern shall hold for a minimum of four (4) seconds, however, full animation video is allowable provided such video does not flash or blink. The surface/face illumination of any sign shall not exceed 1,250 Nits after dusk or 7,500 Nits during daylight hours. Such illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with the standard set herein.

8.6 SIGN SCHEDULE

Signs shall be permitted in the various districts according to the following schedule:

Zoning District	AGR	R-1	R-2	R-3	R-M	NR	B-1	HC	I-1	I-2	E-1
Sign Type											
Real Estate	+	+	+	+	+	+	+	+	+	+	+
Business	+	+	+	-	-	C	+	+	+	+	+
Wall	+	+	+	-	-	-	+	+	+	+	+
Name Plate	+	+	+	+	+	+	+	+	+	+	+
Billboard	-	-	-	-	-	-	-	C	C	C	-
Subdivision	-	-	C	C	C	-	C	+	+	+	-
Projecting	-	-	-	-	-	-	+	+	+	+	-
Pole	-	-	-	-	-	-	+	+	+	+	C
Canopy or Awning	-	-	-	-	-	-	+	+	+	+	+
Ground or Low Profile	-	-	-	+	-	C	+	+	+	+	+

(+) permitted, (C) conditional use, (-) not permitted unless civic uses or non-residential

8.7 EXEMPTIONS

The following signs shall be exempt from these regulations so long as they are located outside of the public right of way.

1. Real estate “For Sale” signs not exceeding six square feet in residential districts and thirty-two (32) square feet in agriculture, commercial and industrial districts provided such signs are removed within seven (7) days after the disposition of the premises. In no case shall these signs obstruct the visibility at any intersection or driveway. Limited to two (2) per lot.
2. Construction signs. Non-illuminated signs not to exceed fifty (50) square feet in total shall be permitted per frontage and such signs shall be removed within one week following completion of construction.
3. Election signs not exceeding three (3) feet in height or width shall be exempt so long as they do not interfere with the safety and well-being of the public.
4. Public signs.
5. Integral signs including signs for churches, names and addresses of buildings, dates of erection, and other permanent signs constructed and made as an integral part of the structure in which they are attached.
6. Nameplates not exceeding two (2) square feet per dwelling.
7. Signs located inside buildings and structures.
8. Residential signs under four (4) square feet in size.

9. Directional signs provided they do not exceed six (6) square feet and/or three (3) feet in maximum height.
10. Hand-held signs.
11. Temporary signs under fifty (50) square feet and not more than two (2) per lot for a maximum period of ninety (90) days.

8.8 SIGN PERMITS AND APPROVAL

All signs shall require a zoning permit from the Zoning Administrator prior to installing any new sign, unless otherwise exempted. All signs located adjacent to controlled highways must meet the Nebraska Department of Roads Outdoor Advertising Rules and Regulations as well as any applicable county regulations.

ARTICLE 9 – SUPPLEMENTAL REGULATIONS

These regulations are intended to apply to all zoning districts. However, these regulations may not be pertinent to all uses and situations.

9.1 SETBACK REQUIREMENTS

9.1.01 Minimum building setbacks shall be required along all public roadways or right-of-ways as set forth in the district regulations, except as exempted herein. Setbacks equal to or exceeding the minimum setback requirements of each district shall be provided with the following qualifications:

1. Any setback so placed or oriented that none of the specific setback definitions contained in these regulations are applicable, shall necessitate a determination by the Zoning Administrator of a suitable setback dimension which will be consistent with the intent of the setback requirements within the applicable zoning district.
2. No structure or impervious surface shall project into a required front, side or rear setback, unless otherwise provided for herein.
3. Building Groupings: For the purpose of the side yard regulation, a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.

9.1.02 Building Setback

1. The building setback lines shall be determined by measuring the horizontal distance from the property line to the closest point of the building line or face of any building or structure related thereto, or
2. Where a road is identified, said setback shall be from the right-of-way line of the road to a point horizontally located at the required minimum distance.
3. With the exception of sidewalks and access driveways, no impervious surface or structure shall encroach in to the required setback of any yard in a residential district.

9.1.03 Setback Exceptions. Projections from Buildings:

1. The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to five (5) feet in height may extend into required yards for a distance of not more than two (2) feet, unless otherwise provided. Where it is needed, handicap ramps may extend into required yards up to the property line.

2. As a part of single and two family residences, open air porches or decks no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than thirty (30) inches above grade of the lot on the side of the structure where such porch or deck is located, may extend into the setback area so long as there remains fifteen (15) feet or more from the front of the porch to the front of the setback area.
3. No railing or other material shall be placed around such deck or porch in a rear yard or side yard and no such barrier which interferes appreciably more than twenty-five percent (25%) with the passage of light or air shall be constructed within the required front yard or within five (5) feet of any side or fifteen (15) feet of any rear yard lot line. Any such deck or porch when located on a lot at the intersection of two streets or a street and an alley, shall comply with the provisions designed to ensure proper sight distances as set forth in these regulations for fences and hedges.

9.2 YARD REGULATIONS

9.2.01 FRONT YARDS: The front yards heretofore established shall be adjusted in the following cases:

Where forty percent (40%) or more of the frontage on one side of a street between two (2) intersecting streets is developed with buildings that have a front yard less than the required setback, new buildings shall not be erected closer to the street than the nearest building on the block.

9.3 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and are not intended for human occupancy and agricultural structures.

9.4 LOT – PRINCIPAL USE

9.4.01 Every building hereafter erected, reconstructed, converted, moved, replaced or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

9.4.02 More than one principal building of a single permitted use may be located upon a lot or tract if located in an Agriculture District in the following instances if recommended by the Planning Commission and approved by the City Council:

1. Institutional buildings

2. Public or semi-public buildings
3. Multiple-family dwellings
4. Commercial or industrial buildings
5. Home for the aged

9.4.03 Unless otherwise provided for, all existing principal uses replaced by new construction shall be removed from the property within twelve (12) months of certificate of occupancy of the new structure or use.

9.5 ACCESSORY BUILDINGS

Buildings and structures may be erected and land may be used for purposes which are clearly incidental in size and use to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use, unless otherwise provided for, and of quality of materials and construction similar to or acceptable to that of the main use. Accessory structures located in the residential districts shall be constructed of materials similar to the principal residential use.

9.5.01 No building in the rear of a main building on the same lot may be erected or modified for residential purposes, unless approved by the city council by conditional use permit. The city council shall determine that adequate vehicular access will be provided and that the criteria of Article 6 are met.

9.5.02 No accessory building shall be erected in any required front and not beyond front line of principal building, and no separate accessory building shall be erected within ten (10) feet of any other building, six (6) feet from any property line, and shall not occupy more than twenty-five percent (25%) of the required rear yard. All garage vehicular entrances must have a minimum of ten (10) feet from the property line. Attached garages or other buildings are considered part of principal building, however open breezeways do not constitute a structural connection. The maximum height of an accessory structure in the agriculture, commercial and industrial districts shall be designated maximum height of the primary structure.

9.5.03 Carports may be allowed in designated zoning districts provided the following criteria be met:

1. Structures shall be permanently attached to concrete foundations, pilings, and or slabs.
2. Carport shall not be allowed to have more than two sides covered with a siding material.

3. Siding material shall match the style of the primary structure on the lot.
4. Roof material shall not be made of canvas, tarp or cloth.

9.6 PRIVATE IN GROUND SWIMMING POOLS

9.6.01 Any in ground swimming pool more than eighteen (18) inches in depth shall be enclosed by a fence at least forty (42) inches in height but no more than eight (8) feet in height with a gate that is capable of latching or locking, and the open space in the fence material shall be no more than four (4) inches in diameter.

1. Shall not be located in a front yard.
2. Shall not be located less than eight (8) feet from the side property line and six (6) feet from the rear property line.
3. Shall conform to all applicable City Codes.

9.7 COMMERCIAL KENNELS

9.7.01 The minimum lot size shall be not less than two (2) acres.

9.7.02 No kennel buildings or runs shall be located nearer than seventy-five (75) feet from any property line.

9.7.03 All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chain link fence with aluminum strip intertwined, or other equivalent fencing, providing a sight barrier to the dogs.

9.7.04 Shall comply with the provisions of Section 6-309 of the Broken Bow Municipal Code.

9.8 FENCES, WALLS, HEDGES AND TREES

No fence (of any size) or retaining wall (forty-eight (48) inches in height or more) shall be constructed within the zoning jurisdiction of the City unless a permit therefore is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements, except that if such fence is used for agricultural purposes:

9.8.01 The height of a fence shall be determined by a measurement from the ground beneath the fence to the top of the highest part of the fence. Manmade earth berms, terraces, and retaining walls that elevate the fence shall be considered a part of the

fence. It is not intended that any structures other than fences and walls are regulated by this section, and all other structures must comply with these regulations as set forth herein.

1. No fence (including privacy, picket, split rail, ornamental corner fencing, and chain link), wall, or hedge, which is located in a required front or corner side yard of a corner lot or in a required front yard of an interior lot, shall exceed a height of forty-eight (48) inches.
2. Where it is demonstrated that for security purposes the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six (6) feet in height may be approved through a Conditional Use Permit.
3. No fence within the residential districts, except fences erected upon public or parochial school grounds, public parks and public playgrounds, may be constructed of a height greater than six (6) feet.
4. Fences constructed along and parallel to lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight (8) feet in height.
5. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated in the Comprehensive Plan or by the Nebraska Department of Roads, shall not exceed eight (8) feet in height.

9.8.02 Fences located within a front yard of a residential lot must qualify within the definition of an open fence, unless provided for in 9.8.01(1).

9.8.03 The use of barbed wire in the construction of any fence is prohibited except:

1. Perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City Zoning Administrator before commencement of construction.
2. Agricultural fencing constructed for agricultural purposes on parcels of land in the AGR District, provided they do not abut a residential zoning district or unless separated by a street, alley, or road. Such fencing does not require a permit.

9.8.04 All fences shall be maintained in good repair. The Governing Body shall have the authority to declare a fence in disrepair or unsightly, and so notify, in writing, the owner. The owner shall have fifteen (15) days to make needed repairs or have it torn down. If after fifteen (15) days it has not been repaired in accordance with said notice, or torn down, the owner shall be subject to penalties found in this Ordinance.

- 9.8.05 All fences shall be located on or inside the boundaries of the property upon which constructed except where two (2) adjacent property owners pursuant to written agreement filed with the City agree to build one fence on the common lot line of adjacent side yards or back yards.
- 9.8.06 Facing. The finished surface of all fences shall face toward adjoining property or street frontage. However, in the case of two (2) or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.
- 9.8.07 Any existing fence constructed pursuant to a permit issued and approved by the City or which was otherwise in conformity with the prior provisions of this Ordinance may remain without change in accordance with this section notwithstanding the same may be in conflict with one or more provisions of this section as amended; provided, however, any replacement or change other than general maintenance and repair of said existing fence or addition of a new fence, must hereby meet the requirements of this section.
- 9.8.08 Allowed and prohibited materials. Construction of any fence or wall in the following districts shall also comply with the additional fencing regulations.

1. Residential Districts.

- A. Allowed Materials. Fences and walls shall be made of quality, durable materials that require low maintenance. Acceptable materials for a fence include: chain link, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board), or other manufactured material or combination of materials commonly used for fencing.
- B. Prohibited Materials. Fences and walls not be made of or contain:
- i. Scrap materials such as scrap lumber and scrap metal.
 - ii. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood, wooden pallets or livestock fencing materials, including livestock panels.

