

**ZONING REGULATIONS  
2014**

**CITY OF IMPERIAL, NEBRASKA**  
Project No. 159-G1-018

Prepared By:



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**ARTICLE 1**

**TITLE**

**SECTION 101. TITLE.** These regulations, including the zoning district maps made a part hereof, shall be known, and may be cited and referred to as the Imperial Zoning Ordinance.

**ARTICLE 2**  
**PURPOSE AND INTENT**

**SECTION 201. PURPOSE AND INTENT.** This zoning ordinance, adopted pursuant to the provisions of Chapter 19 of the Nebraska State Statutes, is intended to serve the following purposes:

- A. To promote the health, safety, morals, comfort and general welfare of the City; and
- B. To preserve and protect property values throughout the City; and
- C. To restrict and regulate the height, number of stories, and size of, buildings; the percentage of lot coverage; the size of yards, courts and other open spaces; the density of population; and
- D. To divide the City and its extraterritorial jurisdiction into zones and districts; and
- E. To regulate and restrict the location and use of buildings and land within each district or zone.

**ARTICLE 3**  
**GENERAL PROVISIONS**

**SECTION 301. JURISDICTIONAL AREA.** The Provisions of these regulations shall apply to all structures and land in the incorporated area of Imperial, Nebraska; and that portion of the unincorporated area within one (1) mile of the corporate limits of Imperial as shown on the Official Zoning Maps.

- A. The jurisdictional area shall be shown on the Official Zoning District Map and filed in the office of the City Clerk.
- B. All land which may hereafter be annexed to the City of Imperial shall be classified as "R-1" Residential District unless otherwise changed by ordinance.
- C. All land in the unincorporated area which may hereafter fall under the jurisdiction of the City of Imperial because of an increase in the jurisdictional area shall be classified as "A-1" Agricultural District unless otherwise changed by ordinance.

**SECTION 302. ESTABLISHMENT OF DISTRICTS.** The jurisdictional area is hereby divided into eleven (11) zoning districts which are designated as follows:

- "A-1" Agricultural District
- "R-1" Single-Family and Two-Family Residential District
- "LLR" Large Lot Residential District
- "R-2" Multi-Family Residential District
- "M-P" Mobile Home Park District
- "M-S" Mobile Home Subdivision District
- "C-1" Highway Business District
- "C-2" Central Business District
- "C-O" Office District
- "I-1" Light Industrial District
- "I-2" Heavy Industrial District

**SECTION 303. ZONING DISTRICTS MAPS.** The boundaries of the districts are shown on the Official Zoning District Maps which are filed in the office of the City Clerk. Said zoning maps, with all notations, references, and other information shown thereon, are as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein.

**SECTION 304. RULES WHERE UNCERTAINTY MAY ARISE.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Maps, incorporated herein, the following rules apply:

- A. The district boundaries are the centerlines of streets, alleys, and waterways, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the

location of streets, alleys, or waterways, the centerline of such streets, alleys, or waterways shall be construed to be the boundary line of such district.

- B. Where the district boundaries do not coincide with the location of streets or alleys, waterways, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- C. Where the district boundaries do not coincide with the location of streets, alleys, waterways, or lot-lines, the district boundaries shall be determined by the use of the scale shown on the zoning map.

**SECTION 305. EXEMPTIONS.** The following structures and uses shall: be exempt from the provisions of these regulations:

- A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or public utility but not including substations located on or above the surface of the ground.
- B. Retaining walls.
- C. Public signs.

**SECTION 306. APPLICATION OF REGULATIONS.** The following general requirements shall apply to all zoning districts:

- A. No building, structure, or land shall hereafter be used or occupied in whole or in part, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.

**ARTICLE 4**  
**RULES, INTERPRETATION, AND DEFINITIONS**

**SECTION 401. RULES.**

- A. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
1. Words used in the present tense shall include the future tense.
  2. Words used in singular include plural, and words in plural include singular, unless the context clearly indicates the contrary.
  3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
  4. The words "shall" and "must" are mandatory.
  5. The word "may" is permissive.
  6. The word "person" included individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  7. The word "Board" means the Board of Adjustments appointed by the City Council of the City of Imperial, Nebraska.
  8. The word "Ordinance" means this Zoning document.
  9. The word "Council" means the City Council of the City of Imperial, Nebraska.
  10. The words "Governing Body" means the City Council of the City of Imperial, Nebraska.
  11. The "Commission" means the Planning Commission appointed by the City Council of the City of Imperial, Nebraska.
  12. A "building" includes a "structure" and a building or structure includes any part thereof.
  13. "Used" or "occupied" as applied to any land or building shall be constructed to include the words "intended, changed or designed to be used or occupied."
  14. The word "County" means all unincorporated areas throughout Chase County, Nebraska.
  15. The word "jurisdiction" means the authority of the City within which the City of Imperial is authorized by Nebraska Revised Statute 17-1001 to enforce this Ordinance.
  16. Unless otherwise specified, all distances shall be measured horizontally.
  17. The word "City" means City of Imperial, Nebraska
  18. The abbreviation N/A means not applicable.
- B. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

**SECTION 402. INTERPRETATION.**

- A. Minimum Requirements. In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
  
- B. Overlapping or Contradictory Regulations. Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or any provision or any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern unless specifically excepted.
  
- C. Private Agreements. These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards of requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
  
- D. Unlawful Uses. The adoption of these regulations shall not be interpreted as retroactively legalizing a use or structure which was illegal under previous law.

**SECTION 403. SEPARABILITY.** It is hereby declared to be the intention of the City that the provisions of these regulations are separable, in accordance with the following rules:

- A. If any court or competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
  
- B. If any court or competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

**SECTION 404. DEFINITIONS.** For the purpose of this Zoning Regulations, certain terms of words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

**404.1. Abutting.** Having lot lines or district boundaries in common. Use interchangeably with adjacent.

**404.2. Accessory Building.** A subordinate building which serves a function customarily incidental to that of the main building. Customary accessory buildings include but are not limited to garages, carports, and small storage sheds.

- 404.3. Accessory Use.** A subordinate use which serves an incidental function to that of the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbeque ovens, solar panels, dish antennas, and fireplaces.
- 404.4. Addition.** Any construction which increases the size of the building or structure in terms of site coverage, height, length, width, or gross floor area.
- 404.5. Alley.** A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, and has a right-of-way which is 20 feet in width.
- 404.6. Alteration.** Alteration, as applied to a building or structure, is any construction or physical change or rearrangement in the structure parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.
- 404.7. Animal Unit.** The relationship of various animals with regard to manure production based upon one thousand pounds of animal(s) regardless of type. For purposes of this Resolution, the following relationship with regard to manure production shall be as follows:

<u>TYPE OF ANIMAL</u>	<u>ANIMAL UNIT(S)</u>
Beef Animal (500 pounds or heavier)	1.00
Beef or Dairy Calf (150-500 pounds)	0.50
Young Dairy Stock (500-1,000 pounds)	0.75
Replacement Heifers	1.00
Dairy Cow	1.20
Horse	1.00
Swine (55 pounds or heavier)	1.00
Swine (less than 55 pounds)	1.00
Swine (sow and litter)	1.00
Sow or Boar	1.00
Sheep	0.50
Chicken	0.50
Turkey	0.50
Ostrich	0.50

- 404.8. Animal Waste.** Any animal excrement, animal carcass, feed waste, animal waste water, or other waste associated with the care and feeding of animals.

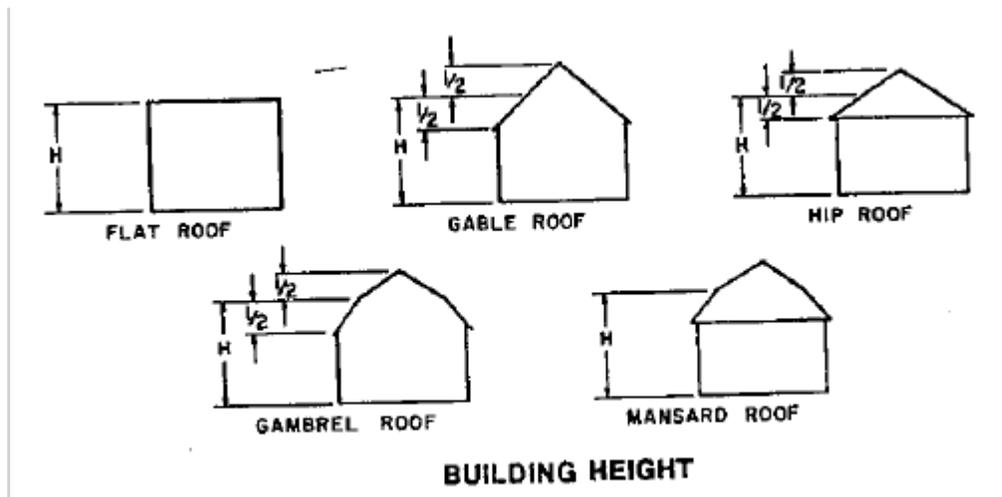
- 404.9. Apartment.** A dwelling unit, within a building, designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
- 404.10. Approving Authority.** The City Council of Imperial, Nebraska or its designee.
- 404.11. Attached.** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; façade wall extension; or archway.
- 404.12. Base Zoning District.** A district established by this Ordinance which prescribes basic regulations governing land use and site development standards. No more than one (1) Base Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
- 404.13. Basement.** That portion of a building having more than one-half of its height below finished grade. This portion shall not be a completed structure, but shall serve as a substructure or foundation for the remainder of the building. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.
- 404.14. Block.** An area of land within a subdivision that is entirely bounded by streets, by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse, lake, railroad, or other significant natural or man-made barrier, and which has been designated as such on a plat for the purposes of legal description of a property.
- 404.15. Block Face.** The property abutting one (1) side of a street and lying between the two (2) nearest intersection streets, or between the one (1) nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Imperial.
- 404.16. Board of Adjustment.** That Board which has been created by the Governing Body to hear and determine appeals and variances to the Zoning Regulations.
- 404.17. Boarding or Lodging House.** A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.
- 404.18. Bufferyard.** A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

**404.19. Building.** Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.

**404.20. Building Coverage.** The area of a site covered by buildings or roofed area, excluding allowed projecting eaves, balconies, and similar features.

**404.21. Building Envelope.** The three (3) dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

**404.22. Building Height.** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.



**404.23. Building Line.** The outer boundary of a building established by the location of its exterior walls.

**404.24. Building Permit.** A document that must be issued by the City prior to erecting, constructing, enlarging, altering, moving, improving, removing, converting, or demolishing any building or structure on a platted lot or parcel.

**404.25. Business.** Activities that include the exchange or manufacture of goods or services on a site.

**404.26. Business Center.** A building containing more than one (1) commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.

- 404.27. Cargo Container.** Any container, box, transportation unit, or other container or any other container or box designed or used for the transportation of goods and material by sea, air or land; this definition shall be limited to containers manufactured without wheels, and not attached to a chassis and without an attached running gear or axles; containers or boxes on wheels, axles or otherwise not resting directly on the surface of the ground shall not be defined as a cargo container.
- 404.28. Cartway (or Road or Street Channel).** The actual surface area of a road used to accommodate motor vehicles, including moving traffic lanes, acceleration and deceleration lanes, and parking lanes. On a street with curbs, the cartway is measure from back to back of curbs. On streets without curbs, the cartway is measured between the outer edges of the pavement.
- 404.29. Cat.** Any feline species over three (3) months of age.
- 404.30. Centerline Offset.** The distance between the centerline of roads intersecting a common road from the same or opposite sides.
- 404.31. Certificate of Occupancy.** An official certificate issued by the City of Imperial, prior to occupancy of a completed building or structure, upon finding of conformance with the applicable building code and this Ordinance.
- 404.32. Change of Use.** The replacement of an existing use type by a new use type.
- 404.33. Child Care Center.** A facility which is or should be licensed by the Nebraska Department of Health and Human Services under the authority of Sections 71-1908 through 71-1918, Revised Statutes of Nebraska, as provided and defined under the Title 474 of the Nebraska Administrative Code, Chapter 6, Section 002.
- 404.34. Child Care Home.** A private home providing care (for children) for compensation which is or should be licensed by the Nebraska Department of Health and Human Services.
- 404.35. Commercial/Utility Wind Energy Systems (Large).** Shall mean a wind energy system of equal to or greater than 100 kW in total generating capacity.
- 404.36. Common Area.** An area held, designed, and designated for common or cooperative use within a development.
- 404.37. Common Open Space.** Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
- 404.38. Communication Tower.** Shall mean a structure for the transmission or broadcast of radio, television, radar, or microwaves.

- 404.39. Compatibility.** The degree to which two (2) or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
- 404.40. Comprehensive Plan.** The duly adopted Comprehensive Development Plan of the City of Imperial.
- 404.41. Conditional Use Permit.** An approval of a use with operating and/or physical characteristics different from those of permitted uses in a given zoning district which may, nonetheless, be compatible with those uses under special conditions and with adequate public review. Conditional uses are allowed in a zoning district only at the discretion of and with the explicit permission of the City Council.
- 404.42. Condominium.** A single dwelling unit under individual ownership within a two-family or multiple dwelling unit structure.
- 404.43. County.** Chase County, Nebraska.
- 404.44. Cul-de-sac.** A local street with only one (1) outlet and with an opposite end providing for the reversal of traffic.
- 404.45. Curb.** A vertical or sloping edge of a roadway, intended to define the edge of the cartway and to channel or control drainage.
- 404.46. Day Care Center.** A building or place where care, supervision, custody or control is provided for more than seven (7) unrelated children or adults for any part of a 24-hour day.
- 404.47. Day Care Home.** A residence or building in which care, supervision, custody or control is provided for seven (7) or less unrelated children or adults for any part of a 24-hour day. Babysitting service for seven (7) or less infants shall be considered a day care home.
- 404.48. District or Zone.** 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 herein established.
- 404.49. Dog.** Any canine species over three (3) months of age.
- 404.50. Dwelling.** Any building or portion thereof which is designed and used exclusively for residential purposes.
- 404.51. Dwelling. Single-Family.** A dwelling having accommodations for and occupied by one (1) family.

- 404.52. Dwelling, Single-Family Attached or Townhouse.** A portion of a dwelling having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of the other portions.
- 404.53. Dwelling, Two-Family.** A residential building containing two (2) dwelling units entirely surrounded by open space on the same lot.
- 404.54. Dwelling, Multi-Family.** A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.
- 404.55. Dwelling for-the Elderly and/or-Handicapped.** A two-family or multiple- family dwelling having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel Elderly residents are those people who are at least sixty two (62) years of age. Handicapped persons are those people having an impairment which is expected to be of long, continuous and indefinite duration and is a substantial limitation to their ability to live independently.
- 404.56. Dwelling Unit.** Consists of one or more rooms which are arranged, designed or used as a separate living quarters by a single family or other group of persons living together as a household or a person living alone. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".
- 404.57. Earth Sheltered Residence.** A residence designed as a complete structure below or partially below ground level, which was not intended to serve as a substructure or foundation for a building.
- 404.58. Easement.** A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one (1) owner to another owner, public or private agency, or utility.
- 404.59. Enclosed.** A roofed or covered space fully surrounded by walls.
- 404.60. Extraterritorial Jurisdiction (ETJ).** Based on Neb. Rev. Stat. 13-327; the governing body of any city of the first or second class may, by majority vote of its members, request that the county board formally cede and transfer to the city extraterritorial jurisdiction over land outside the area extending two miles from the corporate boundaries of a city of the first class and one mile from the corporate boundaries of a city of the second class. In making its request, the city shall describe the territory over which jurisdiction is being sought by metes and bounds or by reference to an official map.

- 404.61. Family.** One person or more than one person related by blood, marriage, adoption, or formal foster care arrangement, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.
- 404.62. Farm.** The use of a tract of land of twenty (20) acres or more for the growing of crops, pasturage, nursery, or the raising of poultry and livestock, including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, or persons employed thereon.
- 404.63. Fascia.** A parapet-type wall used as part of the façade of a flat-roofed building and projecting no more than six (6) feet from the immediately adjacent building face. Such wall shall enclose at least three (3) sides of the projecting flat roof and return to the parapet wall or the building.
- 404.64. Feed Lot, Commercial.** The land and process of confined feeding or holding of cattle, sheep, swine and poultry when not in conjunction with the raising of crops or when said livestock are owned by someone other than the farm owner or operator or a combination thereof.
- 404.65. Floor Area.** Shall mean the gross area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following area:
1. The basement floor area.
  2. The area of each floor of the structure.
  3. The attic space having headroom of seven (7) feet or more.
- 404.66. Frontage.** The length of a property line of any one premise abutting and parallel to a public street, private way, or court from which access is permitted.
- 404.67. Garage, Private.** A detached accessory building or a portion of the main building, used for the storage of motor vehicles.
- 404.68. Gasoline Service Station.** A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul.
- 404.69. Governing Body.** The City Council of Imperial, Nebraska.

**404.70. Grade.** The elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

1. For buildings having walls facing one (1) street only, the grade shall be the elevation of the ground at the center of the wall facing the street.
2. For buildings having walls facing more than one (1) street, the grade shall be the average elevation of the grades of all walls facing each street.
3. For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.

**404.71. Group Home.** A facility which houses more than five (5) but less than sixteen (16) 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.

**404.72. Height.** See Building Height

**404.73. Home Occupation.** An occupation or activity carried on within the dwelling by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

**404.74. Hotel or Motel.** A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

**404.75. Impervious Coverage.** 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.

**404.76. Inoperable Motor Vehicle.** A motor vehicle that is wrecked, dismantled, unable to move under its own power, is impounded by a governmental agency, or is not currently licensed.

**404.77. Institution.** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**404.78. Kennel.** Any premises upon which is located more than two (2) dogs over the age of three months or three (3) cats.

**404.79. Landscaped Area.** The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. **Perimeter Landscaped Area.** Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. **Interior Landscaped Area.** Any landscaped area within a site exclusive of required perimeter landscaping.