2. Commercial or Industrial Districts.

- A. Allowed Materials. Fences and walls shall be made of quality, durable materials that require minimal maintenance. Acceptable materials for fencing in commercial and industrial districts include, but are not limited to chain link, pre-woven chain link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials, or

other manufactured material or combination of materials commonly used for fencing.

B. Prohibited Materials. Fences or walls in commercial or industrial districts shall not be constructed of or contain:

- i. Scrap materials such as scrap lumber and scrap metal.
- ii. Materials not typically used for designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps, plywood, wooden pallets, or livestock fencing materials, including livestock panels.

9.8.09 Nothing in this Ordinance shall be deemed to prohibit the erection and maintenance of any trees, shrubs or defined fence in connection with agricultural uses or any retaining wall in the A-1 District; provided:

1. Any trees, shrubs, fences or material, otherwise exempted herein, shall not be placed in a sight triangle contrary to with Section 9.9 herein.
2. Trees, hedges and vegetative matter may be permitted in any required yard or along the edge of any yard, provided that such trees, hedges and vegetative matter other than typical grasses shall be setback from the property line (fence line or public right-of-way) by one-foot times the mature height of the landscaping (e.g. one (1) foot times twenty-five (25) feet mature height).

9.8.10 No fence shall be constructed closer to the street than the property line. No fence shall be closer than two (2) feet to the sidewalk. No fence shall be located in a recorded or dedicated easement.

9.9 STREET INTERSECTION VISIBILITY

At roadway intersections and roadway railroad crossings in all districts except those with a zero (0) foot front and/or street side yard setback, nothing shall be erected or placed or allowed to grow between a height of thirty (30) inches and eight feet above the centerline grade of the intersection of the roadways and/or rail line within the triangular area formed by the intersection of the property lines or street right-of-way lines which is at a distance of twenty-five (25) feet from the intersection of said lines, unless fences meet the definition of open fence, and except for single pole utility structures, railroad crossing signs, road directional and safety signs, and agricultural crops. If prescribed or warranted, such distances may be increased to a greater distance as required by the City Council when arterials or four-lane roadways are involved. The sight triangle pertaining to the intersection of a roadway and rail line shall be increased if required in Chapter 6 of Title 415 of the Nebraska Department of Roads – Rail and Public Transportation Division.

9.10 NON PUBLICLY OWNED UTILITIES AND UTILITY DISTRIBUTION SYSTEMS

Non-public utilities and utility distribution systems shall only be allowed by Conditional Use Permit in the AGR Zoning District. The procedures for the application and authorization of such permit does not require written notice of hearing to record title owners of affected property or property in proximity to nor posting of affected property when such utility or distribution system is to be placed on multiple parcels and exceeds one (1) mile in length or extent. All other procedures described in Article 6 shall apply. All other regulations prescribed in this ordinance pertaining to any such non-publicly owned utilities and utility distribution systems shall apply.

9.11 HOME OCCUPATIONS

The following conditions and restrictions shall apply to such customary home occupations:

1. The primary use of the building or structure in which the occupation is situated shall clearly be incidental and subordinate to its use for residential purposes by its occupants. The maximum allowable area that may be utilized in conducting such home occupation shall not exceed twenty-five percent (25%) of the floor area of the dwelling unit. A finished basement is included in the floor area of the dwelling unit. The maximum allowable area that may be utilized in conducting a home occupation in an accessory building shall not exceed two hundred (200) square feet.
2. No equipment or machinery shall be used in such activities that are perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration.
3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three (3) square feet in area, non-illuminated and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way.
5. Particular Home Occupations Prohibited: Permitted home occupations shall not in any event be deemed to include:
 - A. Mortuaries or funeral home
 - B. Restaurants
 - C. Stables or boarding, training and commercial kennels

D. Antique shop

E. Auto repair

6. Exception Procedure: In the event a home occupation exceeds the restrictions and limitations identified above or is an identified prohibited use listed above, an applicant may apply for a conditional use permit in conformance with Article 6 of these regulations.

9.12 RADIO, TELEVISION & WIRELESS COMMUNICATION/BROADCAST TOWERS

9.12.01 INTENT: The Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing or receiving wireless telecommunication service. The intent of these sections is also to provide for telecommunication facilities, towers and antennas in the City, while protecting residential areas and land uses from potential adverse impact of installation of detrimental towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use and collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully planned, designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

9.12.02 DEFINITIONS: All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

ANTENNA shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.

ANTENNA SUPPORT STRUCTURE shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

APPLICANT shall mean any person that applies for a Tower Development Permit.

APPLICATION shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the City submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, in whatever, formal forum, made by an applicant to the City concerning such request.

CONFORMING COMMERCIAL EARTH STATION shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.

ENGINEER shall mean any engineer qualified and licensed by any state or territory of the United States of America.

OWNER shall mean any person with a fee simple title or a leasehold exceeding ten (10) years in duration to any tract of land within the zoning jurisdiction of the City who desires to develop, construct, modify, or operate a tower upon such tract of land.

PERSON shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

SATELLITE DISH ANTENNA shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.

STEALTH shall mean any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

TELECOMMUNICATIONS FACILITIES shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:

1. Any Conforming Commercial Earth Station antenna two (2) meters or less in diameter which is located on real estate zoned Commercial or Industrial.
2. Any earth station antenna or satellite dish antenna of one (1) meter or less in diameter, regardless of zoning applicable to the location of the antenna.

TOWER shall mean a self-supporting lattice, guyed, or monopole structure that supports Telecommunications Facilities. The term Tower shall not include non-commercial amateur

radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.

TOWER DEVELOPMENT PERMIT shall mean a permit issued by the City upon approval by the City Council of an application to develop a tower within the zoning jurisdiction of the City; which permit shall continue in full force and effect for so long as the tower to which it applies conforms to this Section. Upon issuance, a Tower Development Permit shall be deemed to run with the land during the permits duration and may be transferred, conveyed, and assigned by the applicant to assigns and successors-in-interest. For the purpose of these regulations a Tower Development Permit shall be a conditional use permit.

TOWER OWNER shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a Tower Development Permit.

9.12.03 LOCATION OF TOWERS AND CONSTRUCTION STANDARDS:

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No proposed tower shall be located within five (5) miles of any existing tower, without approval of the City Council.
3. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Tower Development Permit by the City Council and issuance of the permit by the City. Applicants shall submit their application for a Tower Development Permit to the Zoning Administrator and shall pay a filing fee in accordance with the City's fee schedule.
4. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the adopted regulations and all other construction standards set forth by the City, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

9.12.04 APPLICATION TO DEVELOP A TOWER: Prior to commencement of development or construction of a tower over one hundred (100) feet in height, an application shall be submitted to the Zoning Administrator for a Tower Development Permit and shall include the following:

1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons and/or entities having an ownership interest in the proposed tower. The application shall be executed by all applicants.
 2. The legal description and address of the tract of land on which the tower is to be located.
 3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support structures within a one mile radius of the proposed tower, including publicly and privately owned towers and structures.
 4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicant's telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
 5. Written technical evidence from an engineer that the proposed tower will meet the established regulations, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
 6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and/or zoned property and nearest roadway, street or highway.
 7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
 8. Broken Bow shall require an appropriate space for its (or county) operational and emergency services communication equipment at no cost to the City as negotiated between the tower owner and the City.
- 9.12.05 PERMIT PROCEDURES: After receipt of an application for a Tower Development Permit, the Zoning Administrator shall schedule a public hearing before the Planning Commission, following all statutory requirements for publication and notice, to consider such application. The Planning Commission shall receive testimony on the Tower Development Permit and shall make a recommendation to the City Council. Upon the completion of the Planning Commission Public Hearing the Zoning Administrator shall schedule a public

hearing before the City Council, following all statutory requirements for publication and notice, to consider such application and the recommendation of the Planning Commission. Notice, for each Public Hearing, shall be made at least one time and at least ten (10) days prior to such hearing. In addition, the Zoning Administrator shall cause a notice to be posted in a conspicuous place on the property on which action is pending. Such notice shall conform to the notice requirements in these regulations. The Planning Commission and City Council may approve the Tower Development Permit as requested in the pending application with any conditions or safeguards it deems reasonable and appropriate based upon the application and/or input received at the public hearings or deny the application. In all zoning districts in which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a conditional use permit for said tract of land.

9.12.06 SETBACKS AND SEPARATION OR BUFFER REQUIREMENTS:

1. All towers up to thirty-five (35) feet in height shall be setback on all sides a distance equal to the underlying setback requirement for accessory structures in the applicable zoning district. Towers in excess of thirty-five (35) feet in height shall be set back one additional foot for each foot of tower height in excess of thirty-five (35) feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding one hundred (100) feet in height shall not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of two hundred (200) feet or one hundred percent (100%) of the height of the proposed tower, whichever is greater.
3. Towers of one hundred (100) feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of seven hundred fifty (750) feet.

- B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.

9.12.07 STRUCTURAL STANDARDS FOR TOWERS ADOPTED: The *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by Ordinance and set forth in these Zoning Regulations.

9.12.08 ILLUMINATION AND SECURITY FENCES:

- 1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).

- A. No day running lights and shall be painted per FAA requirements.
 - B. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.

- 2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9.12.09 EXTERIOR FINISH: Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Planning Commission and City Council as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical or the cost of such features represents an undue burden on the applicant.

9.12.10 LANDSCAPING: All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be appropriately landscaped to conform with other properties in the area.

9.12.11 MAINTENANCE, REPAIR OR MODIFICATION OF EXISTING TOWERS: All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this Section. Non-conforming structures or uses may not be enlarged or the degree of nonconformance increased without complying with this Section, including applying for and obtaining a Tower Development Permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of

this Section including applying for and obtaining a Tower Development Permit. Said application shall describe and specify all items which do not comply with this Section and may request subject to final review and approval of the City Council, an exemption from compliance as a condition of the Tower Development Permit.

- 9.12.12 **INSPECTIONS:** The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Zoning Regulations and any other construction standards set forth by the City, federal, and state law or applicable ANSI standards. Either an employee of the City's Zoning Office or a duly appointed independent representative of the City shall make inspections.
- 9.12.13 **MAINTENANCE:** The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a danger to the life or property of any person or the public.
- 9.12.14 **ABANDONMENT:** If any tower shall cease to be used for a period of one (1) year, the Zoning Administrator shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have thirty (30) days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and Broken Bow codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

9.13 SATELLITE DISH ANTENNAS, REGULATION

Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Broken Bow only upon compliance with the following criteria:

1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of ten (10) feet.

2. Single family residences may not have more than one (1) satellite dish antenna over three feet in diameter.
3. Multiple family residences with ten (10) or less dwelling units may have no more than one (1) satellite dish antenna over three (3) feet in diameter. Multiple family residences with more than ten (10) dwelling units may have no more than two (2) satellite dish antennas over three feet in diameter.
4. In residential zoning districts, satellite dish antennas shall not be installed in the required front yard setback or side yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Broken Bow, upon adoption of these regulations, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

9.14 SMALL WIND ENERGY SYSTEMS

9.14.01 **PURPOSE:** It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

9.14.02 **DEFINITIONS:** The following are defined for the specific use of this section.

SMALL WIND ENERGY SYSTEM shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 50 kW and which is intended to primarily reduce on-site consumption of utility power. Systems shall not exceed fifty (50) feet in total height.

TOWER shall mean the vertical structures that support the electrical equipment or rotor blades.

TOWER HEIGHT shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

TOTAL HEIGHT shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

FALL ZONE shall mean the area, defined as the furthest distance from the tower base, in which a tower will collapse in the event of a structural failure.

FEEDER LINE shall mean any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of

interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

ROTOR DIAMETER shall mean the diameter of the circle described by the moving rotor blades.

TRANSMISSION LINE shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

WIND ENERGY CONSERVATION SYSTEMS (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, and substations that operate by converting the kinetic energy of wind into electrical energy of blowing wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture wind.

9.14.03 EXEMPTIONS: Small wind energy systems shall be permitted as an exception within the Agricultural Districts. Zoning Permits are required.

9.14.04 REQUIREMENTS: Small wind energy systems shall be permitted as an Accessory Use only within the A-1 district and only upon parcels one (1) acre in size or larger within that district. Certain requirements as set forth below shall be met:

1. Tower: The tower and foundation must be approved by a certified Engineer competent in disciplines of Wind Energy Conversion Systems.
2. Tower Height:
 - A. For property sizes of one (1) acre or more, the tower height shall be limited to one hundred (100) feet, except as imposed by FAA regulations requiring less than one hundred (100) feet.
 - B. The height shall be determined by the fall zone requirement and shall not exceed one hundred (100) feet. FAA approval is required.
3. Noise/Sound
 - A. The noise/sound produced by Small wind energy systems shall not exceed fifty (50) dBA, as measured at the closest neighboring inhabited dwelling unit. An Acoustical Analysis that certifies that the noise requirements

within the regulation can be met shall be provided prior to issuance of a permit.

- B. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.
- 4. Approved Wind Turbines: Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
 - 5. Compliance with Building and Zoning Codes
 - A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
 - C. Wet stamps shall not be required.
 - 6. Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
 - 7. Utility Notification
 - A. No small wind energy system shall be installed until evidence has been given that the City Utility Department has been informed of the applicant's intent to install an interconnected customer-owned generator evidence that the City Utility Department has approved a line drawing of the electrical components, and written confirmations signed by the head of the City Utility Department or their designee shall be included with the application for permit verifying that the City Utility Department has reviewed the plans of the proposed system and has found that the installation of the proposed system will not be detrimental to or interfere with the normal operation of the City's electrical system
 - B. Off-grid systems shall be exempt from this requirement.
 - C. Emergency contact information shall be posted at the entry to the property and filed with the fire department, police, and sheriff.

D. Clearance of rotor blades or airfoils must maintain a minimum of twelve (12) feet of clearance between their lowest point and the ground.

8. All towers shall adhere to the setbacks established in the following table:

	Wind Turbine-Non Commercial WECS	Meteorological Towers
Property Lines	One times the total height	One times the tower height
Neighboring Dwelling Units*		One times the tower height
Road Rights-of-Way**	One times the tower height	One times the tower height
Other Rights-of-Way	One times the tower height	One times the tower height
Wildlife Management Areas and State Recreational Areas	N/A	600 feet
Wetlands, USFW Types III, IV and V	N/A	600 feet
Other structures adjacent to the applicant's sites	N/A	One times the tower height
Other existing WECS not allowed by the applicant	N/A	N/A
River Bluffs	N/A	N/A

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

9. Tower Setbacks: No part of the wind system structure, including guy-wire anchors for meteorological towers, may extend closer than ten (10) feet to the property lines of the installation site. Setback shall be the "Total Height" plus ten (10) feet.
10. Aesthetics: Towers for Small Wind Energy Systems shall be freestanding towers without guyed wires
11. Multiple Towers: Multiple towers will be considered based on these same regulations.
12. Abandonment: The owner of an inoperable turbine for a period of twelve (12) months will be notified by the zoning administration that they have six (6) months from the notice date to restore their small wind energy system to operating condition. If the tower is not in operating condition after that time,

the owner of the tower will then have ninety (90) days to have it removed. If the owner fails to remove the wind tower within the allowable time, the City will have it removed at the owners expense and a lien for removal expenses and associated costs will be filed against the property on which the small wind energy systems is located.

13. Application minimum requirements:

- A. Legal Description and address of project site.
- B. Tower Type, height, rotor diameter, and total height of wind turbine and means of interconnecting with the feeder lines.
- C. Site layout, including the location of property lines, wind turbine, electrical grid, and all related accessory structures. This site layout shall include distance and be drawn to scale.
- D. Certification from Engineer competent in disciplines of WECS.
- E. Documentation of land ownership or legal control of property.
- F. The latitude and longitude of wind turbine.
- G. Location of any wetland, scenic, and natural acres within one thousand (1000) feet.
- H. An Acoustical Analysis certifying that the noise requirements within the regulations can be met.
- I. Evidence that there will be no interference with any commercial or public safety communication towers.
- J. All approved wind turbines are to be completed within two (2) years of the date of approval.

9.15 COMMERCIAL/UTILITYGRADE WIND ENERGY SYSTEMS

9.15.01 PURPOSE: It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within the zoning jurisdiction of the City of Broken Bow.

9.15.02 DEFINITIONS: The following are defined for the specific use of this section.

AGGREGATE PROJECT shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines

and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

COMMERCIAL WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

HUB HEIGHT shall mean the distance from ground level as measured to the centerline of the rotor.

FALL ZONE shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure.

FEEDER LINE shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

METEOROLOGICAL TOWER shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

PROPERTY LINE shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

PUBLIC CONSERVATION LANDS shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

ROTOR DIAMETER shall mean the diameter of the circle described by the moving rotor blades.

SMALL WIND ENERGY SYSTEM shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 50 kW and which is intended to primarily reduce on-site consumption of utility power.

SUBSTATIONS shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

TOTAL HEIGHT shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

TOWER shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

TOWER HEIGHT shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

TRANSMISSION LINE shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

WIND ENERGY CONVERSION SYSTEM(WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

9.15.03 REQUIREMENTS: Commercial/Utility Grade Wind Energy Systems may be permitted as a Conditional Use within any district where the use is listed and allowed. The following minimum requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Certification by an Engineer competent in disciplines of WEC's.
7. Documentation of land ownership or legal control of the property.

8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within ten (10) rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.
12. The applicant shall create and supply the emergency management agency and/or fire departments with a basic emergency response plan.
13. Applicant shall submit permit or evidence from the FAA and the FCC that the permit has been filed with the appropriate agency, or that such a permit is not necessary

9.15.04 AGGREGATED PROJECTS:

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.

9.15.05 SETBACKS: All towers shall adhere to the setbacks (measured from the edge of the tower) established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	150 feet from property lines; however, the setback may be less when two adjoining property owners are within the aggregate project.	One times the tower height.
Neighboring Dwelling Units*	1,000 feet	One times the tower height.
Road Rights-of-Way**	One times the tower height.	One times the tower height.
Other Rights-of-Way	One times the tower height.	One times the tower height.

Wildlife Management Areas and State Recreational Areas	600 feet***	600 feet***
Wetlands, USFW Types III, IV, and V	600 feet***	600 feet***
Other structures and cemeteries adjacent to the applicant's sites	One times the tower height.	One times the tower height.
Other existing WECS not owned by the applicant.	6,000 lineal feet	NA
River Bluffs	1,320 feet	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known. Such right-of-ways shall be verified with the Nebraska Department of Roads and County Roads Department.

*** Setback may be reduced to a distance of no less than 100 feet based on review of proposed distance and approval by Nebraska Game & Parks Commission, U.S. Fish and Wildlife, and Army Corps of Engineers. Such reduction shall not be less than 100 feet and be based on certified engineer reports showing no effects on the identified areas. Applicant shall submit report and approval or evidence that the study has been performed and the request for approval has been submitted to the appropriate agency prior to the issuance of a zoning permit. Such permit would be conditional and contingent upon such approval.

9.15.06 SPECIAL SAFETY AND DESIGN STANDARDS: All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of twelve (12) feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Height: The total height shall be determined by the fall zone requirement and shall not exceed four hundred (400) feet. Tower height shall not exceed three (300) feet. FAA approval is required.
5. Consideration shall be given to painted aviation warnings on all towers more than two hundred (200) feet.
6. Color and finish: All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color.

Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.

7. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
8. Other signage: All other signage shall comply with the sign regulations found in these regulations.
9. Feeder Lines: All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
10. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
11. Discontinuation and Decommissioning:
 - A. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four (4) feet below ground level within one hundred eighty (180) days of the discontinuation of use. The one hundred eighty (180) days may be extended if proof of weather delays is provided.
 - B. Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
12. Noise: No Commercial/Utility WECS shall exceed fifty (50) dBA at the nearest structure or use occupied by humans. Such structures or uses include dwelling

units, churches, daycares, and the like, but do not include barns, sheds, or agricultural, commercial or industrial uses.

13. Interference: The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five (5) miles of the proposed WECS location upon application to the City for permits.
14. Roads: Applicants shall:
 - A. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - B. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
 - C. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
15. Drainage System: The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

9.16 ADULT ENTERTAINMENT

- 9.16.01 INTENT: The intent of this section is to provide for guidelines and criteria for the regulation, not the elimination of Adult Entertainment Establishments. The overall intent is to regulate the secondary effects of these uses within the county/community.
- 9.16.02 DEFINITIONS: The following definitions have been adopted by Broken Bow, and as amended from time to time:

ADULT CABARET shall mean a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, video cassettes, slides, or other photographic reproductions in which more than ten percent (10) of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction of specified sexual activities or specified anatomical areas.

ADULT COMPANIONSHIP ESTABLISHMENT shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT ESTABLISHMENT shall mean any establishment offering its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty establishments, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT MASSAGE PARLOR, HEALTH CLUB shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER shall mean an establishment premises within an enclosed building with a capacity for less than fifty (50) persons used for presenting visual-media material if such establishment has a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE ARCADE shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS shall mean an establishment premises within an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material if said establishment has a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS shall mean an establishment which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

ADULT SAUNA shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of less than completely and opaquely covered human genitals, buttock, or female breast(s) below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
2. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
3. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
4. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
5. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
6. Human excretion, urination, menstruation, vaginal, or anal irrigation.
7. Activities conducted for the purpose of medical diagnosis or treatment under the care of a licensed physician or when involved within teaching materials as part of an accredited education institution shall not be considered a "Specified Sexual Activity" herein.

9.16.03 REGULATIONS

1. No adult establishment shall be closer than one thousand (1,000) feet to any similar use and no closer than one thousand (1,000) feet to a residential district/use, religious uses, public uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult establishment to the point on the property line of such other adult establishment, residential district/use, religious use, public uses, educational uses and recreational use.
2. Said establishments shall be screened along adjoining property lines as to prevent any direct visual contact of the adult establishment at the perimeter.
3. Doors, curtains, and any other means of obstruction to the opening of all booths and other preview areas, including but not limited to Adult Novelty Establishments, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit.
4. No adult establishment shall be open for business between the hours of twelve (12) midnight and six (6) a.m.
5. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property.
6. Such use shall not impair an adequate supply of light and air to surrounding property,
7. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
8. Such use shall not diminish or impair established property values in adjoining or surrounding property,
9. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Broken Bow.
10. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of

walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.

11. An adult establishment shall post a sign at the entrance of the premises which shall state the nature of the establishment and shall state that no one under the age of eighteen (18) of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.