**404.80. Livestock.** Shall include cattle, sheep, horses, goats, swine, poultry, and other domestic animals ordinarily raised or used on the farm. Pursuant to the City of Imperial's Zoning Regulations, livestock are based on animal units as defined in this Ordinance. Livestock shall not be kept or raised in the following districts: R-1, R-2, M-P, M-S, C-1, C-2, or C-O.

**404.81. Livestock Confinement Facilities.** 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 180 days within any calendar year, beginning January 1".

**404.82. Loading Area.** An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.

**404.83. Lot, Corner.** A lot abutting upon two or more streets at their intersection.

**404.84. Lot, Depth of.** The mean horizontal distance between the front and rear lot lines.

**404.85. Lot, Double Frontage.** A lot having a frontage on two non-intersecting streets.

**404.86. Lot, Zoning.** A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel may be a tract or may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

**404.87. Lot, of Record.** A lot which is a part of a subdivision the plat of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds the description of which was recorded in the office of the Register of Deeds prior to the adoption of these regulations.

**404.88. Lot, Front.** The front lot-line of a zoning lot shall be that narrowest dimension abutting a street right-of-way. On corner lots which have two equal sides which abut on a street right-of-way, either side may be considered the front lot-line of the lot.

**404.89. Lot, Rear.** The rear of a lot shall be that side opposite the front of the lot.

**404.90. Manufactured Home.** 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 to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health and Human Service System.

**404.91. Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**404.92. Maximum Building Coverage.** This measures the percentage of a site that may be covered by the footprint of buildings. Thus, a twenty thousand (20,000) square foot building on a forty thousand (40,000) square foot site has a building coverage of fifty percent (50%). This is a method of regulating the scale of buildings in an area.

**404.93. Maximum Impervious Coverage.** This measures the percentage 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.

**404.94. Medical Office.** Use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists, or similar medical practitioners licenses for practice in the State of Nebraska.

**404.95. Mini Warehouse.** A building or group of buildings that contains varying sizes of individual, compartmentalized and controlled-access cubicles, stalls, bays or lockers for the dead storage of a customer's goods or wares.

**404.96. Mixed Use Building.** A building or structure that incorporates two (2) or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

**404.97. Mixed Use Development.** A single development which incorporates complementary land use types into a single development.

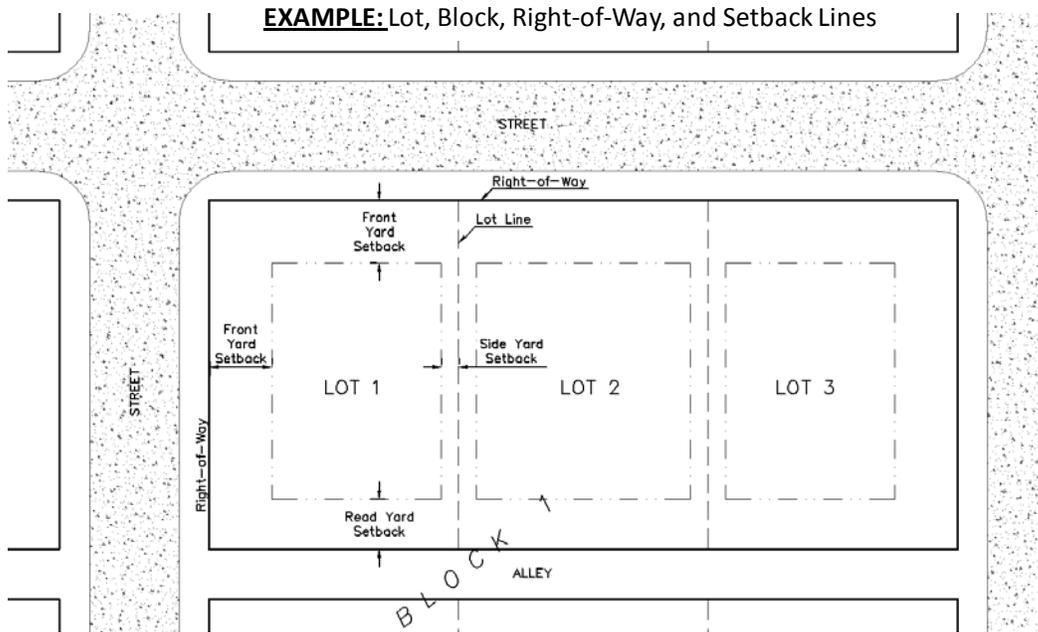
- 404.98. Mobile Home.** A building type designed to be transportable in one (1) or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Nebraska Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the U.S. Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
- 404.99. Mobile Home Park.** A unified development under single ownership, developed, subdivided, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
- 404.100. Mobile Home Space.** A plot of ground within a mobile home park which can accommodate one mobile home and which provides the necessary utility services for water, sewerage, and electricity.
- 404.101. Mobile Home Subdivision.** A development subdivided, planned, and improved for the placement of manufactured or mobile home units on permanent foundations on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.
- 404.102. Modular Home.** A manufactured housing unit governed by the International Residential Code, as defined in Section 71-1557 of the Nebraska Revised Statutes 1943, which bears the seal of the Nebraska Department of Health or its successor.
- 404.103. Non-Commercial Wind Energy Systems (Small).** Shall mean a wind energy system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce onsite consumption of utility power.
- 404.104. Nonconforming Development.** A building, structure, or improvement which does not comply with the regulations for its zoning district set forth by this Ordinance but which complied with applicable regulations at the time of construction.

- 404.105. Nonconforming Lot of Record.** A lot which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
- 404.106. Nonconforming Sign.** A sign that was legally erected prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this Ordinance.
- 404.107. Nonconforming Structure.** A structure which was lawful prior to adoption, revision, or amendment of this Ordinance, but does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located. No action can be taken which would increase the non-conforming characteristics of the structure.
- 404.108. Nonconforming Use.** An existing use of a structure or land which was lawful but now does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto. No action can be taken which would increase the non-conforming characteristics of the land use.
- 404.109. Nursing Homes or Convalescent Homes.** An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
- 404.110. Off Street Parking.** An area that is laid out for the purpose of parking motor vehicles of residents, customers, employees or visitors and is not located on public right-of-way. Off-street parking shall be considered as an accessory use to the principal use for which the parking is provided and shall be provided on the same site as the principal use and within the same zoning district. Off-street parking spaces shall not open directly on a public street but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.
- 404.111. Open Space.** Area included on any site or lot that is open and unobstructed to the sky, except for allowed projections of cornices, overhangs, process, balconies, or plant materials.
- 404.112. Outdoor Storage.** The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three (3) days.
- 404.113. Overlay District.** A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
- 404.114. Owner.** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

- 404.115. Parking Space.** A paved area for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of 8 feet 6 inches and a minimum length of 19 feet. In computing off-street parking, additional area shall be required for access drives to each parking space.
- 404.116. Paved.** Permanently surfaced with poured/placed concrete, concrete pavers, or asphalt.
- 404.117. Permitted Use.** A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Ordinance.
- 404.118. Planning Commission.** The Imperial Planning Commission.
- 404.119. Plat.** A document, usually a map or maps, expressing the designation or division of land into one (1) or more lots or parcels, any one (1) of which is ten (10) acres or less. Plats include preliminary and final plats.
- 1. Preliminary Plat.** A plat indicating the proposed layout of a development and related information, intended for the purpose of preliminary approval by approving authorities but not for filing with the appropriate County Register of Deeds.
  - 2. Final Plat.** The final map of the subdivision which is presented for Final Approval. The Final Plat contains detailed information and documentation and is designed to be filed with the appropriate County Register of Deeds.
- 404.120. Porch, Unenclosed.** A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty (30) inches above its floor other than wire screening and a roof with supporting structure.
- 404.121. Premises.** A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
- 404.122. Principal Use.** The main use of land or structures as distinguished from an accessory use.
- 404.123. Private Garage.** A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
- 404.124. Property Line.** The boundary between separate property ownerships, as recorded by the legal description of a parcel and defined by the appropriate County Register of Deeds. In subdivisions, property lines are usually but not in every case coincident with lot lines.

- 404.125. Recreational Vehicle.** A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
- 404.126. Regulation.** A specific requirement set forth by this Ordinance which must be followed.
- 404.127. Right-of-Way.** An area dedicated to the public use which provides vehicular and pedestrian access to adjacent properties.
- 404.128. Salvage or Junk Yard.** A building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling which shall include auto wrecking yards, but shall not include retail secondhand furniture stores.
- 404.129. Sanitary Sewer.** A sewer that conducts sanitary wastes from a point of origin to a treatment or disposal facility. In developing areas, sanitary sewers normally include interceptor, outfall, local, and lateral sewers.
1. **Interceptor.** A sanitary sewer that serves as a trunk, collecting sewage generated by a number of individual developments.
  2. **Outfall.** A sanitary sewer that may be developed to connect an individual subdivision or development to an interceptor sewer.
  3. **Local.** A pipe that connects lateral sewers to an outfall or interceptor sewer.
  4. **Lateral.** A private service line connecting buildings to local sewers.
- 404.130. Septic system.** An underground system, utilizing a watertight receptacle to receive the discharge of sewage and a soil absorption leach field, which provides for the decomposition of wastes produced by development on a single lot.
- 404.131. Screening.** The method by which a view of one (1) site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by landscape provisions.

**404.132. Setback.** The minimum required distance, measured from front, side, and rear property lines unless otherwise noted, which establishes the horizontal component(s) of the building envelope.



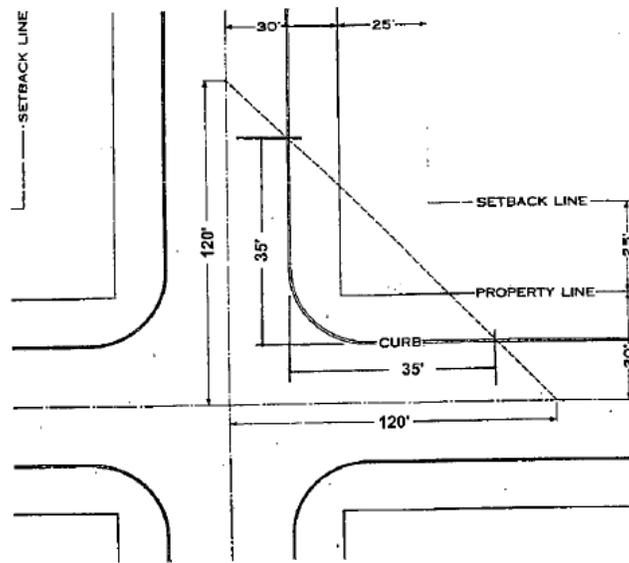
**404.133. Sidewalk.** A paved path provided for pedestrian use, usually located at the side of and detached from a road, but within the right-of-way.

**404.134. Sign.** Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of governmental notice or flag.

**404.135. Sight Triangle.** An area at a street intersection 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 2-1/2 feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, 35 feet in each direction from the curb line of the streets. At the intersection of major or arterial streets, the setback shall be 120 feet for each arterial leg of the intersection, measured from the centerline of the street.

**SIGHT TRIANGLE  
MINIMUM STANDARD**

**RESIDENTIAL & COLLECTOR STREETS**



**404.136. Site.** The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development.

**404.137. Site Plan.** A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land; and any other information that may be reasonably requested by the City in order that an informed decision can be made on the associated request.

**404.138. State.** The State of Nebraska.

**404.139. Storm Sewer.** A conduit which conducts storm drainage from a development or subdivision, ultimately to a drainageway or stream.

- 404.140. Story.** The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two (2) opposite, exterior walls are less than four (4) feet.
- 404.141. Street.** The traveled surface of a right-of-way.
- 404.142. Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.
- 404.143. Structural Alterations.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration.
1. Attachment of a new facade where structural supports are not changed.
  2. Addition of fire escapes where structural supports are not changed.
  3. New windows where lintels and support walls are not materially changed.
  4. Repair or replacement of non-structural members.
- 404.144. Subdivision.** The division of a lot, tract, or parcel into two (2) or more lots, tracts, parcels, or other units of land for title transfer or development, when one (1) of the resultant lots is equal to ten (10) acres or less.
- 404.145. Townhouse.** A dwelling unit having a common wall with or abutting one (1) or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit.
- 404.146. Townhouse Structure.** A building formed by at least two (2) and not more than twelve (12) contiguous townhouses with common or abutting walls.
- 404.147. Use.** The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
- 404.148. Utilities.** Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

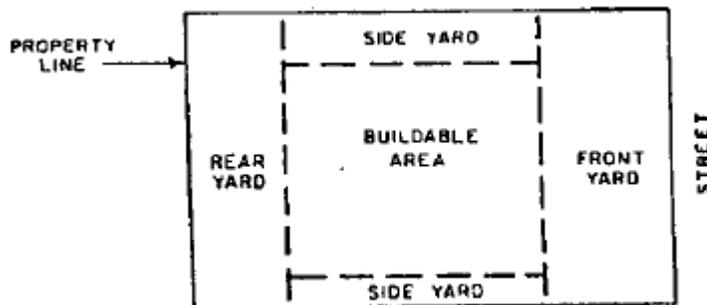
**404.149. Variance.** A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the landowner.

**404.150. Windbreak:** Shall mean hedge or row(s) of trees designed to lessen the force of the wind; also called a shelterbelt.

**404.151. Wind Energy Systems (WES).** Shall mean any electrical generating device and accessory facilities including but not limited to power lines, transformers, wind turbines, substations, and meteorological towers that operate by converting kinetic energy of wind into electrical power. The energy generated by a WES may be used on site or distributed to the electrical grid.

1. **Total Height for WES:** shall mean the highest point, above ground level, reached by a rotor tip or any other part of a WES.

**404.152. Yard.** A space on a lot that is open, unoccupied and unobstructed by buildings or structures from the ground upward.



**404.153. Yard, Front.** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building setback line.

**404.154. Yard, Rear.** A yard extending across the full width of the lot, the depth of which is the least distance between a rear lot line and the rear setback line.

**404.155. Yard, Side.** A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.

**404.156. Zoning Administrator.** The person or persons authorized and empowered by the Governing Body to administer the requirements of these zoning regulations.

**404.157. Zoning Area.** The area that is zoned as set out on the Official Zoning Map filed of record.

**404.158. Zoning Regulations.** The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

**SECTION 405. UNDEFINED WORDS.** Words or terms not herein defined shall have their ordinary meaning in relation to the context.

**ARTICLE 5**  
**ZONING DISTRICT REGULATIONS**

**SECTION 501. "A-1" AGRICULTURAL DISTRICT.**

- A. Intent. It is the intent of this district to provide for agricultural and related uses in a manner which will facilitate the eventual conversion of the land in this district to more intensive urban uses.
- B. Permitted Uses. In District "A-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Farming, pasturing, truck gardening, orchards and nurseries, including the sale of products raised on the premises, provided that no livestock confinement facilities for more than six (6) animal units per each ten (10) acres of land shall be established.
  2. Horse stables and ranches.
  3. Publicly owned or operated parks, playgrounds, golf courses, and recreational uses.
  4. Single-family dwellings (but not including mobile homes) when in conjunction with an agricultural use.
  5. Churches and other places of worship.
  6. Public or private schools.
  7. Manufactured homes which comply with this Ordinance.
  8. Accessory buildings and uses customarily incidental to those listed above.
- C. Conditional Uses. The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:
1. Cemeteries including mausoleums; provided mausoleums shall be at least two hundred (200) feet from every street line and adjoining lot lines.
  2. Hospitals and institutions of an educational, religious, charitable, philanthropic nature; provided such buildings shall not be located upon sites containing an area of less than five (5) acres.
  3. Airports and airfields.
  4. Greenhouses and nurseries.
  5. Communication Towers.
  6. Meteorological Towers.
  7. Non-Commercial Wind Energy Systems (WES)
  8. Commercial Wind Energy Systems (WES)
  9. Kennels-breeding and boarding.
    - a. All kennels shall be located at least 1,320 feet from a residential district.
    - b. The minimum lot size shall not be less than one acre.
    - c. No kennel buildings or runs shall be located nearer than 75 feet to any property lines.
    - d. The kennel shall be completely enclosed by fencing of sufficient height to retain the animals kept within said kennel. If necessary, fencing may be required across the top of any such

kennel in order to retain an animal within the kennel. An enclosed ground area of 48 sq. ft. per animal shall be provided.

10. Other publicly owned buildings and uses not specifically listed elsewhere in this district.
11. Earth-sheltered residences may be constructed as a conditional use providing the following conditions are met:
  - a. The living area shall be provided with exterior windows or sky lights which have a glassed area of not less than ten percent (10%) of the floor area and give direct visual access to natural light and open space.
  - b. Lot areas, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
  - c. An outdoor space of no less than 500 square feet shall be provided immediately outside one wall of the dwelling. The minimum width of the space shall be 20' and the average grade elevation shall be no more than two feet above or below the grade elevation of the floor of the dwelling.
  - d. All earth-covered structures shall be designed by a structural engineer and plans shall be submitted signed and sealed by a licensed structural engineer.
  - e. A site plan, elevations, cross sections and other necessary drawings shall be submitted to ensure that the proposed structure is compatible with the adjacent residents and the topography of the area. No site plan will be approved that creates a storm drainage or runoff problem for an adjacent property.
12. Privately owned parks, playgrounds, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, rodeo arenas, archery, trap and skeet shooting ranges, and other similar uses.
13. Seasonal or temporary uses such as recreation camp or similar enterprises.
14. Telephone exchanges, electric substations or similar public utility uses.
15. The extraction of minerals or raw Materials and the processing, treating or storing of such minerals or materials.
16. Solid waste disposal and processing sites which include landfills, incinerators, transfer stations and other similar functions.

D. Intensity of Use Regulations.

1. Minimum lot area: Ten (10) acres for residential uses.
2. Minimum lot width: 150 feet of street or road frontage.

E. Height Regulations.

1. Maximum structure height: 35 feet, except that barns, silos and other agricultural structures may be of any height. Communication Towers and Wind Energy Systems are regulated by the height restrictions set forth in Communication Towers and Wind Energy Systems sections.

F. Yard Regulations.

1. Front yard:

- a. The front yard setback shall be a minimum of 25 feet, except on arterial streets, the minimum front yard shall be 75 feet measured from the centerline of the right-of-way.
- b. Where lots have a double frontage, the required front yard setback shall be provided on both streets for principal structures only.
- c. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
- d. The buildable width of a zoning lot need not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet.

2. Minimum side yards: 15 feet.

3. Minimum rear yard: 30 feet.

G. Use Limitations. None.

**SECTION 502. "R-1" SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT.**

- A. Intent. The intent of this district is to provide for low density residential development including those uses which reinforce residential neighborhoods.
- B. Permitted Uses. In District "R-1" no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Single-family dwellings.
  2. Two-family dwellings.
  3. Public parks, fairgrounds, playgrounds, and schools.
  4. Day care homes.
  5. Churches and places of worship.
  6. Manufactured homes which comply with this Ordinance.
  7. Accessory buildings and uses customarily incidental to the above uses.
- C. Conditional Uses. The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:
1. Single Family - Attached subject to the following conditions:
    - a. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.
    - b. Not more than two units shall be attached in this district.
    - c. No unit shall have a depth greater than four times its width.
    - d. Any exterior wall which is not a common wall must meet all yard requirements.
    - e. Each lot must have direct access to a public street.
    - f. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.
    - g. The application for such conditional use must include a plot plan with the general location of buildings, parking areas, driveways, fences and other structures, the location of easements and utility lines, the number and type of all dwelling units, and the property lines within the proposed development.
  2. Zero Lot Line Dwellings. Single-family detached dwellings with one side yard equal to one foot or less are subject to the following conditions:
    - a. Zero lot-line dwellings shall meet all front and rear yard requirements.
    - b. For any zero lot-line dwelling, the lot-line wall (defined as that wall of the dwelling on the side lot-line) shall have no windows, doors, vents or other openings nor shall any window on any wall face that side lot line.
    - c. The side yard requirement for a zero lot-line dwelling on the side opposite the lot-line wall shall be twice the normal side yard requirement of the zone or twelve (12) feet, whichever is smaller.

- d. No two zero lot line dwellings shall have their lot-line wall along the same side lot line, nor shall any zero lot-line dwelling have its lot line wall adjacent to any lot or tract of land not developed for zero lot line dwellings.
  - e. No lot-line wall shall be located on a side lot-line adjacent to any public right-of-way.
  - f. The required yard setbacks for each zero lot-line lot shall be either shown on the subdivision plat or recorded as a restrictive covenant on the property deed.
3. Earth sheltered residences may be constructed as a conditional use providing the following conditions is met:
- a. The living area shall be provided with exterior windows or sky lights which have a glassed area of not less than ten percent (10%) of the floor area and give direct visual access to natural light and open space.
  - b. Lot areas, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
  - c. An outdoor space of no less than 500 square feet shall be provided immediately outside one wall of the dwelling. The minimum width of the space shall be 20' and the average grade elevation shall be no more than two feet above or below the grade elevation of the floor of the dwelling.
  - d. All earth covered structures shall be designed by a structural engineer and plans shall be submitted signed and sealed by a licensed structural engineer.
  - e. A site plan, elevations, cross sections and other necessary drawings shall be submitted to ensure that the proposed structure is compatible with the adjacent residents and the topography of the area. No site plan will be approved that creates a storm drainage or runoff problem for an adjacent property.
4. Telephone exchanges, electric substations or other similar public utilities.
5. Group homes.
6. Retirement, nursing or convalescent homes.
7. Bed and breakfast homes.
8. Child care center.
- D. 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.
- E. Intensity of Use Regulations.
- 1. The following are minimum lot area requirements:
    - a. Single-family: 9,000 sq. feet
    - b. Two-family: 4,500 sq. feet/ dwelling unit
    - c. Single-family attached: 4,500 sq. feet /dwelling unit
    - d. Other uses: 9,000 sq. feet
  - 2. The following are minimum lot width requirements:
    - a. Single-family: 50 feet
    - b. Two-family: 50 feet

- c. Single-family attached: 50 feet
    - d. Other uses: 50 feet
  - 3. Maximum Building Coverage: 35%
  - 4. Maximum Impervious Coverage: 45%
    - a. Churches are exempt from the maximum impervious coverage regulation.
- F. Height Regulations.
  - 1. Maximum structure height: 35 feet.
- G. Minimum Yard Regulations.
  - 1. Front Yard: 25 feet
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  - 2. Side Yard: Not less than six (6) feet, except as provided for single-family attached and zero lot-line development.
  - 3. Rear Yard: 30 feet.
  - 4. The Planning Commission shall determine which street shall be designated as the front and the other street may be treated as a rear yard for the purpose of locating accessory uses, buildings, structures, and fences.
- H. Use Limitations.
  - 1. The following are not permitted in the R-1 zoning district:
    - a. Communication Towers.
    - b. Meteorological Towers.
    - c. Non-Commercial Wind Energy Systems.
    - d. Commercial Wind Energy Systems.

**SECTION 503. "LLR" LARGE LOT RESIDENTIAL DISTRICT**

- A. Intent. This zone is intended to provide for low-density, acreage residential development in selected areas adjacent or in close proximity to the corporate limits of the City and other developed areas within the City jurisdiction. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surface roads.
- B. Permitted Uses. The following shall be permitted uses by right:
1. Agricultural uses, livestock shall be permitted, provided that no livestock confinement facility is greater than one (1) animal unit per two (2) acres as defined in this Ordinance. No roosters are allowed in the "LLR" District past the age of maturity and/or once they have developed their ability to crow.
    - a. All livestock should be kept in a stable, barn, pen, or fenced in area.
    - b. All structures that house livestock shall follow all minimum yard regulations set forth in this district, except that no part of the stable, barn, pen, or fenced in area shall be closer than 150 feet from any neighboring residence.
    - c. All fencing must follow the fencing regulations set forth in this Ordinance.
  2. Single-family dwelling.
  3. Manufactured homes which comply with this Ordinance.
  4. Irrigation and flood control projects.
  5. Public parks and recreational areas.
  6. Community buildings and/or facilities owned and/or occupied by public agencies.
  7. Public and/or private schools.
  8. Churches, places of worship and cemeteries.
  9. Accessory buildings and uses customarily incidental to those listed above.
- C. Conditional Uses. A building or premises may be used for the following purposes in the LLR District if a conditional permit for such has been obtained in accordance with this Ordinance:
1. Airports and heliports, including crop dusting.
  2. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services.
  3. Child care center.
  4. Communication towers.
  5. Camp grounds.
  6. Meteorological Towers.
  7. Non-Commercial Wind Energy Systems.
  8. Kennels-breeding and boarding
    - a. All kennels shall be located at least 1,320 feet from a residential district.
    - b. The minimum lot size shall not be less than one acre.
    - c. No kennel buildings or runs shall be located nearer than 75 feet to any property lines.

- d. The kennel shall be completely enclosed by fencing of sufficient height to retain the animals kept within said kennel. If necessary, fencing may be required across the top of any such kennel in order to retain an animal within the kennel. An enclosed ground area of 48 sq. ft. per animal shall be provided.
- 9. Public and private charitable institutions.
- 10. Greenhouses and nurseries.
- 11. Expansion of nonconforming uses, structures or land.
- D. 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 "LLR" District.
- E. Intensity of Use Regulations.
  - 1. The following are minimum lot area requirements:
    - a. Residential: 2 acres
    - b. Other uses: 2 acres
  - 2. The following are minimum lot width requirements:
    - a. Residential: 150 feet
    - b. Other uses: 150 feet
- F. Height Regulations.
  - 1. Maximum structure height: 35 feet.
- G. Minimum Yard Regulations.
  - 1. Front Yard: 50 feet
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  - 2. Side Yard: 25 feet.
  - 3. Rear Yard: 100 feet.
- H. Use Limitations.
  - 1. Commercial Wind Energy Systems are not permitted in the LLR zoning district.

**Section 504. "R-2" MULTI-FAMILY RESIDENTIAL DISTRICT.**

- A. Intent. The intent of this district is to provide for high density residential development, including single-family, two-family and multi-family residences in a manner which will encourage a strong residential neighborhood.
- B. Permitted Uses. In District "R-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
  - 1. All uses permitted in District "R-1".
  - 2. Multi-Family Dwellings.
  - 3. Boarding and Lodging Houses.
  - 4. Nursing or Convalescent Homes.
  - 5. Hospitals.
  - 6. Bed and Breakfast Homes.
- C. Conditional Uses. The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:
  - 1. All conditional uses permitted in the "R-1" District except that more than two units may be attached for the single-family attached use.
  - 2. Condominiums.
  - 3. Non-profit institutions of an educational, philanthropic or charitable nature, except for penal or mental institutions.
- D. Intensity of Use Regulations.
  - 1. Minimum Lot Area:
    - a. Single-family: 7,500 sq. feet.
    - b. Two-family: 3,750 sq. feet/dwelling unit.
    - c. Single-family attached: 3,750 sq. feet/dwelling unit.
    - d. Multi-family: 1,500 square feet/ dwelling unit but not less than 6,000 sq. feet of lot area.
    - e. Dwellings for the Elderly: 1,000 square feet/ dwelling unit.
    - f. Other uses: 7,500 sq. feet.
  - 2. Minimum Lot Width: 50 feet.
  - 3. Maximum Building Coverage: 55%
  - 4. Maximum Impervious Coverage: 65%
- E. Height Regulations.
  - 1. Maximum structure height: 45 feet.
- F. Minimum Yard Regulations.
  - 1. Front Yard: 25 feet.
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  - 2. Side Yard: Not less than six (6) feet, except as provided for single-family attached and zero lot-line development. Multi-family uses in excess of two stories shall have a side yard of not less than eight (8) feet.
  - 3. Rear Yard: 30 feet.

G. Use Limitations.

1. The following are not permitted in the R-2 zoning district:
  - a. Communication Towers.
  - b. Meteorological Towers.
  - c. Non-Commercial Wind Energy Systems.
  - d. Commercial Wind Energy Systems.

**SECTION 505. "M-P" MOBILE HOME PARK RESIDENTIAL DISTRICT.**

- A. Intent. It is the intent of this district to provide medium density mobile home park developments which are compatible with the character of the surrounding neighborhood in which they are located. Mobile home parks are considered as a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.
- B. Permitted Uses. In District "M-P" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
  - 1. Churches and other places of worship.
  - 2. Mobile homes.
  - 3. Public parks and recreation areas.
  - 4. Manufactured homes which comply with this Ordinance.
  - 5. Accessory buildings and uses incidental to those listed above.
- C. Conditional-Uses. The following conditional uses may be permitted, subject to approved procedures outlined in this Ordinance:
  - 1. Mobile homes designed for two-families.
- D. Intensity of Use Regulations.
  - 1. Minimum Lot Area: 4,000 sq. feet for single-wide mobile home units and 5,000 sq. feet for double wide mobile home units.
  - 2. Minimum Lot Width: 40 feet.
- E. Height Regulations.
  - 1. Maximum structure height: 35 feet.
- F. Minimum Yard Regulations.
  - 1. Mobile homes shall be located on each space so as to maintain a setback of not less than twenty-five (25) feet from any public street, highway right-of-way, or Residential District boundary; as to maintain a setback of not less than ten (10) feet from the edge of a park roadway, sidewalk, or rear boundary line of a mobile home space when such boundary line is not common to any public street, highway right-of-way, or Residential District Boundary, and as to maintain a setback of not less than five (5) feet from any side boundary line of a mobile home space.
- G. Separation between Mobile Home Units. The minimum separation between a mobile home units and an attached accessory structure and any other mobile homes units and/or accessory structure shall be 20 feet. No mobile home shall be located closer than thirty (30) feet from any building within the park except a private storage shed or garage.

- H. Use Limitations. Each mobile home park shall be designed in accordance with the following minimum design standards:
1. The following are not permitted in the M-P zoning district:
    - a. Communication Towers.
    - b. Meteorological Towers.
    - c. Non-Commercial Wind Energy Systems.
    - d. Commercial Wind Energy Systems.
  2. The park shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.
  3. Mobile home parks hereafter approved shall have a maximum density of seven (7) mobile homes per gross acre.
  4. When private roadways are used, they shall be of not less than twenty-four (24) feet in width, including curbs on each side, provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty (30) feet; and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. All private roadways shall have unobstructed access to a public street.
  5. Common walks may be required in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important facilities. Common walks should preferably be through interior areas removed from the vicinity of streets.
  6. All roadways and sidewalks within the mobile home park shall be paved and shall be adequately lighted at night. Sidewalks shall be four (4)-inch thick concrete, four (4) feet wide and streets shall be four (4)-inches of asphalt and four (4)-inches of base or an equivalent thereto.
  7. A community building may be provided which may include recreation facilities, laundry facilities, storm shelter, and other similar uses.
  8. Each mobile home space shall be provided with a paved patio or equivalent, other than parking space, of not less than 150 square feet. No open storage of any unsightly material shall be permitted within the mobile home park and the space beneath the mobile home shall be considered open storage.
- I. Water Supply.
1. All mobile home parks shall be connected to a public water supply.
  2. The individual water service connections shall be provided at each mobile home space and the size, location and installation of water lines shall be in accordance with the requirements of the City Plumbing Code.
  3. All mobile homes shall be within 600 feet of a fire hydrant.
- J. Sewage Disposal. Individual sewer connections shall be provided for each mobile home space and shall be installed in accordance with the City Plumbing Code. All mobile home parks shall be connected to a public sewer system.

- K. Tie Downs and Ground Anchors. All mobile homes shall be secured to the ground by tie downs and ground anchors. Anchors shall be provided at least at each corner of the mobile home and each anchor, cable, or other connecting device shall be able to withstand a tension of at least 4,800 pounds.
- L. Utilities. Electric, telephone and cable television service lines shall be installed underground and shall be in accordance with City codes and utility company specifications.
- M. Refuse and Garbage Handling.
  - 1. Storage, collection and disposal of refuse in a Mobil Home Park Residential Subdivision shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution.
  - 2. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
  - 3. Refuse racks shall be provided for all refuse containers. Such racks shall be designed to prevent the containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
  - 4. Refuse and garbage shall be removed from the park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.
  - 5. The park owner shall ensure that containers at all stands are emptied regularly and maintained in a usable sanitary condition.
- N. Blocking. All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home, and this blocking shall provide sixteen (16) inches by sixteen (16) inches bearing upon the stand.
- O. Fire Safety Standards. When liquefied petroleum gas is used in a mobile home park, containers for such gas shall be in conformance with State of Nebraska Fire Marshall requirements and shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purpose, and shall be attached to the mobile home in a manner approved by the Liquefied Petroleum Gas Association.

No mobile home park shall be located within the City limits unless City fire protection facilities are available and the applicant for the mobile home license, in his/her application, clearly manifests his/her intention to connect thereto before such mobile home park is occupied. Approved fire hydrants shall be located within six hundred (600) feet of each mobile home. Open fire shall not be permitted within the area of the mobile home park, except in equipment specifically designed for such purposes and approved by the Fire Chief, and in compliance with the existing regulations governing such fires.

- P. Skirting. Each mobile home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home. Such skirts shall be material that is harmonious to the mobile home structure.

- Q. Pad Requirements. The pads shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water, and edged to prohibit fraying or spreading of surfacing materials, or shall be a hard surface of a minimum of two, eighteen (18) inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home with a proper surface between them for weed control.
- R. Parking. At least two (2) parking spaces for each mobile home shall be provided on each mobile home space. Such parking spaces shall be off the public street or private drive, and each space shall not be less than nine (9) feet by twenty (20) feet in size and shall be hard surfaced.
- S. All State of Nebraska Health Department requirements for mobile homes and mobile home parks must be complied with.
- T. Application Requirements.
1. An applicant for "M-P" Mobile Home Park District shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale of not less than 1"=100', and twenty (20) copies of said Plan shall be submitted to the Planning Commission for its review and recommendations. Said Plan shall be designed in accordance with the Minimum Design Standards, and shall have contours shown at two-foot intervals.
  2. Upon approval of the preliminary Mobile Home Park Plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
  3. Any substantial deviation from the approved plan shall constitute a violation of the plan. The owner of a mobile home park shall be responsible for such violations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and Governing Body.
- U. Duties of Owner, Manager, and Licensee Generally.
1. The owner or manager of every mobile home park shall maintain in the near vicinity of such mobile home park, an office in which there shall be a copy of the mobile home park license and of this Chapter, and the mobile home park register.
  2. Maintain the mobile home park in a clean, orderly and sanitary condition at all times. This includes, but is not limited to, repairing or removing dilapidated fencing and replacing broken or boarded up windows.
  3. See that the provisions of this Chapter are complied with and enforced and report promptly to the proper authorities any violation of this Chapter or any other violations of the law which may come to his/her attention.
  4. Prohibit the use of any mobile home by a greater number of occupants than that for which it was designed as determined by the International Building Code.
  5. Display a map or plan of the mobile home park at all times in the office or entrances of the mobile home park, such map or plan to show accurately and clearly the current location of each mobile home lot and its number. Names or numbers of drives and abutting public streets shall

be shown. Such map or plan shall be displayed and illuminated in such a fashion that it can be observed at all times of the day or night by persons seeking a particular person or family in the park.