12. Prohibited Activities of Adult Establishments:

- A. No adult establishment shall employ any person under eighteen (18) years of age.
- B. No adult establishment shall furnish any merchandise or services to any person who is under eighteen (18) years of age.
- C. No adult establishment shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult establishment or any officer, associate, member, representative, agent, owner, or employee of such establishment shall engage in any activity or conduct in or about the premises which is prohibited by Ordinances of the City of Broken Bow or any other laws of the State.

13. No part of the interior of the adult establishment shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

9.17 SAND, GRAVEL, MINERAL, STONE, ROCK, SOIL EXTRACTION AND QUARRIES

- 9.17.01 The application shall include a grading map showing contours, proposed excavation contours, and proposed final grade contours.
- 9.17.02 The applicant shall identify the effect of the extraction on the groundwater table of the adjoining properties.
- 9.17.03 The application shall identify proposed vehicle and equipment storage areas.
- 9.17.04 Erosion controls, including retention and sediment basins shall be provided during extraction to prevent a change in the character of runoff onto adjacent land.

- 9.17.05 The surface shall be maintained in such a manner that surface waters do not collect or pond, unless specifically approved. Underground drainage may be supplied if it connects to an existing drainage facility.
- 9.17.06 Topsoil shall be collected and stored for redistribution on the site at the termination of the operation.
- 9.17.07 Excavation shall be conducted in such a way as not to constitute a hazard to any persons, nor to the adjoining property. All cuts shall be returned to a slope of less than three to one (3-1) as soon as possible.
- 9.17.08 Safety screening shall be required at the outer boundary of the site; visual screening will also be required where said boundary is adjacent to residential or recreational land.
- 9.17.09 Within one year after completion or cessation of the excavation on any portion of the site, the topography and soils shall be stabilized, and the land shall be graded, seeded, and sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.

9.18 SALVAGE OR JUNK YARD OR SANITARY LANDFILL OPERATION

If permitted, salvage or junk yard or sanitary landfill operations and related facilities shall only be allowed by conditional use permit under the following minimum conditions:

1. The operation shall be located on a tract of land at least one-half (1/2) mile from a residential or agricultural farm- residence.
2. A remediation fund or bond shall be posted for cleanup of the facility in the event of abandonment. Abandonment shall be considered to be a cessation of commercial activities with the public for a period of twelve (12) months.
3. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height at least eight (8) feet high and uniform texture and color shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general appearance and welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk, wind-blown particulate or other material within the yard and no scrap, junk, wind-blown particulate or other material shall protrude above the fence.
4. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.

5. Any other requirement deemed appropriate and necessary by the City Council for the protection of the general health and welfare may be made a condition of issuance of a conditional use permit for such operations under this section
6. Conditional use permits granted under this section shall be subject to annual review and renewal by the City Council.
7. In making any decision granting a conditional use permit, the City Council shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

9.19 SOLAR PANELS

No solar panel for the generation of electricity or heat shall be constructed within the residential zoning jurisdiction of the City of Broken Bow unless a permit therefore is approved and issued by the zoning administrator and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

9.19.01 LOT AND HEIGHT REQUIRMENTS: Solar panels shall conform to the required front, side, street side, and rear lot setback requirements except as provided herein:

1. A solar panel which is attached to an integral part of the principal building may project three (3) feet into the front yard and street side yard; six (6) feet into the rear yard; and two (2) feet into the side yard.
2. A solar panel which is freestanding may be located only in the required rear yard and shall not exceed six (6) feet in height and is located not less than five (5) feet from the rear lot line and not closer than one (1) foot to any existing easement as measured from the closest point of the structure including its foundation and anchorages.
3. Roof mounted solar panels shall not cover more than fifty percent (50%) of the roof area.

9.19.02 STRUCTURAL REQUIREMENTS: The physical construction and connections of solar panels to existing structures shall conform to all applicable building codes.

9.19.03 PLOT PLAN: The application for a solar panel permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, easements and right

of ways, dimensions of the proposed solar panel and estimated electrical generation and shall be accompanied by proof of approval by the City Board of Public Works.

9.19.04 PERMIT FEE: A permit fee is required. This permit fee shall be paid prior to the issuance of the zoning permit. The amount of the fee shall be as established in the Master Fee Schedule.

9.19.05 PRE-EXISTING SOLAR PANELS: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to January 1, 2018, pursuant to the applicable City regulations at the time it was constructed, may continue to be utilized so long as it is maintained in operational condition.

9.20 OUTDOOR STORAGE CONTAINERS

Outdoor storage containers will be a permitted accessory use in the designated districts, provided the following conditions are met and a zoning permit issued:

1. Number: No outdoor storage containers are permitted in the R-1, R-2, R-3, R-M, and C-1 Districts. Storage containers in the C-2, I-1 and I-2 Districts are subject to the Conditional Use Permit Process prior to locating containers on site. There is no permit required for outdoor storage containers in the A-1 District provided they are used for agriculture purposes, otherwise such containers shall be limited to two (2) containers per property and require a permit.
2. Location: Containers shall be located to the rear fifty percent (50%) of the site. Containers shall not be located in any required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to emergency, snow removal, circulation, and fire lanes. Containers shall be located an appropriate distance from all structures, in accordance with the Fire Code. Containers shall be located so as to minimize visibility from both public streets and residential land uses, and shall not be located in any required setback or yard area. Containers shall be located totally on the owner's lot, and no part shall be located on any public property. Containers shall not be stacked vertically.
3. Condition and Materials: The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and otherwise maintained such that they are consistent with the character of adjacent buildings, and secured in location at all times. It shall be placed on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or other stable, durable and acceptable material and shall not include a foundation, electricity, plumbing or other mechanical systems as part of its assembly or use.

4. Use: At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit.
5. Exemptions: Temporary use of construction trailers or outdoor storage containers at a building site is exempt from these restrictions; provided that no temporary use shall exceed six (6) month's duration.
6. No container shall be more than eight (8) feet in height, nor more than forty (40) feet in length.
7. Permitted conditional use permits for storage containers shall be allowed for (1) year. Renewals are subject to Planning Commission and Council approval. Storage containers must be removed no later than five (5) working days after the expiration of the permit.

9.21 PERFORMANCE STANDARDS FOR INDUSTRIAL USES

- 9.21.01 **PHYSICAL APPEARANCE:** All industrial operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open, except as determined in the HC, E-1, I-1 and I-2 Zoning Districts. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a road. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.
- 9.21.02 **FIRE HAZARD:** No operation shall involve the use of acid, liquids, grinding processes, highly flammable gasses, or other inherent fire hazards, except when handled in accordance with all regulations of the city, state, and federal requirements
- 9.21.03 **NOISE:** No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent road at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line or right-of-way line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
- 9.21.04 **SEWAGE AND LIQUID WASTES:** No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to

normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

9.21.05 AIR CONTAMINANTS

1. Air Contaminants and smoke shall be less dark than designated Number One (1) on the Ringleman Smoke Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One (1) shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
2. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.
3. Due to the fact that all possibilities of air contamination cannot reasonably be comprehensively anticipated and covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.

9.21.06 ODOR: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of these regulations.

9.21.07 GASSES: The gasses sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.

9.21.08 VIBRATION: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousandths (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zoning district.

- 9.21.09 GLARE AND HEAT: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

ARTICLE 10 – BOARD OF ADJUSTMENT

10.1 CREATION, MEMBERSHIP

The Board of Adjustment is hereby created and shall be known as the Board of Adjustment.

Pursuant to *Neb. Rev. Stat. §19-908 (R.R.S. 1997)*: The Board of Adjustment shall consist of five regular members appointed by the City Council, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. At least one (1) member of the Board of Adjustment shall reside outside of the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The Board of Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 19-901 to 19-914.

10.2 MEETINGS

Meetings of the Board of Adjustment shall be held at the call of the chairperson and at such times as the Board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record the day following such meeting or hearing.

10.3 INTERPRETATIONS AND VARIANCES

10.3.01 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or Planning Commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special

questions upon which the Board is authorized by any such regulation to pass;
and

3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board of Adjustment finds that:

- A. The strict application of the regulation would produce undue hardship;
- B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

10.3.02 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

10.3.03 In exercising the above-mentioned powers such Board of Adjustment may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

10.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Adjustment shall be as follows.

- 10.4.01 Appeals to the Board may be taken by any person aggrieved or by any officer, department or governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by the Zoning Administrator or any City officer or department. The appeal, filed in writing with the City Clerk's office, shall define the appeal being requested and the grounds therefor. The City Clerk shall forthwith transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken. Interested parties shall be all owners of the property within three hundred (300) feet of the property subject to this application.
- 10.4.02 The chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. The Board shall also notify the interested parties in the case of the hearing date, time and place. Interested parties shall be all owners of property within three hundred (300) feet of the property subject to this application.

10.5 APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, jointly or separately, or any landowner within the zoning jurisdiction of the City, or any officer of the city or department or board of the City of Broken Bow, aggrieved by any decision of the Board of Adjustment, may seek review of such decision by the district court alleging that the decision of the Board of Adjustment is illegal in whole or in part and specifying the grounds of the alleged illegality in the manner provided by the laws of the State. Such Petition shall be filed within fifteen (15) days after the filing of the decision of the Board of Adjustment and shall follow the provisions of section

19-912 Nebraska Revised Statutes and Amendments thereto.

ARTICLE 11 – ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

11.1 RESPONSIBILITY

The provisions of this Ordinance shall be enforced by the City Council and the Zoning Administrator appointed by the governing body. Appeal from the decision of the Zoning Administrator and/or the City Council on zoning matters may be made to the Board of Adjustment as provided herein. (Ref. 19-909, 19-913 RS Neb.)

- 11.1.1 Enforcing Officer: The Zoning Administrator shall have the power to make inspection of buildings or premises necessary to carry out his/her duties in the enforcement of this ordinance. The Zoning Administrator is allowed to approve all zoning permits, and issuance of certificates of occupancy prior to the planning and zoning commission meeting.

11.2 ZONING PERMIT

- 11.2.1 A Zoning Permit shall be required to erect, construct, enlarge, move, or use any building or structure over twenty-five (25) square feet, or to use any land as herein specified, including those utilized for agricultural purposes in the unincorporated areas of Broken Bow's jurisdiction to verify compliance with yard, flood hazard and other applicable requirements of the zoning regulations. Construction shall mean the erection of any structure above ground and the pouring of any footing or foundation below ground. It shall be the duty of the Zoning Administrator and Planning Commission to review and the City Council to issue a Zoning Permit if the building or other structure and the proposed use thereof, or the proposed use of the land or premise, conforms with all of the requirements herein set forth. (Ref. 19-902 RS Neb.)
- 11.2.2 Application for a zoning permit shall be accompanied by a sketch, drawn to scale, showing the name of the applicant, the property owner, the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected, enlarged or moved, measured setbacks, and such other information as may be necessary for the enforcement of these regulations. Lot pins and/or property lines shall be found or a survey performed by the applicant in order to accurately identify the required setbacks to the proposed structure. If deemed necessary, it is the responsibility of the applicant or contractor to contact Diggers Hotline of Nebraska before starting the project.
- 11.2.3 The application shall include such other information as lawfully may be required by the Zoning Administrator and the City Council, including the identification of building alterations, existing and proposed uses of the building(s) and land, the number of families, housekeeping units, or rental units the building is designed to accommodate, conditions existing on the lot, easement locations, and such other matters as may be necessary to determine conformance of the proposed building, structure or use with the requirements of this Ordinance and its enforcement.