6. Maintain all mobile homes owned by him/her or the park in a manner and condition that will comply with this Ordinance and all other applicable regulations for the City.
- V. Right of Entry. The officers of the City charged with enforcement of the laws of the City are hereby authorized to enter upon any premises on which any mobile home, trailer, or mobile is located or about to be located and inspect the same and all accommodations connected therewith at any reasonable time.
- W. Restriction of Animals. No dogs, cats or other domestic animals shall be permitted to run at large in the mobile home park. Such animals shall be kept in restricted enclosures on the individual mobile home space. The enclosures shall be maintained in a clean and sanitary condition at all times.
- X. License.
1. Required. It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned or controlled by him/her, a mobile home park within the City, without first having secured a license therefor from the Council.
  2. Application.
    - a. The application for a license required by the provisions of this division, or a renewal thereof, shall be made on printed forms furnished by the City Clerk, and shall include:
      - i. The name and address of the owner.
      - ii. The location of the tract and such a legal description of the premises upon which the park is or will be located as will readily identify and definitely locate the premises.
    - b. If the fee to the property upon which the park is or will be located is vested in some person other than the applicant, a duly verified statement by the person in whom the fee is vested that the applicant is authorized by him/her to construct or maintain the mobile home park and make the application for license shall accompany the application.
    - c. The application shall be accompanied by four (4) copies of the specifications and mobile home park plan, in scale, one (1) copy of which shall be placed permanently on file in the office of the City Clerk, and shall show the following either existing or as proposed:
      - i. The extent and area used for park purposes.
      - ii. Roadways and driveways.
      - iii. Location and number of sites or lots for mobile homes, of which there shall not be less than ten (10) such sites or lots.
      - iv. Location and number of any sanitary conveniences, including toilets or washrooms and equipment thereof, and utility rooms to be used by occupants of mobile homes.
      - v. That there has been proper conformance with City building, zoning, plumbing and other ordinances.
      - vi. Method and plan of sewage disposal.
      - vii. Method and plan of garbage and trash removal.

- viii. Plan for water supply to the lots.
  - ix. Plan for gas and electric supply to the lots.
  - x. Screening plan when required.
- d. The provisions of this section shall also apply to all renewal licenses.
3. Fee. The annual license fee for a mobile home park shall be as set forth by the City of Imperial.
  4. Compliance with Law. A license required by the provisions of this Article shall be issued only upon compliance with the provisions of this Chapter and any other applicable provisions of law.
  5. Technical Permits Required. Licenses issued under the terms of this Article shall convey no right to erect any building, to do any plumbing work or to do any electrical work, except upon a permit issued in conformity with building, electrical and plumbing codes of the City.
  6. Expiration. Every license issued under the provisions of this Article shall expire on the first (1st) day of June following the date of its issuance.
  7. Renewal. Licenses issued under the provisions of this Article shall be renewed from year to year; provided, however, application for such renewal shall be filed no later than the first (1st) day of March of each year.
  8. Revocation and Suspension. The Council is hereby authorized to revoke any license issued pursuant to the terms of this Article if, after due investigation, they determine that the holder thereof has violated any of the provisions of this Chapter or that any mobile home or mobile home park is being maintained in an unsanitary or unsafe manner or is a nuisance.

**SECTION 506. "M-S" MOBILE HOME SUBDIVISION DISTRICT.**

- A. Intent. The intent of this district is to provide low density mobile home development which would be compatible with the character of the surrounding neighborhood. Individuals can purchase lots for the placement of mobile homes.
- B. Permitted Uses: In District "M-S" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
  - 1. Mobile homes.
  - 2. Single-family dwellings.
  - 3. Churches and other places of worship.
  - 4. Public parks and recreation areas.
  - 5. Manufactured homes which comply with this Ordinance.
  - 6. Accessory buildings and uses incidental to those listed above.
- C. Conditional Uses. None
- D. Intensity of Use Regulations.
  - 1. Minimum Lot Area: 7,000 sq. feet
  - 2. Minimum Lot Width: 50 feet.
  - 3. Maximum Building Coverage: 45%
  - 4. Maximum Impervious Coverage: 55%
- E. Height Regulations.
  - 1. Maximum structure height: 35 feet.
- F. Minimum Yard Regulations.
  - 1. Front Yard: 25 feet
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  - 2. Side Yard: Not less than six (6) feet
  - 3. Rear Yard: 30 feet.
- G. Use Limitations.
  - 1. The following are not permitted in the M-S zoning district:
    - a. Communication Towers.
    - b. Meteorological Towers.
    - c. Non-Commercial Wind Energy Systems.
    - d. Commercial Wind Energy Systems.
  - 2. All lots must be platted in accordance with the subdivision regulations.
  - 3. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
  - 4. All mobile homes must be attached to an approved support and anchored system.

5. Each lot shall be provided with public water and sewer service in conformance with all City, County, and State requirements and shall be separately metered.

### **Section 507. "C-1" Highway Business District**

- A. Intent. The intent of this district is to provide commercial locations for uses which serve as a convenience to the traveler or require a location on a highway or arterial in order to have an efficient operation. It is further intended that the uses be of a single purpose character and not be of a nature in which people walk from store-to-store as in a nucleated center. Screening and off-street parking are required in order to reduce possible adverse effects on surrounding residential areas.
- B. Permitted Uses. In District "C-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Agricultural implement/irrigation sales and service.
  2. Animal hospitals or clinics when all facilities are within an enclosed building.
  3. Automobile and truck sales and service.
  4. Automotive parts and accessory stores.
  5. Boat sales, service and rental.
  6. Bowling alleys.
  7. Butcher, custom kill.
  8. Car washes.
  9. Child care center.
  10. Churches and places of worship.
  11. Construction equipment rental and sales.
  12. Cultural/Convention centers.
  13. Dry-cleaning and laundry establishments.
  14. Fire stations.
  15. Grocery stores.
  16. Hotels and motels including accessory service uses, such as news-stands, messenger and telegraph stations, swimming pools (for motel guests only), flower and gift shops.
  17. Indoor skating rinks.
  18. Lumber and building materials sales yards.
  19. Medical Office.
  20. Mini-warehouse.
  21. Mobile home and trailer sales and rental, but not including the use of a mobile home as a residence.
  22. Mortuaries.
  23. Motorcycle sales, service and rentals.
  24. Museums.
  25. Nursery and garden stores.

26. Offices, professional and medical.
27. Package liquor stores.
28. Private clubs and lodges.
29. Retail.
30. Restaurants including drive-ins.
31. Self-service laundries and dry-cleaning establishments.
32. Service stations or filling stations (light service work only).
33. Sporting goods stores.
34. Taverns.

C. Conditional Uses. The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance of these regulations.

1. Accessory uses.
2. Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf and pitch and putt courses, driving ranges and other similar establishments.
3. Electric and telephone substations, regulator stations and other similar utility uses on or above the surface of the ground.
4. Commercial recreation center.
5. Recreational vehicle parks subject to the following conditions:
  - a. A recreational vehicle park shall be constructed accommodate at least ten (10) vehicles.
  - b. Each recreational vehicle site shall be at least 900 square feet in area and the average park density shall not exceed 30 recreational vehicles per gross acre.
  - c. Provisions are made to assure surface drainage so as to prevent accumulation of stagnant water.
  - d. All internal roads shall be at least ten (10) feet in width for each traffic land and shall be paved with asphalt, concrete, asphaltic concrete or other similar material. Dead-end streets longer than 100 feet shall provide a turnaround area at their terminus with a radius of no less than 60 feet.
  - e. The grade of individual recreational vehicle stands shall not exceed 3 inches per 10 feet across the width of the stand.
  - f. All utilities, water and sewer connections and facilities shall be approved by the Zoning Administrator.
  - g. No vehicle may remain at a recreational vehicle park for more than thirty (30) consecutive days.
6. Contractor and electrical supply office and equipment storage yard, providing the storage yard is completely enclosed with a six- foot solid fence, wall or hedge when adjacent to a residential district.
7. Communication Towers.

8. Meteorological Towers.
  9. Non-Commercial Wind Energy Systems.
- D. Intensity of Use Regulations.
1. Minimum Lot Area: 10,000 square feet.
  2. Minimum Lot Width: 100 feet.
  3. Maximum Building Coverage: 60%
  4. Maximum Impervious Coverage: 80%
- E. Height Regulations.
1. Maximum structure height: 45 feet.
- F. Minimum Yard Regulations.
1. Front yard: 25 feet, except on arterial streets, the minimum front yard shall be 75 feet measured from the centerline of the right-of-way.
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  2. Side yard: 10 feet when adjacent to a residential district, otherwise none.
  3. Rear yard: 20 feet.
- G. Use Limitations.
1. Commercial Wind Energy Systems are not permitted in the C-1 zoning district.
  2. Gasoline pumps, air and water services and other fixtures used in connection with automobile service stations may be located within the front yard but not less than 12 feet from the front lot-line and in any event, not less than 40 feet from the centerline of any street or road on which the service station abuts.
  3. No structure shall be used for residential purposes except by the owner or operator of the business located on the premises and except that accommodations may be offered to transient public by motels and hotels.
  4. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.
  5. No outdoor storage shall be permitted except for the display of merchandise for sale to the public.
  6. All business establishments shall be retail or service establishments dealing directly with consumers.
  7. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
  8. No meat packing plants shall be permitted.

9. A bufferyard consisting of a solid or semisolid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high and having a density of not less than seventy (70) percent per square foot shall be provided adjacent to any adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner and owners of the property in the "C-1" District.

**SECTION 508. "C-2" CENTRAL BUSINESS DISTRICT.**

- A. Intent. The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and service and office uses that are normally found in the core area of a City.
- B. Permitted Uses. In District "C-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Amusement places (indoors), including video game arcades, game machines, pool halls, and other similar establishments.
  2. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
  3. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
  4. Apparel and accessory stores.
  5. Apartments on floors other than the ground floor.
  6. Art and art supply stores.
  7. Artist studio.
  8. Auditoriums and similar places of public assembly.
  9. Automobile accessory and supply store.
  10. Automobile parking lots and garages.
  11. Bakery and pastry shop.
  12. Banks and other savings and lending institutions.
  13. Barber shops, beauty shops, chiropody, massage or similar personal services.
  14. Bicycle shops.
  15. Books and stationery stores.
  16. Bowling alleys.
  17. Business and technical schools including schools for photography, dancing and music.
  18. Business machine repair, sales and service.
  19. Cigar and tobacco store.
  20. Churches and places of worship.
  21. Clothing and costume rental.
  22. Commercial recreation centers.
  23. Custom dressmaking, millinery, tailoring and similar trades.
  24. Delicatessens and catering establishments.
  25. Department stores.
  26. Drug stores and prescription shops.
  27. Dry goods and notion stores.
  28. Dry cleaning and laundry establishments.

29. Fire stations, police stations-and jails.
30. Fix-it shops (radio, television and small household appliances).
31. Florist and gift shops.
32. Furniture and home furnishing stores.
33. Government administrative buildings.
34. Grocery stores.
35. Hardware stores.
36. Hobby, stamp and coin shops.
37. Hotels and motels.
38. Household appliance stores.
39. Interior decorator's shops.
40. Jewelry and metal craft stores and shops.
41. Leather goods and luggage stores.
42. Library and museum (public).
43. Lock and key shops.
44. Mail order catalog stores.
45. Medical Office.
46. Medical and orthopedic appliance stores.
47. Meeting halls and auditoriums.
48. Messenger and telegraph service stations.
49. Music instrument sales and repair shops.
50. Newspaper offices.
51. Newsprint, job printing and printing supply stores.
52. Newsstands.
53. Offices and office buildings.
54. Office supply and office equipment stores.
55. Optician and optometrists.
56. Package liquor stores.
57. Paint and wallpaper stores.
58. Parking lots and garages.
59. Parks and open spaces.
60. Pawn shops.
61. Pet shops.
62. Photographic equipment sales and supply stores.
63. Photographic studios.
64. Picture framing shops.
65. Plumbing, heating, ventilation, air conditioning and electrical shops including related fabrication.

66. Post office.
  67. Printers.
  68. Private clubs and lodges.
  69. Radio and television studios.
  70. Restaurants, excluding drive-ins.
  71. Service stations.
  72. Self-service laundries and dry cleaning establishments.
  73. Sewing machine shops and stores.
  74. Shoe stores.
  75. Shoe repair shops.
  76. Sporting and athletic goods stores.
  77. Stores and shops for the conduct of retail and service business similar to the uses listed in this section.
  78. Tailor shops.
  79. Taverns.
  80. Theaters.
  81. Toy stores.
  82. Travel bureaus.
  83. Upholstery furniture.
  84. Utility company offices.
  85. Variety stores.
  86. Watch repair shops.
- C. Conditional Uses. The following conditional uses may be permitted subject to approved procedures outlined in this Ordinance of these regulations.
1. Accessory uses.
  2. Motor vehicle repair service or body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Administrator 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 90 percent.
  3. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
  4. Wholesale establishments, except those which handle products of a highly explosive, combustible or volatile nature.
  5. Communication Towers.
  6. Contractor and electrical supply office and equipment storage yard, providing the storage yard is completely enclosed with a six- foot solid fence, wall or hedge when adjacent to a residential district.

- D. Intensity of Use Regulations.
  - 1. Minimum Lot Area: None.
  - 2. Minimum Lot Width: None.
- E. Height Regulations.
  - 1. Maximum structure height: None.
- F. Minimum Yard Regulations.
  - 1. Front yard: None.
  - 2. Side yard: 10 feet when adjacent to a residential district, otherwise none.
  - 3. Rear yard: 20 feet when adjacent to a residential district, otherwise none.
- G. Use Limitations.
  - 1. The following are not permitted in the C-2 zoning district:
    - a. Meteorological Towers.
    - b. Non-Commercial Wind Energy Systems.
    - c. Commercial Wind Energy Systems.
  - 2. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
  - 3. No business establishment shall offer or sell food or beverages where consumption is primarily intended to occur in parked motor vehicles.
  - 4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
  - 5. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.
  - 6. A bufferyard consisting of a solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-2" District.

**SECTION 509 "C-O" OFFICE DISTRICT.**

- A. Intent. The intent of this district to provide office locations that serve neighborhood or community needs. The District allows for substantial office development, and permits very selective commercial uses which support office development and are part of a mixed use workplace environment. Site development regulations are designed to ensure compatibility with adjacent or nearby residential development. C-O Districts are most appropriately found along major or minor arterials, at the edge of residential areas.
- B. Permitted Uses. In District "C-O" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Administration.
  2. Business Support Service.
  3. Communication Service.
  4. Consumer Service.
  5. Financial Service.
  6. Funeral Service.
  7. Guidance Service.
  8. Medical Office.
  9. Park and Recreation.
  10. Postal Facilities.
  11. Primary Education.
  12. Professional and/or Consulting Services.
  13. Churches and places of worship.
  14. Safety Service.
  15. Secondary Education.
- C. Conditional Uses. The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance of these regulations.
1. Accessory uses.
  2. Day Care Centers.
  3. Electric and telephone substations, regulator stations and other similar utility uses on or above the surface of the ground.
  4. Commercial recreation center.
  5. Contractor and electrical supply office and equipment storage yard, providing the storage yard is completely enclosed with a six- foot solid fence, wall or hedge when adjacent to a residential district.
  6. Communication Towers.
  7. Meteorological Towers.

8. Non-Commercial Wind Energy Systems.

D. Intensity of Use Regulations.

1. Minimum Lot Area: 6,000 square feet.
2. Minimum Lot Width: 75 feet.
3. Maximum Building Coverage: 55%
4. Maximum Impervious Coverage: 80%

E. Height Regulations.

1. Maximum structure height: 45 feet.

F. Minimum Yard Regulations.

1. Front yard: 25 feet, except on arterial streets, the minimum front yard shall be 75 feet measured from the centerline of the right-of-way.
  - b. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
2. Side yard: 10 feet when adjacent to a residential district, otherwise none.
3. Rear yard: 20 feet.

G. Use Limitations.

1. Commercial Wind Energy Systems are not permitted in the C-O zoning district.
2. No structure shall be used for residential purposes except by the owner or operator of the business located on the premises.
3. All buildings and developments shall include a direct, clear, and safe pedestrian connection from adjacent public sidewalks to the entrances of buildings within the development.
4. No outdoor storage shall be permitted.
5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
6. A bufferyard consisting of a solid or semisolid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high and having a density of not less than seventy (70) percent per square foot shall be provided adjacent to any adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner and owners of the property in the "C-O" District.

## **SECTION 510 "I-1" LIGHT INDUSTRIAL DISTRICT.**

- H. Intent. The intent of this district is to provide locations for all types of industrial uses. Some of these uses have characteristics that may create incompatibilities with adjacent uses and, therefore, will require a conditional use approval.
- I. Permitted Uses. In District "I-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Animal hospital or clinic.
  2. Bottling works.
  3. Building materials, storage and sales.
  4. Butcher, custom kill, commonly with retail shop.
  5. Call centers.
  6. Carpenter, cabinet, plumbing and sheet metal shop.
  7. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six-foot solid fence, wall or hedge when adjacent to a residential district.
  8. Data centers.
  9. Dog kennels.
  10. Dry cleaning and laundry plants.
  11. Feed and seed stores.
  12. Frozen food lockers.
  13. Greenhouse and nurseries, retail and wholesale.
  14. Light manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration noise, dust, fumes, gas, odor, or smoke.
  15. Agricultural implement/ irrigation sales and service.
  16. Mini-warehouses.
  17. Meteorological Towers.
  18. Monument sales.
  19. Motor vehicle body shop and repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Administrator 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 90 percent.
  20. Motor vehicle sales and storage.
  21. Municipal storage yards.
  22. Public utility and public service uses as follows:
    - a. Substations.
    - b. Railroads.

- c. Telephone exchange, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants.
  - d. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- 23. Service Stations.
- 24. Sign painting and manufacturing.
- 25. Truck and rail terminals.
- 26. Upholstering shops.
- 27. Warehousing or storage except for products of a highly explosive, combustible or volatile nature.
- 28. Welding and blacksmith shop.
- 29. Wholesale establishments, except those which handle products of a highly explosive, combustible or volatile nature.
- J. Conditional Uses. The following conditional uses may be permitted subject to approved procedures outlined in this Ordinance:
  - 1. Professional office buildings.
  - 2. Recreational fields (including, but not limited to, soccer, football, softball/baseball, etc.)
  - 3. Communication Towers.
  - 4. Non-Commercial Wind Energy Systems.
  - 5. Commercial Wind Energy Systems.
- K. Intensity of Use Regulations.
  - 1. Minimum Lot Area: 10,000 square feet.
  - 2. Minimum Lot Width: 100 feet.
  - 3. Maximum Building Coverage: 70%
  - 4. Maximum Impervious Coverage: 85%
- L. Height Regulations.
  - 1. Maximum height of structure: 45 feet.
- M. Minimum Yard Regulations.
  - 1. Front yard: 25 feet, except on arterial streets, the minimum front yard shall be 75 feet measured from the centerline of the right-of-way.
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  - 2. Side yard: 10 feet when adjacent to a residential district, otherwise none.
  - 3. Rear yard: 20 feet.
- N. Use Limitations.
  - 1. All operations and activities shall be conducted within a building or buildings, however, storage may be maintained outside said building or buildings provided said storage area is properly screened from adjacent streets and residential areas.

2. A bufferyard consisting of a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "I-1" District.
3. No wholesale or commercial meatpacking plants shall be permitted.
4. No building shall be used for residential purposes except that a watchman may reside on the premises within the principal building.

## **SECTION 511. "I-2" HEAVY INDUSTRIAL DISTRICT**

- A. Intent. The "I-2" Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.
- B. Permitted Uses. In District "I-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:
1. All uses permitted in "I-1".
  2. Grain elevators.
  3. Livestock auction sales.
  4. Manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  5. Radiator repair shops.
  6. Ready-mixed concrete and asphalt mix plants.
- C. Conditional Uses. The following conditional uses may be permitted subject to approval procedures outlined in this Ordinance:
1. Professional office buildings.
  2. Agricultural sales and services relating to feed, grain, fertilizers, farm equipment, pesticides, and similar good or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered.
  3. Recreational fields (including, but not limited to, soccer, football, softball/baseball, etc.)
  4. Communication Towers.
  5. Non-Commercial Wind Energy Systems.
  6. Commercial Wind Energy Systems.
  7. Auto wrecking yards, junk yards, salvage yards and scrap processing yards subject, however, to the following:
    - a. Located on a tract of land at least 300 feet from a residential district zone.
    - b. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight (8) feet high. The fence or wall shall be of uniform height, uniform texture and color, and have a density of not less than 80% and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
    - c. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently outside the enclosing building, hedge, fence or wall, or within the public right-of-way.

- d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department except when prohibited by the State Board of Health. Said burning, when permitted, shall be done only during daylight hours.
  - e. No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
  - f. Said use shall not be located on or visible from an arterial or major street or highway.
  - 8. Manufacturing or storage of bulk oil, gas and explosives.
  - 9. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.
  - 10. Solid waste, disposal and processing sites which include landfills, incinerators, transfer stations and other similar functions.
  - 11. Stockyard and slaughter houses.
  - 12. Storage and warehousing of products of a highly explosive, combustible or volatile nature.
  - 13. Wholesale and retail establishments which handle products of a highly explosive, combustible or volatile nature.
- D. Intensity of Use Regulations.
- 1. Minimum Lot Area: 10,000 square feet.
  - 2. Minimum Lot Width: 100 feet.
  - 3. Maximum Building Coverage: 70%
  - 4. Maximum Impervious Coverage: 85%
- E. Height Regulations.
- 1. Maximum height of structure: 45 feet within 150 feet of a residential district; 75 feet when more than 150 feet from a residential district, except grain elevators shall have no height limitation.
- F. Minimum Yard Regulations.
- 1. Front yard: 25 feet, except on arterial streets, the minimum front yard shall be 75 feet measured from the centerline of the right-of-way.
    - a. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback on both streets.
  - 2. Side yard: 10 feet when adjacent to a residential district, otherwise none.
  - 3. Rear yard: 20 feet.
- G. Use Limitations.
- 1. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
  - 2. A bufferyard consisting of a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square

foot, shall be provided adjacent to an adjoining residential district. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "I-2" District.

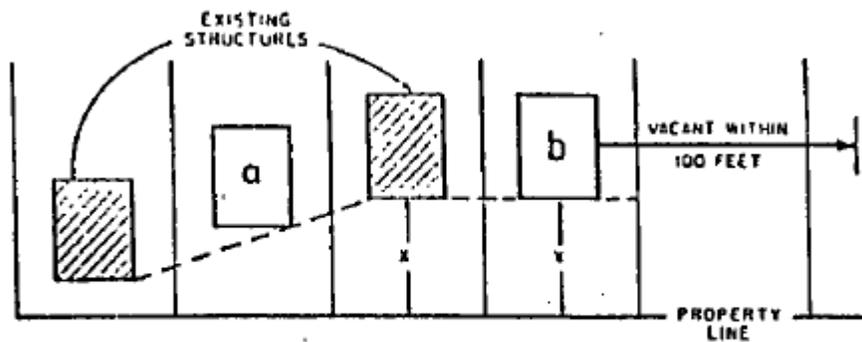
3. No building shall be used for residential purposes except that a watchman may reside on the premises within the principal building.

**ARTICLE 6**  
**SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 601. HEIGHT REGULATIONS.** Chimneys, cooling towers, elevator head-houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers, antennas or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations. In all districts, two (2) additional feet of height above the specified height limitation shall be permitted for each one foot of additional front yard provided over the minimum requirement.

**SECTION 602. YARD REGULATIONS.**

- A. **Front Yards.** The front yards in residential districts only heretofore established shall be adjusted in the following cases:
1. Where 50 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard either greater or smaller than required then:
    - a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent buildings on the two sides, or
    - b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.



- B. **Accessory Buildings.** Accessory buildings are allowed in residential zoning districts "R-1", "R-2", "LLR", "M-P", and "M-S" in the jurisdictional area subject to the following restrictions:
1. No more than three accessory buildings shall be permitted. No accessory buildings or uses shall be erected or installed in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear or side lot-line

except that if the building has a vehicular alley entrance that is perpendicular to the alley line, the setback of the structure shall not be less than ten (10) feet from the alley line and if the building is built parallel to the alley line and has a vehicular entrance from a wall that is perpendicular to the alley line, no setback shall be required from the alley line. No accessory building shall be constructed upon a lot until the construction of the main building has been started or be used for dwelling purposes.

2. Any accessory building shall have a minimum vertical rise of two and one-half (2 ½) inches in each twelve (12) inches of horizontal run and a building design that is harmonious with the character of the neighborhood. No portion of any accessory building shall be covered with unpainted galvanized metal or corrugated sheets or panels. The use of galvanized tin or "strong barn" exterior walls of accessory buildings shall not be permitted. However, enameled or similar coated exterior walls may be permitted upon review by the Zoning Administrator.
3. In the following residential zoning districts: "R-1", "R-2", "M-P", and "M-S" no one accessory building shall be larger than one thousand three hundred (1,300) square feet. The sum of all detached accessory structures including storage buildings, garages, or carports shall not exceed a total square footage of two thousand and five hundred (2,500) square feet and the side walls of said buildings shall not exceed twelve (12) feet in height.
4. In the "LLR" residential zoning district, no one accessory building shall be larger than two thousand four hundred (2,400) square feet. The sum of all detached accessory structures including storage buildings, garages, or carports shall not exceed a total square footage of four thousand (4,000) square feet and the side walls of said buildings shall not exceed sixteen (16) feet in height.
5. Detached accessory shall be permanently anchored to a foundation.
6. All cargo containers must follow the regulations outlined in the following sections of this Ordinance.

**SECTION 603. NUMBER OF STRUCTURES AND USES ON A ZONING LOT.** Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district in which the lot or tract is located.

**SECTION 604. SIGHT TRIANGLE.** On a corner lot in all districts, except the "C-2" Central Business District development shall conform to the requirements of the sight triangle as defined by this regulation.

**SECTION 605. ACCESS TO BUSINESS AND INDUSTRIAL DISTRICTS.** No land which is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.

**SECTION 606. HOME OCCUPATIONS.** Home occupations shall be permitted in the "A-1", "R-1", "R-2", "M-P", and "M-S" Districts.

A. Restrictions and Limitations.

1. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than twenty-five percent (25%) of the floor area of any one floor of a dwelling unit, or one room, whichever is the smaller, shall be used for a home occupation.
2. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
3. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence. The home occupation shall be carried on entirely within the principal residential structure.
4. No sign shall be permitted which exceeds two (2) square-feet in area. Said signs shall not be illuminated, and shall be placed flat against the main wall of the building.
5. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
6. No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
7. Parking needs generated by the conduct of a home occupation shall be provided off-street in an area other than the required front yard.

B. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of this Ordinance.

1. Art, dancing, and music schools, provided that instruction is limited to five (5) pupils at one time.
2. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
3. Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
4. Radio, television, phonograph, recorder, and small appliance repair service.
5. Day care homes.
6. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
7. Electronics Repair.
8. Internet service, website design, website maintenance, and other related tasks.
9. Massage Therapy Parlor (appointment only).
10. Fitness/Personal Trainer (one on one).
11. Tailoring, alterations, and seamstresses.
12. Saw-filing.
13. Home party products.

- C. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, include the following:
1. Antiques - retail.
  2. Beauty parlor or barber services.
  3. Funeral services.
  4. Groceries - retail.
  5. Second-hand merchandise.
  6. Equipment rental.
  7. Automobile and vehicle repair services.
  8. Physicians.
  9. Dentists.
  10. Chiropractors.
  11. Machine shops.
  12. Restaurants.
  13. Welding.

**SECTION 607. TEMPORARY USES PERMITTED.**

- A. Street Sales. The retail sale of merchandise not within an enclosed structure for a period not to exceed four (4) days. Street sale displays need not comply with the yard and setback requirements of these regulations, provided that no merchandise shall be displayed in the sight triangle.
- B. Christmas Tree Sales. Christmas tree sales in any business or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within the sight triangle.
- C. Contractor's Office. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
- D. Real Estate Offices. Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
- E. Seasonal Sales. Seasonal sale of farm produce grown on the premises in an "A-1" District. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. All permanent structures must comply with the front yard requirement.

- F. Carnivals and Circuses. A carnival or circus, but only in "A-1", "C-1", "C-2", "C-3", or "I-1" Districts, and then only for a period that does not exceed three (3) weeks. Carnivals and circuses must be approved by the City Council by applying for a Conditional Use Permit. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.
- G. Garage or Porch Sales. The sale of used or second-hand merchandise shall be permitted in any district providing that such use shall not exceed three (3) consecutive days in duration nor shall it occur more than twice each year at any particular location. A 2' by 3' sign shall be permitted during the duration of the sale.
- H. Cargo Containers. Notwithstanding any provisions of this Zoning Ordinance, the temporary use of cargo containers is allowed in all zoning districts in the jurisdictional area subject to the following restrictions:
1. Temporary use of cargo containers is limited to 60 days per calendar year on any individual property.
  2. Cargo containers may be used as temporary storage; van trailers, and other trailers with attached wheels and/or axles may also be used for temporary storage.
  3. Applicants must apply for a permit for temporary use of cargo containers or trailer. Applications shall be available from the City Clerk. Applications must state the reason temporary storage is needed.
  4. The building inspector shall issue or deny permits for temporary use of cargo containers or trailers. Permits for temporary use of a cargo container or trailer for temporary storage may be denied if the building inspector determines the proposed temporary placement interferes with fire access, traffic visibility, traffic flows. Permits for temporary use of a cargo container or trailer may be denied if the applicant cannot demonstrate compelling reasons temporary storage is needed by the applicant. Applicants denied a permit may appeal to the board of adjustment.
  5. Cargo containers used for temporary purposes may not exceed eight feet six inches (8'6") in width; nine feet six inches (9'6") in height; by fifty-three feet (53') in length. Trailers used for temporary storage may not exceed fifty-three feet (53') in length; eight feet six inches (8'6") in width; and fourteen feet (14') in height.
  6. No site preparation or foundation is required for cargo containers or trailers used as temporary storage.
  7. Cargo containers or trailers which remain in place for more than 60 days may be impounded by the governing body. Applicants must pay for impounding costs and fees to reclaim the cargo container or trailer.
  8. Placement of cargo containers for temporary uses shall not interfere with vehicle or pedestrian traffic or any public right-of-way.

**SECTION 608. AREA REQUIREMENTS.** In no case shall any structure be located on a lot less than one acre in area if it is not connected to a public sewer system.

**SECTION 609. OPEN STORAGE.** The storage of salvage or scrap materials, in- an operable motor vehicles, household goods or furniture, or business equipment or materials for more than forty-eight (48) consecutive hours shall not be allowed in any residential district unless such items are stored in a completely enclosed building.

**SECTION 610. DETERMINATION OF BUILDING SETBACK LINE.** The building set back line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the architectural projection of the existing or proposed structure nearest the property line.

**SECTION 611. FENCES, HEDGES, AND WALLS.** Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

A. Basic Requirements & Restrictions -

1. It is recommended to have your property surveyed by a licensed surveyor to positively identify and mark your property lines to avoid dispute. Property owners are responsible to locate property pins prior to any permit being issued. The City of Imperial does not mediate disagreements between owners of private property.
2. All setbacks must be adhered to as per the zoning district's regulations.
3. Permit Holder is responsible for calling Diggers Hotline of Nebraska prior to start of construction. The Permit Holder is responsible for scheduling all required inspections.
4. All fences must remain on the property and not extend beyond your property lines.
5. Installation of a fence may not obstruct any manhole or inlet cover nor disturb or impede existing drainage pattern/swale or natural water flow.
6. The finished side of the fence must face to the outside of the property. Visible supports and other structural components shall face in toward the subject property.
7. A fence height shall be measured from the top of the fence to the lowest grade at the base of the fence.
8. Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation. The building and zoning administrator may order any dilapidated, dangerous, or non-conforming fence removed at the owner's expense.
9. Any fence, hedge or wall shall provide access to utility workers for meter reading and maintenance of the utility.
10. Electric and barbed wire fences are prohibited.
11. No fencing shall conflict with the requirements of the clear vision area for streets and driveways. Fencing within a vision clearance shall not create a visual obstruction.

12. Fences in a front yard shall contain openings constituting no less than 50% of the surface area and shall be situated or constructed in such a way as not to obstruct the vehicular traffic or otherwise create a traffic hazard.
13. Fences shall not be closer than six inches (6") to any property line. Perennial plantings shall not be planted closer than two and one-half (2-1/2') to any property line.

B. Definitions:

1. **Fence:** Any vertical structure, other than a building or plant material which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.
2. **Open Fence:** A fence where the design contains openings that constitute not less than fifty percent (50%) of the surface area of the fence. The surface area is the product of a length of fence measured from the inside edge of one support post or column to the inside edge of the next adjacent support post or column; times the height of the same section of fence.
3. **Closed Fence:** A fence where the design of the fence has more than fifty (50%) percent of the surface area closed.
4. **Front Yard:** That portion of the property that is adjacent to a street.
5. **Back Yard:** That portion of the property that is on the opposite end of the front yard.
6. **Side Yard:** The portion of the property that is between the front and back yards.

C. Fences, hedges and walls may be permitted in all districts as accessory uses in accordance with the following limitations:

1. The maximum height for fences, hedges, and walls in any district other than the Agricultural District on the perimeter shall be as follows:
  - a. Corner Lots:
    - i. Front Yard - Forty-eight inches (48") or four feet (4') in height.
    - ii. Street Side Yard – Forty-eight inches (48") or four feet (4') in height.
    - iii. Non-Street Side Yard – Six feet (6') from the rear property line to the front corner of the house, then forty-eight inches (48") or four (4) feet in height.
    - iv. Rear Yard – Six feet (6') in height from corner of house to non-street side and four feet (4') in height on street side
  - b. Other Lots:
    - i. Front Yard – Forty-eight inches (48") or four feet (4') in height.
    - ii. Side Yard – Six feet (6') from rear property line to the front corner of the house, then forty-eight inches (48") or four feet (4') in height.
    - iii. Rear Yard – Six feet (6') in height.
2. No fence, hedge, wall, or shrubbery shall interfere with the vision of motorists or adjacent property holders. On a corner lot in the Residential District, a sight triangle shall be provided such that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of

such corner lots and a line joining points along said street lines forty (40) feet from the point of the intersection.

3. Fences separating residential and non-residential land uses are not to exceed forty-eight inches (48") or four feet (4') at the front corners of the house.
4. Fences between two non-residential land uses shall not exceed eight (8) feet in height unless otherwise specifically permitted.
5. All outdoor swimming pools shall be enclosed by a fence or wall at least eight (8) feet but not more than ten (10) feet in height with a gate or gates, which can be securely locked.
6. Fences shall be constructed of commonly accepted, new material for residential fences such as wood, plastic, vinyl, PVC/resin, concrete, stone, masonry, wrought iron, or chain link; shall be structurally sound; shall have a neat, professional and finished appearance.
7. The Planning Commission may approve other materials.
8. Fences shall not be constructed of material not commonly used for residential fences such as non-treated or natural wood products, metal, fiberglass, barbed wire, wooden pallets, chicken wire, or corrugated metals.
9. No shrubs, trees, bushes, or other plant material shall be planted, maintained, allowed to grow and no structure shall be erected so as to hinder vision in the vicinity of an intersection of two streets, within a sight distance triangle bounded by the edges of the roadway or the curb on the two sides and a line diagonally across the corner lot meeting the edges of the roadway or the curb forty (40) feet from their intersection at the corner. To hinder vision shall be taken to mean that said plant material has leaves, needles, branches or other foliage during any period of the year, and structures of any type as defined in the zoning ordinance exist, between levels two and one-half (2-1/2) feet and ten (10) feet above the crown of the street adjacent.

These regulations apply only to new construction; any non-conforming fences, unless dilapidated and/or dangerous shall not be affected. No fence shall be erected, constructed, or moved until a fence permit has been procured from the Zoning Administrator. Application for a fence building permit shall include a sketch of the lot, the location of any buildings on the lot, the proposed fence and sufficient dimensions to accurately locate these features.

**SECTION 612. RECREATIONAL VEHICLES.** Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, motor homes, camping buses or converted trucks, tent trailers and other similar vehicles shall not be stored in a residential district except within an enclosed building or behind the front setback line, or in the side yard on a crushed rock, gravel, or paved surface.

- A. On a corner lot such equipment shall be kept back of the front setback lines on both street sides.
- B. No such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.
- C. In those cases where compliance with the above regulation is impossible due to lack of access to a side or rear yard, the City Council may, after public hearing, issue a variance to allow certain specified deviations.

**SECTION 613. NUMBER OF EMPLOYEES.** Whenever the number of employees is restricted in connection with any use in the neighborhood shopping or commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials of products on the premises and not to employees engaged in delivery or similar activities.