- 11.2.4 One (1) copy of any approved zoning permit, together with any conditions of such permit shall be provided to the applicant by the Zoning Administrator. If an application for a zoning permit is denied by the City Council, the Zoning Administrator shall indicate to the applicant the reason(s) for such denial. The Zoning Administrator shall maintain a permanent record of all applications for zoning permits and maintain one (1) copy of each zoning permit which is approved. The issuance of a zoning permit shall, in no case, be construed by the applicant or any other person or persons as waiving any requirement of this Ordinance.

11.3 CERTIFICATE OF ZONING COMPLIANCE (OCCUPANCY PERMIT) FOR NEW, ALTERED, NON-ALTERED OR NON-CONFORMING USE.

- 11.3.01 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. Said certificate shall state that the use or uses of the building or premises conforms to the requirements of this Ordinance and authorize occupancy of such building or premises for the use or uses so stated.
- 11.3.02 No Certificate of Zoning Compliance shall be issued except in conformity with the requirements of this Ordinance, unless the Administrator has received a written order from the Board of Adjustment in the form of a variance for any attribute of the building, structure or premises other than the use, authorized under the terms and conditions of this Ordinance.
- 11.3.03 If the Zoning Administrator determines that the construction or development for which a zoning permit has been issued is not proceeding according to applicable requirements of this Ordinance or is contrary in any way to the information and conditions included on such approved zoning permit, or is otherwise proceeding in violation of law, the zoning permit shall be revoked by the City Council and the Zoning Administrator shall issue a "Stop Work Order" to the applicant whose name and address is indicated on the affected zoning permit.
- 11.3.04 A Certificate of Zoning Compliance shall not be issued to any non-conforming use, except when a non-conforming use is converted to a permitted use or another non-conforming use which is authorized in accordance to the requirements of the Ordinance or a variance has been granted for the use by the Board of Adjustment.
- 11.3.05 When a Certificate of Zoning Compliance is requested by any applicant between November 1 and April 30 of any year and all required landscape screens or buffers required by this Ordinance have not or cannot be installed due to weather conditions, the Zoning Administrator shall issue a Certificate of Zoning Compliance, provided the applicant shall first submit a detailed landscaping plan

conforming to the definition(s) of landscape screen and/or landscape buffer set forth in this Ordinance to the Zoning Administrator and shall sign and certify on said plan that the landscaping indicated shall be installed by June 30 of the following year if the Certificate of Zoning Compliance is issued on or before November 1, and by June 30 of the same year if said certificate is issued between January 1 and April 30. This deferred landscaping provision shall not apply to any Certificate of Zoning Compliance issued on dates other than specified in this paragraph.

- 11.3.06 The Zoning Administrator shall maintain a permanent record of all Certificates of Zoning Compliance issued. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and shall be punishable under Section 13.2 of this Article.

11.4 EXPIRATION OF ZONING PERMIT.

If the construction described in any issued zoning permit has not been initiated within six (6) months from the date of the issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator with written notice thereof provided to the applicant for such permit. If the construction described in an issued zoning permit has not been completed within one (1) year from the date of issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator with written notice thereof indicating to the applicant for such permit that no further construction shall proceed unless a new zoning permit has been issued.

11.5 ZONING PERMIT/CERTIFICATE OF ZONING COMPLIANCE AUTHORIZE STATE USE.

A zoning permit and Certificate of Zoning Compliance issued on the basis of plans and application and approved by the City Council/Zoning Administrator shall authorize only the use, arrangement and construction set forth in such permit or certificate and no other use, arrangement or construction. Any use, arrangement or construction at variance with the approved permit or certificate shall be deemed a violation of this Ordinance and punishable in accordance with Article 13 herein.

11.6 SCHEDULE OF FEES AND CHARGES.

The fees and charges for a rezoning application, conditional use application, variance application, zoning permit, Certificate of Zoning Compliance, or such other permit, as may be utilized under the terms of the Ordinance, shall be as established in the form of a Fee Schedule by the City Council through Resolution and shall be paid by the applicant at the time of application. A Fee Schedule shall be posted in the Office of the City Clerk and may be amended only by action of the City Council. Until all applicable fees and charges are paid, no action shall be taken on any permit or certificate, except such actions by or on behalf of the City necessary to enforce the provisions of these rules.

ARTICLE 12 – AMENDMENT

12.1 GENERAL

The City Council may from time to time supplement, change or generally revise the boundaries or regulations contained in this Ordinance. A proposal for such amendment may be initiated by the City Council, the Planning Commission or upon application of the owner of the property affected. A filing fee established by the City Council is required for each application to be considered by the Planning Commission.

12.2 SUBMISSION TO PLANNING COMMISSION

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

If such proposed amendment is not a general revision of an existing provision of this Ordinance, and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered in incorporated areas and one (1) mile in unincorporated areas (and three hundred (300) feet of the property line if adjacent to, or within three hundred (300) feet of, the corporate limits) and an opportunity granted to interested parties to be heard. Addresses certified by a registered title abstractor of such record title holders shall be provided to the city by the applicant.

12.3 AMENDMENT CONSIDERATION AND ADOPTION

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the Ordinance except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (½) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the City Council, if it approves such recommendation, may either adopt such recommendation by Ordinance or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the City Council may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the City Council disapproves, the said governing body shall return such

recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such amendment shall affect the boundaries of any district, the Ordinance shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed by the Zoning Administrator to reflect such amendment, and shall amend the section of the Ordinance incorporating the same and reincorporate such Map as amended.

12.4 PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending three hundred (300) feet therefrom, or of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of three-fourths (3/4) majority of the City Council.

ARTICLE 13 – COMPLAINTS, PENALTIES, REMEDIES

13.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

13.2 PENALTIES

The owner or agent of a building, structure or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (\$100.00) dollars for any one offense recoverable with costs. Each and every day during which such illegal locating, erection, construction, reconstruction, enlargement, change, or use continues after receiving written notice of violation may be deemed a separate offense. Any person other than those listed above in this Section who commits, participates in, or maintains such violation, may be found guilty of a separate offense and suffer the penalties herein prescribed. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his or her rights under the U.S. Constitution of a jury trial.

13.3 REMEDIES

In case any building or structure is erected, constructed, reconstructed, replaced, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Ordinance the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 14 – LEGAL STATUS PROVISIONS

14.1 SEPARABILITY

Should any article, section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

14.2 PURPOSE OF CATCH HEADS

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

14.3 REPEAL OF CONFLICTING ORDINANCES

All other Ordinances and regulations in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

14.4 EFFECT DATE

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

APPROVED AND ADOPTED by the City Council of Broken Bow, Nebraska.

This 12th day of June, 2018

(Seal)

ATTEST:

(CITY CLERK)

(MAYOR)

SUBDIVISION REGULATIONS

SECTION 1. AUTHORITY

These regulation are hereby adopted and enacted under authority of R.R.S., Nebr. 1943, Chapters 19-916 thru 19-922 and 17-1001 thru 17-1003, and amendments thereto, and comprise requirements, standards and specifications with respect to provisions for the proper location and width of streets, building lines, open spaces, safety, recreation; and, for the manner in which streets will be graded and improved; and, the extent to which water, sewer and other utility services shall be provided; and, to provide for the approval of preliminary plats and final plats and endorsement thereof by the Broken Bow, Nebraska Planning Commission and by the Mayor and City Council. No final plat of a subdivision shall be approved and accepted by the Broken Bow City Council unless it conforms to the provisions of these regulations.

SECTION 2. PURPOSE

The purpose of these regulations is to provide for the orderly development of Broken Bow and its environs; to proscribe standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan to provide for adequate open space for traffic, recreation, light and air; and for the distribution of population and traffic in such a manner so as to create conditions favorable to health, safety, convenience or prosperity, all in accordance with applicable state statutes.

SECTION 3. JURISDICTION

The provisions of this ordinance shall apply within the area of planning and zoning jurisdiction as defined on the Official Zoning Maps of the City of Broken Bow, Nebraska, as may be amended from time to time.

SECTION 4. APPLICABILITY

Any plat, hereafter made, for each subdivision or part thereof lying within the jurisdiction of this ordinance, shall be prepared for approval and record as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the resubdivision or replatting of land or lots, except that the division of land when the smallest parcel created is more than ten (10) acres in area shall be exempt from these regulations. Further, the regulations set forth by this ordinance shall be minimum regulations which shall apply uniformly throughout the jurisdiction of this ordinance except as hereafter provided.

A. Each separate principal use/building within the jurisdiction of this ordinance shall be situated on a separate and single subdivided lot of record unless otherwise provided in the zoning ordinance of the City of Broken Bow, Nebraska.

B. No subdivision of land shall be permitted within the jurisdiction of this ordinance unless a plat is approved in accordance with the provisions of this ordinance. Further, no lot in a subdivision may be sold, transferred or negotiated to sell, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a

subdivision unless a final plat has been approved by the Broken Bow City Council and recorded with the Custer County Register of Deeds.

C. These regulations shall not apply to the following:

1. To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres.
2. The subdivision of burial lots in cemeteries.
3. A change in the boundary between adjoining lands which does not create an additional lot or does not result in nonconformity of an existing lot.

SECTION 5. DEFINITIONS

For the purposes of this Article, certain terms or words used herein shall be interpreted as follows:

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

BLOCK A tract or parcel of land bounded by public streets or lands, streams, railroads, unplatted lands or a combination thereof

BUILDING LINE The term “building line” means a line parallel or nearly parallel, to either the street line or the lot line not abutting the street and at a specified distance from the street or lot line which marks the minimum distance from either line that a building may be erected. In the case of cul-de-sac, the building line shall be measured around the curvature of the street line.

BUILDING OFFICIAL The person or persons designated by the governing body to administer this subdivision ordinance whether such person or persons be entitled Building Official, Building Inspector, Administrative Official, or Zoning Administrator.

COMMON OPEN SPACE That undivided land in a subdivision which may be jointly owned by all property owners of the subdivision, for the benefit of the owners of the individual building sites of said development.

COMMON SEWER SYSTEM A sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

COMMON WATER SYSTEM A water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis which is in public ownership.

COMPREHENSIVE PLAN The long range development plan adopted by the Broken Bow City Council.

COVENANT Written promise or pledge.

CULVERT A transverse drain that channels water under a bridge, street or driveway.

DESIGNED IMPROVEMENT Those improvements that are designed and approved by the City Engineer, but not required to be completed prior to approval of the final plat. Such

designed improvements shall not be changed or modified without the approval of the City Council.

EASEMENT A grant by property owner to the public, a corporation or persons of the use of a tract of land for a specific purpose.

ENGINEER One, licensed by the State of Nebraska, designated by the Broken Bow City Council to act for the City.

FRONTAGE The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street.

GREEN AREA Same as common open space.

IMPROVEMENT Street pavement or resurfacing, curbs, gutter, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

LOT A parcel of land occupied or intended for occupancy by a use permitted in this Article, including one (1) main building together with its accessory buildings, the open spaces and parking required by this Article and fronting upon a street.

LOT, CORNER A lot abutting upon two (2) or more street at their intersection.

LOT, INTERIOR A lot other than a corner lot which has frontage on one street only.

LOT, THROUGH A lot other than a corner lot fronting on more than one street.

LOT OF RECORD A tract of land described as an integral portion of a subdivision plat which is properly recorded in the office of the Custer County Register of Deeds.

MONUMENTS Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

OUT LOT Property shown on a subdivision plat outside of the boundaries of the land which is developed and which is to be excluded from the development of the subdivision.

PARKING SPACE, OFF-STREET Off-street parking shall mean an area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress.

PEDESTRIAN WAYS A tract of land dedicated to public use, which cuts across a block to facilitate pedestrian access to adjoining streets and properties.

PLANNED DEVELOPMENT Special development of certain tracts of land planned and designed as a unit for one (1) or more land uses under the regulations and procedures contained in this Article.

PLANNING AREA The statutory zoning jurisdiction of the City of Broken Bow.

PLANNING COMMISSION The appointed planning body designated by the Broken Bow City Council.

PLAT Map, drawing, or chart upon which the developer's plan of subdivision (Preliminary) is presented to the City Council for approval and, after such approval, to the Custer County Register of Deeds for recording.

PLOT A parcel of ground.

PUBLIC WAY An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

REQUIRED IMPROVEMENTS Those improvements that must be completed (or provided for pursuant to Neb. Revised Statute) by a developed prior to the approval of the final plat.

RIGHT-OF-WAY A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features such as grade separation, landscaped areas, viaducts and bridges.

SETBACK LINE The term "setback line" means a line, as shown on a record plat or otherwise established by the Broken Bow City Council, beyond which no part of a main exterior wall of a building or structure may project.

SEWERS, ON-SITE A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

STREET Street shall mean a public or private thoroughfare including avenues, which affords principle means of access to abutting property.

SUBDIVIDER The owners, developers or agents of person or corporations affecting subdivision.

SUBDIVISION The division of a parcel of land into two (2) or more lots or parcels for. The purpose of transfer of ownership, building development, or, if a new street is involved, any division of a parcel of land. The term includes resubdivision, and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR Any person registered in Nebraska to practice surveying.

THROUGHFARE, STREET OR ROAD The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

Alley: A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

Arterial Street: A street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits, and curb use.

Collector Street: A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

Cul-de-sac: A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.

Local Street: A street which provides direct access to abutting land and local traffic movement, whether in business, industrial or residential land.

Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street or Service Road)

VICINITY MAP A drawing located on the plat which sets forth by dimension or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City of Broken Bow, in order to better locate and orient the area in question.

WALKWAY See sidewalk.

ZONE OR DISTRICT A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land, and open spaces about buildings, are established.

SECTION 6. SEVERABILITY

Should any section or provision of this Article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 7. PROCEDURES

7.1 Plat Submission Requirements

The sub divider shall submit to the City Clerk eleven (11) copies of the preliminary plat and supplemental material specified, with written application for conditional approval, at least ten (10) days prior to regular meeting of the Broken Bow Planning Commission at which the request will be heard.

7.2 Fees

Fees are set by the Broken Bow City Council

7.3 Scale and Preliminary Plat Contents

Preliminary plats shall be a scale of one (1") inch to one hundred (100') feet, or 1"=200' if 75% of the lots are one (1) acre or larger, and shall be prepared with the following information:

- A. Name, location, acreage, owner and designer of subdivision with legal description as shown by land records
- B. Present zoning
- C. Date, north point and graphic scale
- D. Location of property lines, road, existing utilities with size of lines, and other underground installations and easement

- E. Names of adjoining properties or subdivisions
- F. Proposed utility system, including water, sewer and paving.
- G. Dimensions, lot lines, except that in industrial type subdivisions, lot lines may be excluded
- H. Location and design of proposed drainage
- I. Contours at five (5') feet intervals at 1"=200' scale
- J. Proposed improvements and grading concepts
- K. Location of existing buildings
- L. Proposed easements, dedications and reservations of land required
- M. That all streets and type of streets, and sidewalks if they are to be installed be included on the preliminary plat contents

7.4 Restricted Covenants

Sub divider shall indicate by a letter when improvements as required will be provided; any proposed restrictive covenants for the land involved shall accompany the letter.

7.5 Notification of County Planning Commission

The City shall notify the Custer County Planning Commission of any proposed subdivision plat and provide the Commission with all available materials on the proposed plat, when such proposed plat lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by that Municipality in such County. The Commission shall be given four (4) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period shall run concurrently with subdivision review activities of the City after the Commission receives all available material for a proposed subdivision plat.

7.6 Notification of School Board

At least ten (10) days prior to the Broken Bow Planning Commission meeting at which the preliminary plat is to be considered for approval, the Planning Commission shall submit a copy of the proposal to the School Board of each School District which the proposed development affects, and shall notify the School Board of the meeting date. Copies of the plat may be submitted to any other agency which may be affected.

7.7 Approval or Rejection

After review of the preliminary plat and negotiations with the sub divider, the Broken Bow Planning Commission shall reject or conditionally approve the preliminary plat, within thirty (30) days after the official meeting at which the plat was considered.

7.8 Recording of Action

The action of the Broken Bow Planning Commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub divider, one (1) copy relayed to the City Council and one (1) copy retained by the Planning Commission.

7.9 Approval is Conditional

Approval of a preliminary plat shall not constitute approval of the final plat; it shall be deemed an expression of approval or conditional approval of the submitted plat, as a guide following the preparation of the final plat, which will be subject to further consideration by the Broken Bow Planning Commission and the Broken Bow City Council. Any conditional approval of the preliminary plat shall be effective for a period of one (1) year unless an extension is granted by the Planning Commission.

7.10 Installation of Improvements for Final Plat Approval

Following approval of the preliminary plat, the sub divider shall:

1. Agree to install the required improvements or;
2. Sign an agreement, which shall be entered into only at the option of the City, thereby guaranteeing the installation of improvements; or
3. Furnish a bond or enter into an escrow or security agreement approved by the City Attorney in an amount sufficient to guarantee the installation of the required improvements.

7.11 Final Plat Submission Requirements

Final plats, showing entire concept, shall be submitted to the City Clerk within one (1) year of approval of the preliminary plat, unless an extension is granted by the Planning Commission. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and State statutes; and, if desired by the sub divider, it may constitute only that portion of the approved preliminary plat which the sub divider proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.

7.12 Scale and Final Plat Contents

One (1) original and two (2) mylar copies of the final plat and other exhibits required for approval shall be submitted. The final plat shall be drawn in ink on mylar and shall be at a scale of one (1") to one hundred (100') feet or larger. The final plat shall show the following:

- A. Date, title, name and location of subdivision
- B. Streets and street names, sidewalks (if they are to be included), lots, setback lines, lot numbers, etc., except that in industrial type subdivision lot designation may be excluded
- C. Graphic scale and north arrow
- D. Monuments (ferrous) 1" diameter, maximum, 30" length minimum
- E. Dimensions, angles and bearings, and complete legal description of the property
- F. Sufficient survey data to reproduce any line on the ground
- G. Names of adjoining subdivisions
- H. Location and dimensions of any easements
- I. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same

- J. Certification by surveyor as to accuracy of survey and plat
- K. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted
- L. Certification recording the approval by the Planning Commission
- M. Certification recording the approval by the City Council and the acceptance of any dedications

7.13 Supplementary Data Required

The final plat shall be accompanied by:

- A. Construction plans of all required public improvements, approved by an Engineer.

7.14 Professional Assistance

The City Council or the Planning Commission may request such professional assistance as it deems necessary to properly evaluate the plats submitted.

7.15 Planning Commission Recommendations

The Planning Commission shall reject or approve the final plat and have prepared a recommendation to the City Council recommending rejection or approval. All reason for recommending rejection shall be clearly stated. Notification of approval or rejection by the Planning Commission or City Council shall be given the sub divider within sixty (60) days after submission of the final plat to the Planning Commission.

7.16 Administrative Subdivision

In the event that a proposed subdivision does not involve the platting and dedication of streets, extension of utility systems, change in subdivision class and type, change in zoning district, change in surface drainage, and will not result in the creation of more than three (3) lots of record, the sub divider may apply for administrative subdivision under the provisions of this section. The utilization of the administrative subdivision does not relieve the sub divider of its obligation to comply with Section 8: Streets, Alleys, Sidewalks and Driveways; and Section 9: Utility and Drainage Facilities of the Subdivision Regulations. The necessity of establishing and dedicating easements for utilities shall not bar the utilization of the administrative subdivision. An application for an Administrative Subdivision may be approved under the following procedure:

1. The applicant shall submit an application on a form established by the Zoning Administrator. The application shall be accompanied by a plat of all lots and parcels that are affected by the action prepared by a licensed surveyor showing the previous and proposed new boundaries; provided that a plat prepared by a licensed surveyor shall not be required wherein a portion of one platted lot is added to a portion or all of an adjacent lot or where one platted lot is divided into two (2) parts. The plat shall contain the following:
 - a. Date, title, name, and location of the subdivision
 - b. Names and locations of abutting streets and lots identifying street names and lot and block numbers
 - c. Identification of the new lot and block numbers and set back lines

- d. Graphic scale and true north point
 - e. Monuments
 - f. Dimensions, angles and bearings and complete legal description of the property
 - g. Sufficient engineering data to reproduce any line on the ground
 - h. Location, dimensions, and purposes of any existing easements and structures
 - i. Certification by surveyor or engineer certifying to the accuracy of the survey and plat
 - j. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted
2. If a plat is not required under this section, a plot plan shall be submitted with the application and shall contain the following
 - a. Names and locations of abutting streets and lots identifying street names and lot and block numbers
 - b. Identification of the new lot and block numbers and set back lines
 - c. Graphic scale and true north point
 - d. Monuments
 - e. Dimensions, angles and bearings and complete legal description of the property
 - f. Location, dimensions and purposes of any existing easements and structures
3. The Zoning Administrator shall collect a fee, the amount of which shall be determined by the City Council by resolution.
4. Following the submission of the application, the Zoning Administrator shall review each application according to the following criteria:
 - a. Compliance with the zoning and subdivision regulations and the conditions set forth above
 - b. Consistency with the Comprehensive Plan of the City of Broken Bow
 - c. Potential adverse environmental effects on neighboring properties
5. Following such review, the Zoning Administrator shall refer the application for approval in the following order: City Engineer, Public Works Superintendent, Chairperson of the Planning Commission, and Mayor. If any party rejects the administrative subdivision, approval of such subdivision is denied. Approval shall be denoted by a signed certificate of approval which must be filed along the plat or plot plan with the Register of Deeds of Custer County.
6. In the case of a denial, the proposed subdivision may proceed through the appropriate review and action for a typical subdivision approval process.
7. Following approval of the Administrative Subdivision, the sub divider must file the plat or plot plan and certificate of approval with the Register of Deeds of Custer County. If the certificate of approval and the approved plat or plot plan are not filed with the Register of Deeds of Custer County within 90 days of approval shall be null and void.

8. The Building Official shall keep a complete and accurate record of all administrative subdivision approvals.

SECTION 8. STREETS, ALLEYS, SIDEWALKS, DRIVEWAYS

8.1 Streets

The arrangements, character, extent, width, grade and location of all streets shall conform to the comprehensive development plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

8.2 Street Extension

The street layout of the proposed subdivision shall provide for the continuation of appropriate projection of streets and alleys already existing in areas being subdivided. Where, at the determination of the City Council, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the City Council deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least sixty (60') feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

8.3 Dedication of Right-of-Way for New Streets

The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive development plan. All streets classified as arterial streets by the comprehensive development plan shall have all points of access approved by the City Council. Marginal access streets may be required by the City Council for subdivisions fronting on arterial streets.