**SECTION 614. RADIO AND TELEVISION TOWERS.** Radio and television towers shall be in any commercial or industrial district providing the height of said radio or television tower does not conflict with any airport approach or landing zone or with any other City ordinances. In all other districts, radio and television towers may only be permitted as a conditional use.

**SECTION 615. MANUFACTURED HOMES.** All manufactured homes located outside of “M-P” Mobile Home Park District shall meet the following standards:

- A. The home shall have no less than nine hundred (900) square feet of floor area.
- B. The home shall have no less than an eighteen (18) foot exterior width.
- C. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run.
- D. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.
- E. The home shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock.
- F. The home shall have wheels, axles, transporting lights and removable towing apparatus removed.
- G. Nothing in this Article shall be deemed to supersede any valid restrictive covenants of record.
- H. The home must meet building code requirements adopted by the City.
- I. The home shall be set on a permanent masonry or concrete foundation.

**SECTION 616. CARGO CONTAINERS.** The following regulations shall apply to the placement of cargo containers in the jurisdictional area:

- A. Cargo containers may be placed in the jurisdictional area only as permitted by this Zoning Ordinance.
- B. Cargo containers may be placed in the jurisdictional area only after applying for and obtaining a building permit; application shall be made as specified in this Zoning Ordinance.
- C. Cargo containers shall not be permitted in the jurisdictional area, except for temporary usage as defined in this Zoning Ordinance, on any property which is located in any residential district, to include Districts “R-1”; “R-2”; “LLR”; “M-P”; and “M-S”.
- D. Cargo containers shall not be permitted on any commercial property zoned as “C-2” or “C-O”.
- E. Cargo containers may be placed in the “A-1”, “C-1”, “I-1” and “I-2” Districts subject to the regulations and requirements provided in this Zoning Ordinance.
- F. All cargo containers placed in the jurisdictional area shall meet the following requirements:
  - 1. Cargo container must be painted one solid neutral color or a color complimentary to other building(s) on the property;

- a. property owner may apply for a variance to the board of adjustment to paint cargo containers in two solid colors to compliment the surroundings of the real estate on which the cargo container is located;
- b. Applicants who receive a building permit for a cargo container shall have 30 days from the time of placement of the cargo container on applicant's property to paint the cargo container to meet the requirements of this section; the building inspector may grant an extension of up to 30 days to comply with painting requirements due to weather conditions.
2. Cargo containers shall not be placed in any area designated as a lot setback and shall not interfere with visibility for vehicle or foot traffic.
3. Cargo containers may not be placed in areas which are required as building setbacks for conventional buildings.
4. Cargo containers must have the following setbacks to other cargo containers:
  - a. There must be a five foot (5') setback between adjacent cargo containers;
  - b. Notwithstanding the foregoing sub-subsection (4)(a) up to four (4) cargo containers may be placed immediately adjacent to each other in a manner that does not allow for any space or gap between the containers.
5. Each individual cargo container may not exceed eight feet six inches (8'6") feet in width; nine feet six inches (9'6") in height; by fifty-three feet (53') in length.
6. Cargo containers must be maintained in good repair and cannot have holes in the sides or top of the cargo container; cargo containers cannot have visible rust covered areas; containers that are properly placed with a building permit must be maintained to meet the requirements of this section; cargo containers not in compliance may be declared a nuisance by the city council and abated.
7. Any cargo container supplied with electrical service must meet all applicable electrical codes for conventional buildings.
8. Cargo containers may not be connected to municipal water supply or to municipal sewers.
9. Cargo containers must be placed on packed gravel base; packed crushed rock base or concrete slab; bases prepared for cargo containers must be level and provide proper drainage.
10. Cargo containers may only be placed with the floor of the cargo container resting directly on the surface of the pad required by this zoning ordinance; cargo containers may not be buried or placed below grade, stacked on other containers or otherwise placed in any other manner other than with the floor of the container resting on the prepared pad.
- G. Number of cargo containers; the number of cargo containers on each recorded lot or legal description shall be limited as follows:
  1. Properties in the "I-1" or "I-2" zoning area shall be limited to no more than eight cargo containers.
  2. Properties in the "C-1" zoning area shall be limited to four cargo containers.
  3. Properties in the "A-1" zoning area shall be limited to four cargo containers.
- H. Grandfathering of cargo containers and trailers; cargo containers and semi-trailers which existed in the jurisdiction of the governing body may be permitted to remain provided landowner obtains a grandfather permit as detailed in this subsection.

1. All cargo containers and semi-trailers which existed on January 1, 2012 in the zoning jurisdiction of the governing body are eligible to receive a grandfather permit upon the landowner's compliance with the requirements of this ordinance.
2. Landowners may make application for a grandfather permit within 120 days of the effective date of this section; grandfather permits shall be available from the city clerk.
3. Landowners must paint cargo containers and trailers in accordance with this zoning ordinance regarding cargo containers before a grandfather permit may be issued.
4. Cargo containers and trailers must be inspected by the building inspector prior to the issuance of a grandfather certificate.
  - a. Building inspector shall determine if there is any burrowing activity under the existing cargo container by any animal. If the building inspector finds evidence of burrowing under existing cargo containers then landowner must place cargo container on a foundation as required by this zoning ordinance regarding cargo containers.
  - b. Grandfather certificates may be denied if building inspector finds the cargo container or trailer poses a danger due to fire access to any property.
  - c. If building inspector finds no burrowing activity and no problems with fire access due to the location of the cargo container or trailer then existing cargo container or trailer may be issued a grandfather permit.
5. All work, inspections and other requirements must be completed within 180 days of the effective date of this ordinance. No grandfather permits shall be issued more than 180 days from the effective date of this ordinance. Cargo containers and trailers which do not have a building permit, grandfather permit or variance from the governing authority shall be considered non-complaint structures and may be required to be removed or otherwise brought into compliance by the governing body.
6. Cargo containers and trailers issued a grandfather certificate may not be replaced if destroyed.
7. Cargo containers and trailers issued a grandfather certificate may not be:
  - a. Moved or relocated in whole or in part;
  - b. Enlarged or extended in any manner;
  - c. Replaced or repaired of the value of the repairs required exceeds 50% of the value of the replacement value; when repairs to cargo containers or trailers are in excess of 50% of the replacement value then the cargo container or trailer must be removed.
  - d. Connected to electrical supply if not connected on January 1, 2012.

**ARTICLE 7**  
**OFF-STREET PARKING REGULATIONS**

**SECTION 701. APPLICABILITY.** Off-street parking and loading space, as required in this article, shall be provided for all new buildings and structures or additions thereto. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures or additions to existing buildings, structures, or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article. Except that no off-street parking or loading space shall be required for any use in the "C-2" Central Business District.

**SECTION 702. GENERAL PROVISIONS.**

- A. **Utilization.** Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
- B. **Residential Districts.** Spaces shall be provided in other than the front yard in all residential districts except that in the event an attached garage is converted to a livable room of the dwelling, the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard.
- C. **Accessory Use.** Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract as the main use must be located within the same zoning district in which parking or storage lots are permitted as a main use.
  - 1. In no instance shall off-street parking required by this article be located more than 300 feet (as measured along lines of public access) from the use which it serves.
- D. **Repair Service.** No commercial motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- E. **Computation.** When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 1/2 or less may be disregarded, and a fraction in excess of 1/2 shall be counted as one parking space.
- F. **Mixed Uses.** When a building or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

**SECTION 703. LAYOUT AND DESIGN REQUIREMENTS.**

- A. **Area.** A required off-street parking space shall be at least 8 feet 6 inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps, and columns.

- B. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. Design. Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this article.
- D. Surfacing. All open off-street parking and loading areas, including driveways and aisles, shall be graded and provided with an all-weather surface.
- E. Lighting. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
- F. Landscaping. Unless otherwise noted, each off-street parking facility of over six thousand (6,000) square feet shall comply with the following regulations:
  - 1. Each off-street parking facility shall provide a minimum five (5)-foot landscaped buffer along any street property line.
  - 2. Each parking facility that abuts a residential district shall provide a ten (10) foot landscaped buffer along its common property line with the residential district.
  - 3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four (4) feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.
  - 4. Each unenclosed parking facility of over six thousand (6,000) square feet within any street yard shall provide interior landscaped area equal to no less than five percent (5%) of the total paved area of the parking facility. Parking facilities within the I-1 and I-2 Districts shall be exempt from this requirement.
  - 5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in this section.
  - 6. Landscaping or screening installed in any required landscaped area shall not obstruct the view from the off-street parking facility to any driveway approach, street, alley, or sidewalk. Landscaping shall further not obstruct any views among parking spaces and circulation ways, or visibility between vehicles and pedestrians.

**SECTION 704. PLANS AND APPROVAL REQUIRED.** Plans showing the layout of all required off-street parking and loading areas shall be submitted to and approved by the Zoning Administrator prior to issuance of a building permit. Before approving any parking layout, the Zoning Administrator shall satisfy himself/herself that the spaces provided are usable and meet standard design criteria contained herein. All required off-street parking spaces shall be clearly marked.

**SECTION 705. REQUIRED-SPACES.** Off-street parking spaces shall be provided as follows:

A. Dwelling and Lodging Uses.

1. Boarding or rooming houses: One parking space per each three sleeping rooms.
2. Dormitories, fraternities, sororities: Two parking spaces for each three occupants based on the maximum design capacity of the building.
3. Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.
4. Mobile homes: Two parking spaces per each mobile home.
5. Nursing homes, rest homes, etc.: One parking space per each five beds based on the designed maximum capacity of the building, plus one parking space for each employee.
6. Single-family and modular dwellings: Two spaces per dwelling unit.
7. Two-family and multiple-family: Two spaces per dwelling unit.
8. Dwelling units designed specifically for the elderly: one space per two dwelling units.

B. Business, Commercial and Industrial Uses.

1. Automobile, truck, recreational vehicle and mobile home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.
2. Automobile salvage yards: One parking space for each employee plus one parking space for each 10,000 square feet of storage area,
3. Financial, business, and professional offices: One parking space for each 350 square feet of gross floor area.
4. Bowling alleys: Five parking spaces for each lane.
5. Cartage, express, and parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24 hour period, plus one parking space for each vehicle maintained on the premises.
6. Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.
7. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the premises.
8. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.
9. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One per three employees based upon the largest working shift in any 24-hour period.
10. Medical and dental clinics or offices: One parking space for each 300 square feet plus one parking space per employee of large shift.
11. Professional Office Buildings: One parking space for each 300 square feet of gross floor area.

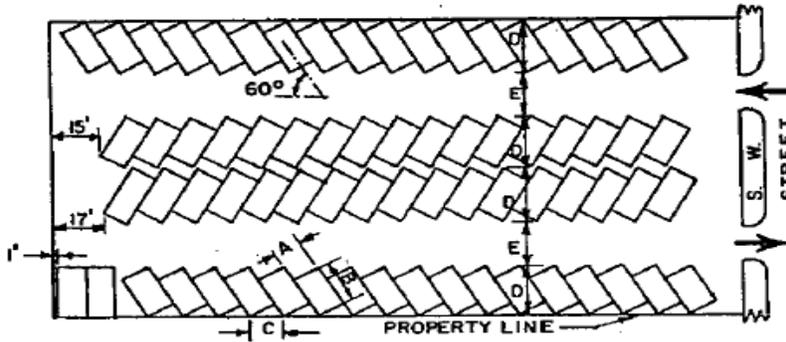
12. Restaurants, private clubs and taverns: One parking space per three-person capacity in dining area; provided, however that drive-in restaurants shall have a minimum of at least ten parking spaces.
13. Retail stores and shops: One space per 400 square feet of floor area.
14. Service stations: One parking space for each employee plus two spaces for each service bay.
15. Theatres, auditoriums, and places of assembly, with or without fixed seats: One parking space for each four people, based upon the designed maximum capacity of the largest room of the building.
16. Warehouse, storage and wholesale establishments: One parking space per 5,000 square feet.
17. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

C. Other Uses.

1. Churches: One parking space for each five seats based upon the maximum designed seating capacity, including choir lofts.
2. Elementary, junior high and equivalent parochial and private schools: Two for each classroom.
3. High schools, colleges, universities and other similar public or private institutions of higher, learning: Eight parking spaces for each classroom, plus one space for each two employees.
4. Hospitals: One parking space for each two beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.
5. Laundromats: One space for each two washing machines.
6. Nursery schools and day care centers, public or private: One parking space for each employee.
7. Fraternal associations and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.
8. Swimming pools and clubs: One parking space for each four person capacity.
9. Trade and commercial schools: One parking space for each three students and employees.

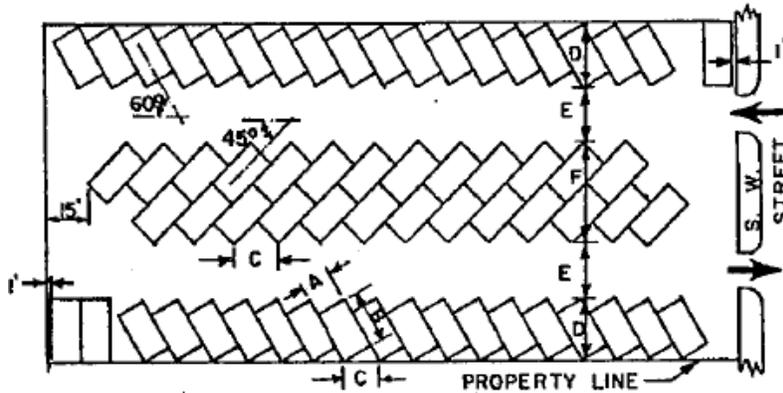
## OFF-STREET PARKING STANDARDS

### 60° PERIMETER & ISLAND PARKING



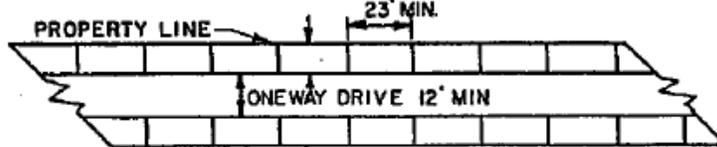
60° PERIMETER		ISLAND PARKING			
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
CURB LENGTH/ CAR	C	9.8'	10.5'	11'	11.5'
STALL DEPTH	D	21'	21'	21'	21.5'
DRIVEWAY WIDTH	E	18.5'	18'	18'	18'

### 45° & 60° HERRINGBONE PATTERN PARKING



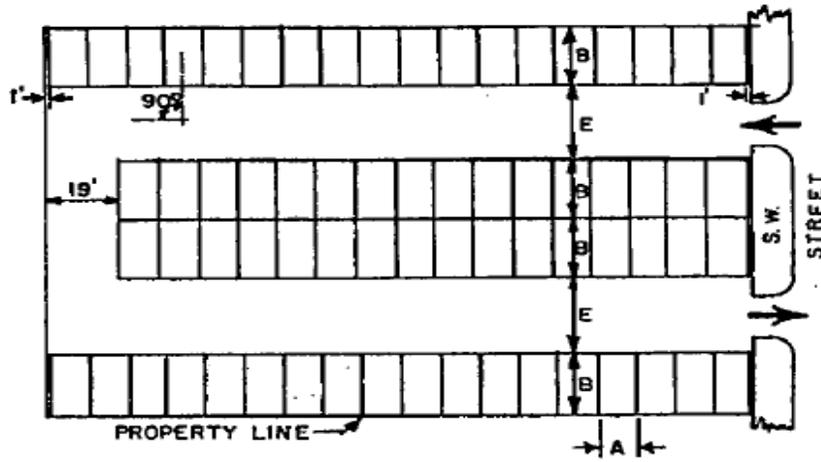
STALL WIDTH		STALL LENGTH		CURB LENGTH PER CAR		STALL DEPTH		DRIVEWAY WIDTH		ISLAND WIDTH	
A	B	C/45°	C/60°	D/60°	E/60°	F					
8.5'	19'	12'	9.8'	21'	18.5'	33'					
9'	19'	12.7'	10.5'	21'	18'	33'					
9.5'	19'	13.5'	11'	21'	18'	33'					
10'	19'	14'	11.5'	21.5'	18'	34'					

### PARALLEL PARKING



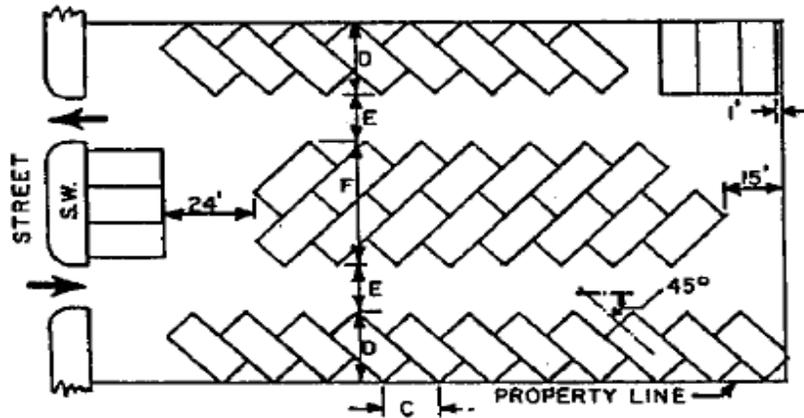
## OFF-STREET PARKING STANDARDS

### 90° PERIMETER & ISLAND PARKING



90° PERIMETER & "ISLAND" PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
DR.-WAY WIDTH	E	25'	24'	24'	24'

### 45° PERIMETER & ISLAND PARKING



45° PERIMETER & "ISLAND" PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
CURB LENGTH/CAR	C	12'	12.7'	13.5'	14'
STALL DEPTH	D	19.5'	20'	20'	20.5'
DRIVEWAY WIDTH	E	13.5'	13'	13'	13'
ISLAND WIDTH	F	33'	33'	33'	34'

**ARTICLE 8**  
**SIGN REGULATIONS**

**SECTION 801. APPLICABILITY.** Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in the Sign Use Regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this Regulation, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such materials that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Zoning Administrator in application for a sign, permit for all signs.