8.4 Dedication of Right-of-Way for Existing Streets

Subdivision platted along existing streets shall dedicate additional right-of-way if necessary to meet the minimum street width requirements set forth in the Article. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one (1) side of an existing street, one half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

8.5 Intersections

Streets shall intersect as nearly as possible at an angle of 90 degrees, and no intersection shall be at any angle of less than 60 degrees. Street curb intersections shall be rounded by radii or at least twenty (20') feet. When the smallest angle of street intersection is less than 75 degrees, the City Council may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to either a collector or a minor street shall have a service drive, curb cut, or other means of access to an arterial street within fifty (50') feet of

the right-of-way of any street which intersects such arterial street on the side on which such lot or parcel is located.

8.6 Width, Grades and Sight Distance Requirements

Right-of-way widths, pavements widths, grades and sight distance requirements shall be as follows:

TYPE	R.O.W.	PAVEMENT	GRADE	MINIMUM SIGHT DISTANCE ON CURVES
Arterial Street	*100'	53'	4%	400'
Marginal Access Streets	60'	26'	10%	300'
Collector Streets	*70'	41'	10%	300'
Local Streets	60'	31'	10 % Av	300'
Alleys	16'	12' Residential 16' Commercial	No max No max	None
Cul-de-sac Streets	60'	40'	10 % Av	200'

*Streets in these classifications shall be designed and graded to the full right-of-way widths stated

The horizontal alignment on all streets except in unusual cases as determined by the Broken Bow Planning Commission shall be as follows:

STREET TYPE	RADII OF HORIZONTAL CURVES
Arterial Streets	700' Minimum (500')
Collector Streets	300' Minimum (500')
Local Streets	100' Minimum (500')

8.7 Marginal Access Streets

Where a subdivision abuts or contains an existing or proposed arterial street, the City of Broken Bow may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway or which traffic volumes and vehicular speeds warrant special safety considerations, the City may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

Where a subdivision borders on or contains a railway right-of-way or limited access highway right-of-way, the City may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

8.8 Street Jogs

Street jogs with center line offsets of less than one hundred twenty-five (125') feet shall be prohibited. Cul-de-sacs, minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than five hundred (500') feet and shall be provided at the closed end with a turnaround having a radius at the outside of the right-of-way of at least sixty (60') feet.

8.9 Street Names

Proposed streets which are in alignment with other already existing and names streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway or similar suffix. Whenever a street alignment changes direction more than 45 degrees without a return to the original alignment within a distance of five hundred (500') feet, then the name of the street shall be changed at the point of curvature. Whenever a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac. To avoid duplication and confusion, the proposed names of all streets shall be approved by the designated City Engineer prior to such names being assigned or used.

8.10 Private Streets and Reserve Strips

There shall be no private streets platted within a subdivision. There shall be no reserve strips in a subdivision except where their control is definitely vested in the City of County under conditions approved by the Council as authorized herein.

8.11 Grading Specifications

All streets, roads and alleys shall be graded to their full widths by the sub divider, so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The sub grade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross-section and grades. In cuts and fills, all tree stumps, boulders, organic material, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least two (2') feet below the graded surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it not become incorporated in fill or hinder proper operation of the drainage system.

8.12 Minimum Pavement Widths

Pavement widths shall be measured between curb backs.

8.13 Street Surfacing

The Streets in the proposed subdivision shall have at least crushed rock or gravel surface and road bed which meets the specifications of the City Engineer (concrete paving, curbs, and gutters may be installed at the option of the developer or, shall be installed in the event the City approves the installation of said improvements pursuant to §11.4 and 11.6(2).)

8.14 Curb and Gutter

If the street surface is of concrete, as provided in §8.13, then the curb and gutter shall be provided as required by the City Engineer. All curb and gutter shall be constructed in conformance with the minimum standards of the City as approved by the City Engineer.

8.15 Blocks

Except in unusual circumstances, the maximum length of blocks shall be 1,320 feet.

8.16 Street Name Signs

Street name signs, of a type in use throughout the City of Broken Bow, shall be erected by the sub divider at all intersections.

8.17 Alleys

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. Minimum width of alley shall be twenty (20') feet. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the Broken Bow City Council. Alleys need not be provided in residential areas where the sub divider produces evidence of easements which are satisfactory to the City Council.

8.18 Sidewalks

If sidewalks are designed in the preliminary plat, the developer is not required to install sidewalks prior to approval of the final plat. Sidewalks shall be installed as prescribed by the City if the City approves the installation pursuant to §11.4 and 11.6(2).

8.19 Driveways

Driveways shall have a maximum grade of ten (10%) percent. Driveways and curb cuts shall be located not less than three (3') feet from the side lot lines. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3') feet wider than the driveway pavement on each side.

8.20 Street and Walkway Lighting

The street lights shall may be installed by the City of Broken Bow. Such lights shall be located at each street and walkway entrance to the subdivision. In addition, whenever the distance between two (2) adjacent street or walkway lights would exceed three hundred (300') feet, then additional street lights shall be installed in such manner that proper light intensity shall be provided and maintained. New subdivision street and walkway lighting may be installed with all associated wiring underground or overhead, at the option of the developer.

SECTION 9. UTILITY AND DRAINAGE FACILITIES

9.1 Sewer and Water

The owner or developer of the tract to the subdivision may (but is not required to) install satisfactory sewer and water lines which are necessary to serve such subdivision. If sewer and water lines are not installed, they shall be designed (design to be approved by the City Engineer) and easements provided for in the plat. If sewer and water lines are to be installed, installation of the same shall be in accordance with the specifications of the City and under the direction and supervision of the Broken Bow City Engineer. Where adequate water and sewer lines are accessible within thirteen hundred twenty (1,320) feet of the final plant, connections to those lines shall be made. Water lines shall be looped according to the specifications set by the City Engineer.

The cost of providing this engineering service will be the responsibility of the owner or developer of the tract to be subdivided or by other agreement with the City. Design of municipal water mains and sanitary sewer lines shall conform to standards and guidelines approved by the Broken Bow City Engineer.

9.2 Sanitary Sewer Improvements

The following requirements shall govern sanitary sewer improvements:

1. Where an adequate public sanitary sewer system is reasonably accessible in the determination of the Broken Bow City Council, public sanitary sewers may (at developer's discretion) be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the City standards and the Nebraska Department of Environmental Quality and the Department of Health and Human Services System. Combinations of sanitary sewers and storm sewers shall be prohibited.
2. Where a public sanitary sewer system is not reasonably accessible, the sub divider may provide:
 - a. A central treatment plant, provided that such central treatment plant is installed in accordance with the City and State Department of Environmental Quality and Department of Health and Human Services System requirements, or
 - b. Lots may be served by individual disposal systems, if the provisions of the following section are met.
3.
 - a. Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the City and the Nebraska Department of Environmental Quality and Department of Health and Human Services System.
 - b. Each lot so served shall be of a size and shape to accommodate the necessary length of tile field at a safe distance from and at a lower elevation than the proposed buildings. Such lot size and shape shall conform to the requirements of the zoning district in which they are located, provided that in no case shall said minimum lot be less than one (1) acre in area where there is a public water supply available at the lot, and two and a half (2 ½) acres where there is not public water supply available.

c. At least on (1) percolation test shall be made for each lot area being platted, and each test shall be located in close proximity to the proposed individual sewage disposal unit, be numbered and its location shown on the preliminary plat. All percolation tests shall be performed in accordance with the requirements of the Broken Bow City Council.

9.3 Drainage Improvements

A adequate system for the drainage of all surface water within the area being subdivided, including ditches, pipes, culverts, intersectional drains, drop inlets, bridges and other structures, shall be constructed by the developer. Such drains shall comply as to size with such requirements, conformable to good engineering practice, as the Broken Bow City Engineer shall prescribe.

A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Broken Bow City Engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning ordinance.

The City Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development or the subdivision will overload an existing downstream drainage facility or flood existing development upstream, the Broken Bow Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in such sum as the Planning Commission shall determine. No subdivision shall be approved unless adequate drainage shall be provided to an adequate drainage watercourse or facility.

Subdivision proposals and other proposed new development be required to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and designed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards so as to assure that all building sites are reasonably safe from flood hazards.

Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot into areas not designed to handle flood waters. Lot drainage plans shall conform to the drainage study required for submittal approval.

9.4 Storm Sewers and Storm Water Drainage

Where an adequate public storm sewer system is available at the plat boundary, the City shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easement of adequate width shall be designed and approved by the City Engineer to provide for, as determined by the City Engineer and approved by the City Council. Paved gutters or storm sewer shall be required if velocities are greater than specified in these regulations or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

9.5 Culverts and Bridges

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the City of Broken Bow to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All culverts shall extend across the entire right-of-way width of the proposed street. The cover over the culvert and its capacity shall be determined by the City Engineer. The minimum diameter of a culvert pipe shall be eighteen (18") inches. Depending on existing drainage conditions, head walls may be required.
2. Driveway culverts shall have a minimum length of twenty (20') feet, and a minimum diameter of eighteen (18") inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

9.6 Solar Access

In order to promote the conservation of energy through the use of both passive and active solar systems, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.

In order to allow the orientations of structures on the site so as to maximize potential solar gain, side lot line should run as near to north-south as possible providing that the angle between the side of lot line and the street right-of-way line on a straight street or the tangent to a curved street shall not be less than 80 degrees.

Any property owner or developer may grant or establish a solar sky-space easement to protect solar energy systems from shade. The easements shall be created in writing and shall be recorded separately or should be contained on the face of the plat. The easements shall run with the land.

9.7 Erosion Control

The subdivision shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces on slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the City and the City Engineer.

9.8 Fire Protection

Fire hydrants shall be provided by the City in all subdivision with public water supplies. The hydrants shall be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corner of all blocks and mid-block for blocks exceeding eight hundred (800') feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400') feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the Fire Chief. The minimum size of any water line serving any hydrant shall not be less than six (6") inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the City Engineer and the Fire Chief.

9.9 Electric, Gas, and Telephone Improvements

1. Electric service and telephone service shall be designed and said design approved by the City Engineer within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be designed and said design approved by the City Engineer within the area prior to the approval of the final plat. Telephone, electric, street lighting, and communications conductors may be installed underground at the option of the City Council.
2. Overhead secondary utility lines, where installed shall be located at the rear of all lots.
3. Whenever a sanitary sewer line and electric and/or telephone line is each placed underground in the same utility easement, the following provisions shall be applicable:
 - a. the total easement width shall not be less than fifteen (15') feet, and
 - b. the sanitary sewer line shall be installed within three (3') feet of the easement, and the electric and/or telephone line shall be installed within three (3') feet of the opposite side of the easement.

SECTION 10. SHARED IMPROVEMENT COSTS

10.1 Extensions to Boundaries

The sub divider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the Broken Bow City Council.

10.2 Off-site Extensions

If street or utilities are not available at the boundary of a proposed subdivision, and if the Council finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a Municipal expense until some future time, the sub divider may be required, prior to the approval of the final plat, to obtain necessary easements or right-of-way and construct and pay for such extensions. Such improvements shall be available for connections by sub dividers of adjoining land.

SECTION 11. SUBDIVISION IMPROVEMENT PROCEDURE

11.0 Subdivision Improvements Guarantees

Prior to the final plat approval, but after approval of all improvement plans and specifications, the sub divider shall complete all improvements required for the subdivision. Final plat approval shall not be given until the dedication of all appropriate improvements and acceptance thereof by the City Council.

In lieu of requiring the completion of all improvements prior to the final plat approval, the City Council may enter into an agreement with the sub divider whereby the sub divider shall guarantee to complete all improvements required by this Ordinance and approved by the Planning Commission and City Council in a manner satisfactory to the City Council. To secure this agreement, the sub divider shall provide, subject to the approval of the City

Council, on (1) or more of the guarantees set forth in Section 802, 803 and 804. 11.1, 11.2, and 11.3.

11.1 Surety Performance Bond

The sub divider shall obtain a performance bond from a bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the City and shall be in an amount to cover one hundred ten (110%) percent of the cost of all requested improvements, as estimated by the sub divider and accepted by the City Council upon recommendations of the City Attorney and Engineer. The duration of the bond shall be until such time as the improvements are accepted by the City Council in accordance with Section 11.9 of this Ordinance.

11.2 Escrow Account

The sub divider shall deposit cash or other instrument readily convertible to cash at face value, either with the City Council or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the City Council. The amount of the deposit shall be an amount equal to one hundred ten (110%) percent of the estimated cost of all required improvements as estimated by the sub divider and accepted by the City Council upon recommendation of the City Engineer.

11.3 Security Agreement

The sub divider shall provide a Security Agreement guaranteeing the installation of all required improvements. The Security Agreement must be approved by the City Attorney and in an amount sufficient to guarantee the installation of all improvements.

In the case of an escrow account, the sub divider shall file with the City Council an agreement between the bank and himself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the sub divider as security in any other matter during that period.
2. That in the case of a default on the part of the sub divider to complete said improvements, the bank shall immediately make the funds of said account available to the City Council for use in completion of the improvements.

11.4 Improvement (Assessment) District

Because the original intent of such improvements in already built-up areas, and because the City should not assume the risk of real estate development which results if the lots are unable to be sold and the subdivider defaults on the assessment payments, the use of improvement districts in connections with new subdivision developments shall not be used as a method of financing such improvements. Only in specific cases where the subdivider illustrates through extensive market research will the City Council consider acceptances of an improvement district as a means of financing the necessary improvements and providing financial security to the City. That the City may use water and sewer, and paving districts, at the City's discretion, for the construction of a new subdivision.

11.5 Time Limits

Prior to the granting of final plat approval, the sub divider and the City Council shall agree upon a deadline for the completion of all required improvements. Such deadline shall not exceed two (2) years from the date of final plat approval, provided, however, the City Council may extend that deadline for one (1) additional year where the sub divider present substantial reason for doing so and provides an additional performance surety made necessary due to inflation or increased cost of completing the improvements.

11.6 Installation of Improvements

Developers may select either method or combination of methods listed below to comply with the minimum improvement requirements:

1. They may install the required improvements upon acceptance of plans and specifications being approved by City Engineer and City Council.
2. They may submit a petition or petitions requesting the City to construct street surfacing, sanitary sewer, and water mains in the proposed subdivision by the district method. In that event, the City will prepare plans and specification for all such improvements districts and shall assess the cost of such improvements to the adjacent property, as provided by law. The size of any street improvement district, sanitary sewer district, or water main district, shall be determined by the City Council and the construction of any such district shall be subject to the City's ability to finance any of the improvements.

11.7 Plan Review Reimbursement

The sub divider or Sanitary and Improvements District shall reimburse the City such costs incurred by the City for Plan Review, Plan Check, and Plan Approval as to conformance with approved City Standards and Specifications, but such costs shall not exceed 1% of the total contracted cost for improvements in the subdivision.

11.8 Failure to Complete Improvements

If any portion of the required improvements shall fail to be completed and accepted for dedication in compliance with Section 11.9 below within the required time period, either for reason of non-completion or for reason of substandard and unacceptable construction, the City Council shall accept one (1) of the following sections:

1. Where improvements have been guaranteed under Section 11.1 of this Ordinance, the bond shall be forfeited for the City.
2. Where improvements have been guaranteed under Section 11.2 of this Ordinance, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited. Where the City Council is not already in possession of said security, it shall immediately take the actions necessary to obtain it. Upon receipt of the security, the City Council shall use such to finance the completion of the improvements or rebuilding of substandard improvements. Unused portions of the surety shall be returned to the sub divider without interest.

11.9 Inspection and Certification

The City Engineer or other authorized person shall regularly inspect construction of required improvements for defects. Upon completion of the improvements, the City Engineer or other authorized person shall file with the City Council a statement either certifying that the

improvements have been completed in the specified manner or listing defects in those improvements which do not meet the requirements of the approved improvement plans and specifications.

Upon completion of the improvements, the sub divider shall file with the City Council a statement stipulation the following:

1. That all required improvements are complete.
2. That these improvements are in compliance with the minimum standards specified by the Planning Commission and City Council.
3. That the sub divider know of no defects from any cause in the improvements.
4. That these improvements are free and clear of any encumbrance or lien.

If the City Engineer or other authorized person has certified that the improvements are complete and free from defect, the City Council shall accept any dedication of improvements. The City Council may, at its discretion, accept the dedication of any portion of the improvements provided that all statements and agreements specified above have been received for that portion of the improvements.

11.10 Reduction of Guarantees

In those cases where improvement guaranteed have been made under Section 11.1 or 11.2 of this Ordinance, the amount of the guarantee may be reduced upon acceptance in compliance with Section 11.9 of the dedication of a portion of the improvements.

11.11 Release of Guarantees

Upon acceptance, in accordance with Section 8.10 of this Ordinance, the City Council shall authorize the release of the performance bond or the remaining portion of the escrow.

SECTION 12. DEDICATION OF PUBLIC LAND

12.1 Dedication

1. At the time of the final plat approval by the City Council, the owners shall be required to dedicate to the public use all streets, alleys, easements, and buffer strips as required by the City Council and these Regulations. Acceptance of dedicated land shall be recorded in the minutes of the City Council.
2. Sub dividers of “Commercial” type subdivisions may be required to dedicate land for off-street parking as determined necessary by the City Council.

SECTION 13. ANNEXATION AND RECORDING OF PLAT

13.1 Subdivision Annexation of Adjoining or Contiguous Properties

All subdivisions or additions laid out adjoining or contiguous to the corporate limits shall be included within the same and become a part of the municipality for all purposes whatsoever, upon approval of and acceptance by Resolution of the City Council. (Ref §§ 19-916)

13.2 Subdivision Annexation: Petition for Annexation

Any subdivision in which there are lands dedicated to the City or any subdivision serviced by public utilities shall be annexed to the City. Before approval for the final plat is given, the

Municipal Body shall receive a Petition for annexation from the owners of the subdivided properties.

13.3 Subdivision Annexation: Adoption Plan by Resolution

The City Council desiring to annex land under the authority of this section shall first adopt both a resolution stating that the City is considering the annexation of the land and a plan for extending City services to the land. The resolution shall state:

1. The time, date and location of the public hearing required below;
2. A description of the boundaries of the land proposed for annexation; and
3. That the plan for the City for extension of City services to the land proposed for annexation is available for inspection during regular business hours in the office of the City Clerk.

The plan adopted by the City council shall contain sufficient detail to provide reasonable persons with a full and complete understanding of the intentions of the City for extending City services to the land proposed for annexations. The plan shall:

1. State the estimated cost impact of providing the services to such land.
2. State the method by which the City plans to finance the extension of services to the land and how any services already provided to the land will be maintained.
3. Include a timetable for extending service to the land proposed for annexation, and
4. Include a map drawn to scale clearly delineating the land proposed for annexation, the current boundaries of the City, the proposed boundaries of the City after annexation and the general land-use pattern in the land proposed for annexation.

A public hearing on the proposed annexation shall be held within sixty days following the adoption of the resolution to allow the City Council to receive testimony from interested persons. The City Council may recess the hearing, for good cause, to a time a date specified at the hearing.

A copy of the resolution providing for the public hearing shall be published in the official newspaper of the City at least once not less than ten days preceding the date of the public hearing. A map drawn to scale delineating the land proposed for annexation shall be published with the resolution. A copy of the resolution providing for the public hearing shall be sent by first-class mail, following its passage, to the school board of any school district in the land proposed for annexation.

SECTION 14. VARIANCES

14.1 Granting of Variances: Conditions

The Broken Bow City Council may grant variances from the provisions herein, but only after determining that:

1. There are unique circumstances or conditions affecting the property,
2. The variance is necessary for the reasonable and acceptable development of the property in question,

3. The granting of the variance will not be detrimental to the public welfare or injurious to the adjacent property.

14.2 Recording of Plat

In no case shall the requirement of filing and recording a plat for subdivision be waived.

14.3 Planned Development

The Council may also grant reasonable variances, if the sub divider concurrently submits an application for, and obtains approval of, a planned development. The sub divider shall indicate where the plans vary from the requirements of this Article and shall present sufficient evidence to support the request, indicating why the request will not be detrimental to the public health, safety and welfare.

SECTION 15. WAIVER FOR SMALL SUBDIVISIONS

The sub divider may make application for, and the Council may grant, a waiver of some or all of the requirements provided for herein for small residential, commercial and industrial subdivisions where the following conditions exist:

1. The subdivision contains no more than four (4) lots, which total area of said lots shall not exceed one half (1/2) acre each, and conform to existing zoning ordinances,
2. All lots of the proposed subdivisions shall be platted on existing streets,
3. Surfaces of all streets serving the subdivision meet, or exceed, street surface standards of the City,
4. Public water, sanitary sewer, storm sewer system facilities are available to all lots in the subdivision,
5. The development of the subdivision will not increase erosion or flooding potential, and
6. The sub divider demonstrates to the Council that said development is in conformity with the potential development of abutting property. A sub divider requesting a waiver hereunder shall submit said request in writing to the Council prior to the submission of a preliminary plat. The request for waiver shall include a list of all requirements for which a waiver is sought by reference to code numbers and descriptive headings.

SECTION 16. PUBLIC SITES AND OPEN SPACES

16.1 Recreation Standards

The Broken Bow Planning Commission may require that land be dedicated for parks and playgrounds or other recreation purposes. Such areas shall be shown and marked on both the preliminary and final plat, as "Dedicated for Park and/or Recreation Purpose." The developer shall dedicate all such recreation areas to the City of Broken Bow as a condition of final subdivision plat approval. The Commission may require that the recreation area be located at a suitable place on the edge of the subdivision so that additional land may be added at such time as the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area.

16.2 Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes and shall be improved by the developer to the standards required by the Planning Commission, which improvements that be included in the performance bond. A recreation site shall have a total frontage on one (1) or more streets of at least one hundred feet (100'), and no other dimension of the site shall be less than one hundred feet (100') unless it is for a designated linear park. The Planning Commission may refer any subdivision proposed to contain a dedicated park to the Broken Bow Park Board for a recommendation. All land to be reserved for dedication to the City of Broken Bow for park purposes shall have prior approval of the City Council and shall be shown marked on the plat "Dedicated for Park."

SECTION 17. AMENDMENTS

Any provision herein from time to time may be amended, supplemented, changed, modified or repealed by the Governing Body according to law; Provided, however, that such amendments, supplements, changes, modifications or repealed provisions shall not become effective until after study and report and recommendations of the Planning Commission.