**SECTION 802. CLASSIFICATION OF SIGNS.**

- A. **Advertising Sign.** A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- B. **Bulletin Board Sign.** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
- C. **Business Sign.** A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- D. **Construction Sign.** A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project. This sign is permitted only during the construction period and only on the premises on which the construction is taking place.
- E. **Identification Sign.** Sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily-recognized symbol.
- F. **Name Plate Sign.** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- G. **Real Estate Sign.** A sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.

### **SECTION 803. STRUCTURAL TYPES.**

- A. Awning, Canopy or Marquee Sign. A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.
- B. Ground Sign. Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property, where the bottom edge of the sign is less than six (6) feet above the ground.
- C. Pole Sign. Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property where the bottom edge of the sign is six (6) feet or more above the ground level.
- D. Projecting Sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- E. Wall Sign. A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building.
- F. Roof Sign. A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

### **SECTION 804. GENERAL STANDARDS.**

- A. Gross Area of Sign. Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this regulation. For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.
- B. Sign Height. Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- C. Illuminated Signs. A sign designed to give forth artificial light or designed to reflect light derived from any source:
  - 1. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district.
  - 2. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.
- D. Flashing or Moving Signs. Any illuminated sign on which the artificial light is not constant in intensity or color at all times shall be considered as a flashing sign. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall be considered as a flashing sign.
  - 1. Flashing signs shall not be permitted in any district.

2. A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 32 square feet in area.
- E. Accessway or Window. No sign shall block any required accessway or window.
  - F. Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole whether on public or private property.
  - G. Metal Signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically-wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine (9) feet. Accessory lighting fixtures attached to a non-metal frame sign shall also maintain a clearance of nine (9) feet to grade. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.
  - H. Traffic Safety.
    1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
    2. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.
    3. Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.
  - I. Lineal Street Frontage. In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:
    1. For those tracts or parcels located on collector or arterial streets as designated in the Major Street Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the collector or arterial street.
    2. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.
  - J. Portable Signs. Portable signs shall be permitted on a temporary basis in only the "C-1", and "C-2" Districts, subject to the following conditions:
    1. Portable signs shall not be placed on public right-of-way.
    2. An applicant may utilize a portable sign for a period of not more than seven consecutive days and shall be permitted to utilize a portable sign a maximum of four times per calendar year.
    3. No portable sign shall be utilized without first obtaining a sign permit from the Zoning Administrator.

4. A portable sign shall contain no more than 32 square feet of advertising space, including all sides of the sign.

#### **SECTION 805. EXEMPTIONS.**

- A. Total Exemptions. The following signs shall be exempt from the requirements of this Article, except for the provisions of Section 803.
  1. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
  2. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossing and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
  3. Memorial signs, and tablets displayed on public or private property.
  4. Small signs, not exceeding three (3) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs.
  5. Score boards in athletic stadiums.
  6. Political campaign signs, not exceeding four (4) square feet in area, may be displayed for a period beginning on the last day of the statutory filing period and ending one-week after the general or special election. Political signs may remain up between the primary and general elections except that signs for candidates who lost in the primary and signs that become deteriorated or partially destroyed shall be removed.
  7. Temporary signs for the sale of household goods at a residence (garage sales) for a period not to exceed three (3) days.
- B. Exemptions from Sign Permit. The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article.
  1. Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.
  2. Bulletin board signs not exceeding 100 square feet in gross area accessory to a church, school or public or non-profit institution.
  3. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
  4. Real estate signs not exceeding six (6) square feet in area.
  5. Construction signs not exceeding sixteen (16) square feet in area.

#### **SECTION 806. DISTRICT REGULATIONS.**

- A. "A-1" Agricultural District. "R-1" Single-Family and Two Family Residential District. "R-2" Multi-Family District, "M-P" Mobile Home-Park District and "M-S" Mobile-Subdivision District.
  1. Functional Types Permitted.

- a. Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this regulation.
  - b. Bulletin board signs.
  - c. Construction signs.
  - d. Identification signs.
  - e. Name plate signs.
  - f. Real estate signs.
2. Structural Types Permitted.
- a. Ground signs.
  - b. Wall signs.
3. Number of Signs Permitted: One sign per zoning lot.
4. Maximum Gross Area:
- a. Business signs - home occupations only: 2 square feet.
  - b. Bulletin board and Identification signs: 100 square feet.
  - c. Construction signs: 32 square feet.
  - d. Name plate signs: 2 square feet.
  - e. Real estate signs: 6 square feet, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of three years or when seventy-five (75) percent of the lots have been sold, whichever occurs sooner.
5. Maximum Height: 15 feet.
6. Required Setback: No sign shall be placed closer to the front property line than the distance of the required front yard.
7. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.
- B. "C-1" Highway Business District, "C-2" Central Business District. "C-O" Office District "I-1" Light Industrial District and "I-2" Heavy Industrial District.
- 1. Functional Types Permitted.
    - a. Advertising signs.
    - b. Bulletin board signs.
    - c. Business signs.
    - d. Construction signs.
    - e. Identification signs.
    - f. Name plate signs.
    - g. Real estate signs.
  - 2. Structural Types Permitted.
    - a. Awning, canopy or marquee signs.
    - b. Ground signs.

- c. Pole signs.
  - d. Projecting signs.
  - e. Wall signs.
3. Number of Signs Permitted.
    - a. Awning, canopy or marquee signs and wall signs: No limitations.
    - b. Ground signs and pole signs: Two per zoning lot.
    - c. Projecting signs: One per zoning lot.
  4. Maximum Gross Surface Area: Four (4) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.
  5. Maximum Height: 30 feet.
  6. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures.
  7. Illumination: Illuminated signs shall be permitted.

**SECTION 807. PROHIBITED SIGNS.** Signs shall not be erected or maintained in such a manner as to obscure, or otherwise physically interfere with an official traffic sign, signal or device, or in such a manner as to obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. This shall also mean pedestrian traffic on sidewalks. All road signs shall be maintained in a neat and presentable condition. The erection or maintenance of the following signs shall not be permitted:

- A. Signs advertising activities that are illegal under Federal, State, or local laws or regulations.
- B. Obsolete signs.
- C. Signs that are broken or needing substantial repair.
- D. Signs that are not securely affixed to a structure.
- E. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaches to intersections.
- F. Signs erected or maintained upon trees or utility poles.
- G. Movable signs which are painted, printed, or mounted and which are visible from the traveled way of any Federal-Aid Primary Highway.
- H. Signs in officially designated scenic areas or in parkland which are visible from the traveled way of any Federal-Aid Primary Highway.

**ARTICLE 9**  
**NONCONFORMITIES**

**SECTION 901. GENERAL.** Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses. A definition of each type is as follows:

- A. **Nonconforming Lot of Record.** A lot which was lawful prior to the adoption, revision, or amendment of this Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Ordinance. No action can be taken which would increase the non-conforming characteristics of the lot.
- B. **Nonconforming Structure.** A structure which was lawful prior to adoption, revision, or amendment of this Ordinance, but does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located. No action can be taken which would increase the non-conforming characteristics of the structure.
- C. **Nonconforming Use.** An existing use of a structure or land which was lawful but now does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto. No action can be taken which would increase the non-conforming characteristics of the land use.

**SECTION 902. NONCONFORMING LOTS OF RECORD.** The Zoning Administrator may issue a Building Permit for any nonconforming lot of record provided that:

- A. 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 by any zoning regulations.
- B. 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 any zoning regulations.
- C. Said lot can meet all yard regulations for the district in which it is located.
- D. Said lot can meet minimum sanitation requirements by either connecting to a sanitary sewer line or having adequate area to support a septic system.

**SECTION 903. NONCONFORMING STRUCTURES.**

- A. **Authority to Continue.** Any existing structure which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
- B. **Enlargement, Repair and Alterations.** Any nonconforming structure may be enlarged, maintained, repaired or remodeled; 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. Notwithstanding the above, a porch which is

covered by a roof which extends into a front setback area may be enclosed but not in excess of the area covered by the existing roof.

- C. Damage or Destruction. In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than sixty (60) percent of its replacement value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of sixty (60) percent or less, no repairs or restoration shall be made unless a building permit is obtained within six months and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.
- D. Moving. No nonconforming structure shall be moved in whole or in part for any distance, 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.

#### **SECTION 904. NONCONFORMING USES.**

- A. Authority to Continue. Any lawfully existing use of part or all of a structure or any lawfully existing use of land which existed prior to the adoption of these regulations and does not comply with the use requirements of these regulations may be continued, so long as otherwise lawful and so long as it is not specified to be terminated by these regulations.
- B. Ordinary Repair and Maintenance.
  - 1. Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure 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 and who declares such a structure to be unsafe and orders its, restoration to a safe condition.
- C. Extension. A nonconforming use shall not be extended, expanded, enlarged, or increased either in land area or floor area.
- D. 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 the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than sixty (60) percent of its replacement value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is sixty (60) percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

- F. Moving. No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever to any location on the same or any other lot, unless the entire structure and the use thereof and the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. Mobile homes shall not be replaced on an existing utility hookup outside a mobile home park.
- G. 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 as a conditional use application, provided that the City Council, after receiving the recommendation of the Planning Commission, shall find that the proposed use is as appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change the City Council, after receiving the recommendation of the Planning Commission, may require 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.
- H. Abandonment or Discontinuance. When a nonconforming use is discontinued or abandoned for a period of twelve consecutive months, such use shall not thereafter be re-established or resumed and any subsequent use or occupancy of such land or buildings shall comply with the regulations of the zoning district in which such land or buildings are located. Mobile homes not located within a mobile home park shall be removed if they are unoccupied for a period of twelve consecutive months.
- I. Nonconforming Accessory Uses. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate unless said accessory use is permitted in the district.
- J. Nonconforming Residential Uses. Notwithstanding the provisions of Nonconforming Uses Extension and Enlargement Sections, any structure which is devoted to a residential use and which is located in a business or industrial district may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, 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.
- K. Open Storage In Residential Districts. No use prohibited by this Ordinance shall be continued in any residential district for more than six (6) months past the effective date of this ordinance.

#### **SECTION 905. STATUS OF CONDITIONAL USES.**

- A. Status of Existing Conditional Uses. Where a use exists at the effective date of these regulations and is permitted by these regulations only as a Conditional Use in the zoning district in which it is located shall be deemed to be a nonconforming use. Such Conditional Use shall not be enlarged or expanded unless an application is approved.

**ARTICLE 10**  
**COMMUNICATION TOWER REGULATIONS**

**SECTION 1001. CONDITIONAL USE PERMIT REQUIREMENT.** Notwithstanding anything to the contrary contained herein, in all instances a Conditional Use Permit which fulfills the minimum and special requirements mentioned herein, must be obtained with the affirmative vote of City Council before any radio, television, personal wireless services or facilities may be constructed or operated within the jurisdiction of the City.

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas.

**SECTION 1002. MINIMUM REQUIREMENTS.**

- A. The placement of wireless communication antennas or towers must comply with the following requirements:
  - 1. The antennas or tower will not interfere with the purpose for which the property is intended;
  - 2. The antennas or tower will have no significant adverse impact on surrounding private property.
  - 3. The user must obtain all necessary land use approvals and permits.

**SECTION 1003. SPECIAL REQUIREMENTS.**

- A. The placement of wireless telecommunication antennas or towers on water tower sites will be allowed only when the following additional requirements are met:
  - 1. The applicant's access to the facility will not increase the risks of contamination to the City's water supply;
  - 2. There is sufficient room on the structure and/or on the grounds to accommodate the applicant's facility;
  - 3. The presence of the facility will not increase the water tower or reservoir maintenance cost to the City; and
  - 4. The presence of the facility will not be harmful to the health of workers maintaining the water tower or reservoir.
- B. In no case shall towers or antennas be allowed in designated prairie or other conservation or wildlife area unless they are to be installed in areas, which currently contain tower facilities or antennas, and in no case shall towers or antennas be allowed in areas without road access to the base of the tower, antenna support structure or facilities.

- C. Tower setbacks shall be measured from the property line of the parcel on which it is located to the base of the tower. The setback shall not be less than one hundred ten percent (110%) of the tower height as measured from the ground level.
- D. Towers shall have a color generally matching the surroundings or background that minimizes their visibility, unless a different color is required by the FCC or FAA.
- E. No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA. No banners or similar devices or materials may be attached to the towers, antenna support structure or antennas.
- F. Ground level equipment, buildings, and the tower base shall be screened from public streets and residentially zoned properties and shall not encroach in the building setback. Landscaping shall be required to screen as much of the support structure as possible. The City may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If the antenna is mounted on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required.

In the event the use of any tower or antenna has been discontinued for a period of sixty (60) consecutive days, the tower or antenna shall be deemed to be abandoned. Upon such abandonment, the operator of the tower or antenna shall dismantle and remove the tower or antenna. If such tower or antenna is not removed within said sixty (60) days from the date of abandonment, the City may remove such tower or antenna, in accordance with applicable law, at the facility owner's expense.

**ARTICLE 11**  
**WIND ENERGY SYSTEM REGULATIONS**

**SECTION 1101. GENERAL STANDARDS.** All Wind Energy Systems (WES) located within the Extra Territorial Jurisdiction of the City of Imperial shall conform to the following general standards:

- A. Clearance of rotor blades or airfoils for commercial/utility Wind Energy Systems must maintain a minimum of twenty (20) feet of clearance between their lowest point and the ground. Noncommercial WES shall have a minimum clearance of twelve (12) feet between their lowest point and the ground.
- B. On site signage shall be limited to identification signs not to exceed six (6) feet and high voltage warning signs.
- C. All wind turbines part of a commercial/utility WES shall be installed with a monopole tower.
- D. All commercial/utility WES shall obtain a FAA permit and comply with all aviation warning requirements established by the FAA regulations and permit.
- E. All commercial/utility WES shall be white, grey or other neutral non obtrusive, non-reflective color. Blades may be black in order to facilitate deicing.
- F. All on site communication and transmission feeder lines installed as part of the commercial / utility WES shall be underground.
- G. Commercial/utility WES shall not exceed fifty (50) dba at the nearest occupied dwelling.
- H. Commercial/utility WES shall obtain FCC permits where necessary and provide evidence of permit approval.
- I. The commercial/utility WES, at the time of application for a conditional use, shall identify all county roads to be used for construction and maintenance of a WES. The conditional use applicant in coordination with the Holbrook Street Commissioner shall conduct a road condition survey and written report prior to construction. The conditional use applicant shall be responsible for restoration of the road(s) and bridges to preconstruction standards as established in the report. The applicant shall be responsible for the cost of retaining outside engineering firm(s) to evaluate road condition and cost for restoration if so determined by the Planning Commission.
- J. The commercial/utility WES applicant shall be responsible for immediate repair of damage to drainage or irrigation systems stemming from construction, operation or maintenance of the WES.
- K. Solid and hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as oils, lubricants and solvents shall be removed from the site promptly and disposed of in accordance with all applicable local, State and Federal regulations.
- L. A commercial/utility WES shall provide a decommissioning plan to the City Council at the time application is made. The plan shall include the method or means of removing the WES and accessory facilities, parties responsible for removal and site cleanup, evidence of a damage insurance liability policy, schedule for removal not to exceed ninety (90) days from approval of the

plan. The applicant shall set aside three-fourths (3/4) of one percent (1%) of each towers' cost for future decommissioning upon approval of the application by the City Council. The funds are to be placed in a cash escrow account with a local bank.

- M. A Conditional Use Permit for a commercial/utility WES shall be reviewed each year on the anniversary of issuance. A Conditional Use Permit for a commercial/utility WES shall be considered null and void if the WES has not begun within one (1) year following issuance of the WES Conditional Use Permit or produced energy for one (1) year, unless a plan is submitted to the Planning Commission outlining the steps and schedule for returning the WES to service.
- N. A contractual agreement referred to as a Developers Agreement between the City Council and the commercial WES developer shall be created and made part of the Conditional Use Permit. The agreement shall detail road improvements, road reconstruction, additional right-of-way needs, location of transmission lines, easements, bond and payment requirements.

**SECTION 1102. NONCOMMERCIAL WIND ENERGY SYSTEMS.** All noncommercial wind energy systems located within the Extra Territorial Jurisdiction of the City of Imperial shall conform to the following standards:

- A. Shall be systems installed to provide for full or partial onsite consumption of utility supplied electricity.
- B. Setbacks: Where allowed, Noncommercial WES shall be located in the rear yard of any Residential Districts; further, all towers shall adhere to the setbacks found in Table 2 within this Chapter.
- C. Tower Height: In all districts except the Agricultural District tower heights shall not exceed thirty (30) feet. Any tower exceeding thirty (30) feet shall be required to submit an application for conditional use. In the Agricultural District there is no height limitation except that imposed by FAA regulations.
- D. Noncommercial WES shall not exceed fifty (50) dba, as measured at the closest neighboring inhabited dwelling unit. Temporary exceptions may include severe wind storms or power outages requiring higher demand.
- E. Compliance with this Ordinance:
  - 1. All noncommercial WES will require a permit.
  - 2. Permit application will include an engineered drawing showing compliance with nationally recognized building codes. The permit shall include standard drawings of the tower structure, turbine structure, footings, guy wire anchors and a professional engineers stamp.
  - 3. Evidence of notification to the servicing utility informing the utility that the noncommercial WES will be connected to the utilities grid.
  - 4. Evidence that noncommercial WES, when located within one thousand three hundred and twenty (1,320) feet of any waters of the United States, has complied with the requirements found in Checklist 1 below.

**SECTION 1103. METEOROLOGICAL TOWERS.** All meteorological towers located within the Extra Territorial Jurisdiction of the City of Imperial shall conform to the following standards:

- A. Shall be towers which are erected primarily to measure wind speed, direction, and record other data relevant to the site of a commercial WES.
- B. Meteorological towers shall be sited according to Table 1 within this Chapter.
- C. Meteorological towers shall be a conditional use and follow the same process as outlined in this Ordinance
- D. Meteorological towers, permanent or temporary, in excess of two hundred (200) feet in height, shall meet all FAA requirements and shall be required to apply for a permit prior to construction. Meteorological towers less than two hundred (200) feet in height shall have the guy wires clearly marked with devices common to overhead transmission lines and shall be required to apply for a permit prior to construction.
- E. Setbacks: All meteorological towers shall adhere to the setbacks established in Table 2 below.

**SECTION 1104. COMMERCIAL/UTILITY WIND ENERGY SYSTEMS.** All commercial/utility wind energy systems located within the Extra Territorial Jurisdiction of the City of Imperial shall conform to the following standards:

- A. Commercial/utility WES shall be permitted as conditional uses within the districts as seen in Table 1 below.
- B. The request for a Conditional Use Permit shall include the following:
  - 1. Name(s) of project applicant.
  - 2. Name(s) of project owner.
  - 3. Legal description of the project.
  - 4. Documentation of land ownership or lease of the property.
  - 5. Site plan showing property lines, setbacks, proposed accessory buildings, wind turbine locations, transmission lines, adjacent subdivisions, homes or other structures, county and service roads, legend and scale, signature of surveyor or engineer.
  - 6. Narrative description of the project including number, type, generating capacity, tower height, rotor diameter, total height of all wind turbines including meteorological towers, height of transmission lines and capacity, lastly proposed users of project.
  - 7. Overview map of the area showing topography, location of WES owned or not owned by the applicant, public or private airfields within one mile of the proposed WES and other communication towers.
  - 8. An acoustical report that certifies the WES will meet the noise requirements of this ordinance.
  - 9. Evidence that other tower owners or lessees have been notified of the proposed WES and there will not be interference in communications.

10. An Environmental Assessment Worksheet shall be prepared by a qualified environmental engineering firm when a commercial WES is located within avian migratory routes. The Environmental Assessment Worksheet shall contain an avian assessment, map of the migratory routes and recommended mitigation practices.
  11. A decommissioning plan as required by this Ordinance.
  12. Meteorological and commercial/utility towers located within one (1) mile of any waters of the United States shall submit an Environmental Assessment Worksheet from the U.S. Environmental Protection Agency. Further a Conditional Use Permit shall not be issued until the applicant has completed Checklist 2 below.
  13. There shall be a flicker/strobe effect study provided.
- C. Aggregated Projects:
1. Aggregated projects may be jointly submitted as a single application and reviewed as a single application, including public notices, public hearing and subsequent approvals or denials.
  2. Permits may be issued and recorded separately.
  3. Aggregated projects proposed shall be considered conditional uses and follow the requirements of this Ordinance.
- D. Joint projects will be assessed as one project.
- E. Setbacks: All commercial/utility towers shall adhere to the setbacks found in Table 2 below.

**CHECKLIST 1**  
**Small Wind Energy Systems**

	U.S. Fish and Wildlife Service
	Nebraska Game and Parks Commission
	Nebraska State Historical Society
	Southwest Public Power District
	City of Imperial Utilities

**CHECKLIST 2**  
**Commercial Wind Energy Systems**

	U.S. Fish and Wildlife Service
	U.S. Army Corps of Engineers
	Nebraska Department of Aeronautics/Federal Aviation Agency (FAA)
	Nebraska Game and Parks Commission
	Nebraska State Historical Society
	Nebraska Department of Natural Resources
	Nebraska Department of Roads
	Southwest Public Power District
	City of Imperial Utilities

**TABLE 1**

<b>Zoning District</b>	<b>Meteorological Tower</b>	<b>Non-Commercial WES</b>	<b>Commercial WES</b>
<b>Agricultural District (A-1)</b>	Conditional Use	Conditional Use	Conditional Use
<b>Single-Family and Two-Family Residential District (R-1)</b>	Not Permitted	Not Permitted	Not Permitted
<b>Large Lot Residential District (LLR)</b>	Conditional Use	Conditional Use	Not Permitted
<b>Multi-Family Residential District (R-2)</b>	Not Permitted	Not Permitted	Not Permitted
<b>Mobile Home Park District (M-P)</b>	Not Permitted	Not Permitted	Not Permitted
<b>Mobile Home Subdivision District (M-S)</b>	Not Permitted	Not Permitted	Not Permitted
<b>Highway Business District (C-1)</b>	Conditional Use	Conditional Use	Not Permitted
<b>Central Business District (C-2)</b>	Not Permitted	Not Permitted	Not Permitted
<b>Office District (C-O)</b>	Conditional Use	Conditional Use	Not Permitted
<b>Light Industrial District (I-1)</b>	Permitted	Conditional Use	Conditional Use
<b>Heavy Industrial District (I-2)</b>	Permitted	Conditional Use	Conditional Use

**TABLE 2**

	<b>Wind Turbine, Non Commercial</b>	<b>Commercial and Utility WES</b>	<b>Meteorological Towers</b>
<b>Property Lines</b>	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height
<b>All Road Rights-of-Way**</b>	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height
<b>Other Public or Private Utility Easements</b>	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height
<b>Public and Private Airfields</b>	Per FAA regulations	Per FAA regulations	Per FAA regulations
<b>Irrigation Canals</b>	1.1 times the total height.	½ blade diameter or 150', whichever is greater	1.1 times the tower height

\*The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a common Wind Energy System.

\*\*The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-way is known.

**ARTICLE 12**  
**BOARD OF ADJUSTMENT**

**SECTION 1201. CREATION.** The Board of Adjustment shall consist of five members, each to be appointed by the City Council for a term of three years and removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any members 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 immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment.

**SECTION 1202. MEETINGS AND VOTING.** The Board shall adopt rules in accordance with this ordinance and shall annually appoint a Chairman and Vice Chairman from its membership. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. Any resident or property owner in the City shall have the right to appear before the Board in regard to which they have a reasonable interest in the matter to be determined. A majority of the Board shall constitute a quorum for the transaction of business. 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. Records of its examinations and other official actions shall be immediately filed in the office of the City Clerk and shall be a public record. The concurring vote of two-thirds of the members of the Board is necessary to decide any questions upon which the Board is required to pass. The concurring vote of four 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 the Board is required to pass.

**SECTION 1203. DUTIES.** The Board of Adjustment is hereby authorized to:

- A. Hear appeals where it is alleged that there is an error in any order, decision, or determination made by the officer charged with the administration of this ordinance.
- B. Hear and decide upon petitions for variances and, subject to such standards, principles, and procedures provided in this ordinance to vary the strict application of the height, area, parking, or sign requirements to the extent necessary to permit the owner a reasonable use of his land. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.

1. The variance requested arises from such conditions that are unique to the property in question and which are not ordinarily found in the same zone or district or vicinity; and are not created by an action or actions of the property owner or applicant.
  2. The granting of the permit for the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by granting the variance.
  3. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
  4. The granting of the variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.
  5. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
  6. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- C. Make interpretations of the provisions of this ordinance with regard to zoning district boundaries as shown on the map made part of this ordinance.
- D. Affirm or reverse, wholly or in part, after public hearing, the determination appealed from. Every decision of the Board of Adjustment shall be accompanied by a written finding of fact specifying the reason for granting or denying the request.

#### **SECTION 1204. APPLICATIONS.**

- A. Procedure. The procedure for requesting a hearing before the Board shall be as follows:
1. All applications to the Board shall be in writing on forms provided by the Board and filed with the Zoning Administrator.
  2. All applications shall be accompanied by an ownership list obtained from an abstractor or from County Records, listing the legal description and the name and address of the owners of all property located within three hundred (300) feet of the boundaries of the property included in the application.
  3. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be mailed by the applicant, return receipt requested to each person on the ownership list and each Planning Commission member at least ten (10) days prior to the meeting. The applicant shall submit the receipts and returned notices to the Zoning Administrator prior to the public hearing.
  4. An application shall be accompanied by a filing fee set by the Zoning Administrator. A separate filing fee shall be required for each request.

- B. Additional Requirements. In addition to the above requirements, certain applications require additional information as follows:
  - 1. Appeals and interpretations:
  - 2. An application for an appeal or interpretation shall be filed within 60 days after a ruling has been made by the Zoning Administrator.
- C. A copy of the order, requirement, decision or determination of the Zoning Administrator which the applicant believes to be in error shall be submitted.
- D. A clear and accurate, written description of the proposed use, work or action in which the appeal or interpretation is involved and a statement justifying the appellant's position.
- E. Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.
- F. Current pictures of the location shall be submitted.
- G. Variances.
  - 1. The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in this Ordinance.
  - 2. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board in consideration of the application should be included.
- H. The applicant shall submit pictures of the location.
- I. Performance. In making any decision varying or modifying any provisions of the zoning regulations the Board shall impose such restrictions, terms, time limitations, landscaping, screening, and other appropriate safeguards as needed to protect adjoining property.

The Board may require a performance bond, cash, escrow or letter of credit to guarantee the installation of required improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the Governing Body in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

**SECTION 1205. APPEALS FROM THE BOARD OF ADJUSTMENT.** Any person or persons aggrieved by any decision of the Board of Adjustment, or any officer, department or board of the City of Imperial may present to the District Court a petition setting forth that any decision of the Board of Adjustment is

illegal, in whole or in part, and specifying the grounds of the illegality. Such petitions must be presented to the Court within fifteen (15) days after the filing of the decision in the office of the City Clerk and shall follow the provisions of the Nebraska State Statutes.

**ARTICLE 13**  
**AMENDMENTS**

**SECTION 1301. GENERAL PROVISIONS.**

- A. Authority. The Governing Body of Imperial may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the City Council until the Planning Commission has held a public hearing and submitted its recommendations.
- B. Proposal of Amendments. Amendments may be initiated by the Governing Body, the Planning Commission, or upon application by the owners of the property affected. However, no person may apply for an amendment within a period of six (6) months following the denial by the City Council of the same application.
- C. Application. When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the City Clerk. Said application shall be completed in its entirety and filed with the City Clerk so that a public hearing date can be established.
- D. Ownership List. The application for an amendment shall be accompanied by an ownership list obtained from an abstractor or County Records listing the legal description and the name and address of the owners of all property located within three hundred (300) feet of the boundaries of the property for which the zoning change is requested.
- E. Fees. For the purpose of wholly or partially defraying the costs of the amendment proceedings, fees shall be paid upon the filing of each application for a change of district boundaries or conditional use permit. The Schedule of fees shall be maintained for this Zoning Ordinance by the City Council.

The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

- F. Disposition of Amendment Proposals. Upon receipt of a proposed amendment from the City Council or an application for an amendment from the owner of the property affected, the Planning Commission shall hold a public hearing on the proposed amendment, and forward its findings and recommendations with respect to the proposed amendment to the City Council.

**SECTION 1302. PLANNING COMMISSION PUBLIC HEARING.**

- A. Public Hearing. The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendment is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

- B. Notice of Hearing. Public notice of a hearing on a proposed amendment shall be published once in a newspaper of general circulation and at least ten (10) days shall elapse between the date of the publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property.

If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification.

When a proposed amendment will affect the zoning classification of specific property, in addition to the publication of the notice described above, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners of any lots included in such proposed change or within three hundred (300) feet thereof be non-residents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten days prior to such hearing by the Secretary of the Planning Commission.

The Planning Commission shall also send such notice to the Board of Education. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

- C. Conduct of Hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the City Clerk at least three (3) days before the date set for public hearing. The Planning Commission may also require such reports after such public hearing if additional information is deemed necessary. Such reports shall again be made available to the applicant and any other interested persons.

**SECTION 1303. ACTION BY THE PLANNING COMMISSION.**

- A. Recommendations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the City Council. Said recommendations may be for no recommendation, approval or disapproval, or approval for less land area or a less intense zoning district, and reasons for the recommendation shall be included.
- B. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment.

**SECTION 1304. ACTION BY THE GOVERNING BODY.**

- A. Adoption of Amendments. The Governing Body shall consider the proposed amendment at a duly advertised public hearing. Upon the receipt of the recommendation of the Planning Commission and any protest petitions that have been submitted, the Governing Body shall consider the application and may approve the recommendations of the Planning Commission or take whatever action it deems necessary.

If a proposed amendment is not acted upon finally by the Governing Body within one hundred twenty (120) days after the recommendation of the Planning Commission is submitted to it, such proposed amendment shall be deemed to have been defeated and denied, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the Governing Body or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided by this Article.

- B. Notice of Hearing. Public notice of the City Council hearing on a proposed amendment shall be, published once in a newspaper of general circulation and at least ten (10) days shall elapse between the date of the publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property.

If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification.

When a proposed amendment will affect the zoning classification of specific property, in addition to the publication of the notice described above, a notice shall be posted in a conspicuous place on or

near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners of any lots included in such proposed change be non-residents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last known addresses at least ten days prior to such hearing by the City Clerk.

- C. Protest. If a written protest against a proposed amendment shall be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the hearing on a proposed amendment by the Planning Commission, which protest is duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lot or lots included in such a proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred (300) feet therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, then such proposed amendment shall not be passed except by a three fourths (3/4) vote of the City Council.
- D. Approved Action. If the City Council approves a change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change or boundary as amended, shall order the official zoning map to be changed to reflect such amendment, and shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.

#### **SECTION 1305. CONDITIONAL USES.**

- A. Definition. Conditional uses are those type of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where the product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts, conditional uses that are specifically listed in the district regulations may be permitted only after additional requirements are complied with as established within this section.
- B. Procedure. The consideration of a conditional use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
- C. Minimum Requirements. A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented support the following conclusions:
  - 1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

2. The proposed conditional use at the specified location will not adversely affect the welfare or convenience of the public.
  3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
  4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
    - a. The location, nature and height of buildings, structures, walls, and fences on the site, and
    - b. The nature and extent of landscaping and screening on the site.
  5. Off-street parking and loading areas will be provided in accordance with the standards set forth, in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
  6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
  7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- D. Additional Requirements. In granting a conditional use, the City Council may impose such conditions, safeguards and restrictions upon the premises benefitted by the conditional use as may be necessary to reduce or minimize any potential injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

It is understood that these conditional uses are not automatically approved after the required review. Conditions may arise which would find irresolvable conflicts between the proposed use and existing or long term use of the area and its impact on the neighborhood or City. To the extent practical, conditions may be attached to the approval of a proposed use to assure compliance with objectives of this Ordinance and conformity to the Comprehensive Plan.

**ARTICLE 14**  
**ADMINISTRATION**

**SECTION 1401. ADMINISTRATIVE PROCEDURE.** The Zoning Administrator shall serve as the Building Inspector and shall be responsible for the administration of this Ordinance. Areas within the corporate limits of the city and lands one (1) mile beyond the corporate limits are included in the jurisdiction of this Ordinance. The Zoning Administrator shall have the following powers and duties.

- A. To enter upon any premises at reasonable times and make all inspections necessary to the performance of his/her duties.
- B. To order work stopped by written notice served on the proper person, firm or corporation when such work is being done contrary to the provisions of this Ordinance.
- C. To issue building permits that are in harmony with the provisions of this Ordinance, the Building Code and all other codes and ordinances pursuant thereto.
- D. To allow a period of ten (10) days to reach compliance with this Ordinance after issuance of a "stop work" notice.

**SECTION 1402. PERMITS REQUIRED.** No building or other structure shall be erected, constructed, reconstructed, moved, or structurally altered without first obtaining a building permit in accordance with the City building code. No such permit shall be issued for any building, structure, or land use except in complete conformance with all provisions of these regulations.

**SECTION 1403. APPLICATION FOR BUILDING PERMIT.** Every application for a building permit shall include at least the following:

- A. A surveyed plot plan drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations.
- B. The proposed location for all buildings shall be staked by the surveyor at the time of application for a building permit.
- C. One copy of the plot plan shall be retained by the Zoning Administrator as a public record.

**SECTION 1404. ISSUANCE OF BUILDING PERMIT.** A building permit shall be either issued or refused by the Zoning Administrator and when a building permit is refused, the applicant shall be advised in writing of the reasons of the refusal.

**SECTION 1405. OCCUPANCY CERTIFICATES.** No structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any

purpose; and no use of any land or structure shall be changed to any other use unless an occupancy certificate shall first have been obtained from the Office of the Zoning Administrator certifying that the proposed use of occupancy complies with all the provisions of these zoning regulations.

**SECTION 1406. APPLICATION FOR OCCUPANCY CERTIFICATE.** Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no building permit is required shall be filed with the Office of the Zoning Administrator and be in such form and contain such information as the Zoning Administrator shall provide by general rule.

**SECTION 1407. ISSUANCE OF OCCUPANCY CERTIFICATE.** No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the Office of the Zoning Administrator to be in full and complete compliance with the plans and specifications upon which the building permit was issued. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the Office of the Zoning Administrator to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. An occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten (10) days after the receipt of an application therefore.

**SECTION 1408. PERMIT FEES.** For each permit issued, there shall be charged and collected from the applicant a fee as established by the City Council by ordinance. The Schedule of fees shall be maintained for this Zoning Ordinance by the City Council.

The schedule of fees shall be posted in the City Clerk's office and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**SECTION 1409. PERMITS REVOKED.** A permit may be revoked at any time by the Zoning Administrator when it appears that there is a departure from conditions as required by the terms of the permit or that any of the terms of this ordinance are being violated. In such case, or when no permit has been issued before construction or occupancy begins, the Zoning Administrator may issue a stop order and thereafter any construction or further violation of this ordinance shall be punishable as provided herein.

**SECTION 1410. EFFECT OF BUILDING PERMIT.** Any building permit issued by the Zoning Administrator contrary to the provisions of this Ordinance shall be null and void and shall not be construed as waiving any provisions of this Ordinance.

**ARTICLE 15**  
**VIOLATIONS AND PENALTIES**

**SECTION 1501. VIOLATIONS AND PENALTIES.** Any person who violates any provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine set by the City of Imperial for each offense. Each and every day that such violation continues shall constitute a separate offense.

Whenever a violation exists as defined in these regulations, the City may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a violation exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

**ARTICLE 16**

**INVALIDITY IN PART**

**SECTION 1601. INVALIDITY IN PART.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE 17**

**CONFLICTING ORDINANCES**

**SECTION 1701. CONFLICTING ORDINANCES.** Where this ordinance conflicts with any other local, State or Federal ordinance or regulation, the most restrictive ordinance or regulation shall apply.