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Gordon Zoning Map

One Mile Jurisdiction



- A-1 AGRICULTURAL
- R-1 HIGH DENSITY RESIDENTIAL
- R-2 MEDIUM DENSITY RESIDENTIAL
- C-1 CENTRAL BUSINESS DISTRICT
- C-2 HIGHWAY BUSINESS
- C-3 TRAVELER SERVICES
- C-4 HEAVY COMMERCIAL
- I-1 INDUSTRIAL

CHAPTER 10 – ZONING AND SUBDIVISION REGULATIONS

February 13, 2003 (Text Revision)

Page Update February 26, 2013

(Ord. No. 1142, 3/14/13)

Article 1 – General Provisions

SECTION 10-101: PURPOSE

The regulations for the zoning districts as set forth in this chapter are made in accordance with a comprehensive plan for the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They are made with responsible consideration, among other things, as to the character of each district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. (Neb. Rev. Stat. §19-901)

SECTION 10-102: JURISDICTION

The provisions of this chapter shall apply within the corporate limits of the municipality and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one mile in all directions, as established on the map entitled the Official Zoning Map of the City of Gordon, Nebraska, as the same may be amended when necessary. Said map and amendments thereto and all explanatory matter thereof shall be kept on file in the office of the county recorder and a certified copy thereof shall be furnished to the city clerk. (Neb. Rev. Stat. §23-114)

SECTION 10-103: SEVERABILITY

It is hereby declared to be the intention of the City of Gordon that the provisions of these regulations are severable, in accordance with the following rules:

A. If any section, subsection, paragraph, sentence, clause, phrase, term or provision of this ordinance should be declared invalid by any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance, which will remain in full force and effect, and the provisions of this ordinance are hereby declared to be severable.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provisions of these regulations to a particular property or structure, the judgment

shall not affect the application of the provisions to any other property or structure.

SECTION 10-104: NONCONFORMING USES; PREVIOUSLY LAWFUL

Within the zoning districts established by this ordinance or amendments that may later be adopted there exist lots, land, structures, or the uses of land or structures which were lawful before this ordinance was adopted or amended but which would be prohibited, regulated or restricted under the regulations for the district in which they are located, which shall be considered as nonconforming. It is the intent of this ordinance to permit these nonconforming uses to continue until they are removed or discontinued provided they conform to the provisions of this ordinance. It is further the intent of this ordinance that no lot, structure or use of any structure or lot shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure or land to a use permitted in the district in which it is located.

SECTION 10-105: TYPES OF NONCONFORMITIES

There are three types of nonconforming uses:

A. "Nonconforming lot of record" shall mean a lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and the lot does not comply with the lot area or width requirements of the district in which it is located.

B. "Nonconforming structure" shall mean a structure that existed prior to the adoption of these regulations that does not comply with the lot coverage, height or yard requirements which are applicable to structures in the zoning district in which it is located.

C. "Nonconforming uses" shall mean a use of a structure or of land that lawfully existed prior to the adoption of these regulations which does not comply with the use regulations applicable in the zoning district in which it is located.

SECTION 10-106: NONCONFORMING LOTS OF RECORD

The zoning administrator may issue a building permit for a nonconforming lot of record provided that:

A. The 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 the size and width at that location would have been prohibited by any zoning regulations.

B. The lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of the lot has been prohibited by any zoning regulations.

C. The lot can meet all yard regulations for the district in which it is located.

SECTION 10-107: 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; Alterations.* Any nonconforming structure may be enlarged, maintained, repaired or remodeled provided, however, that no enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of the 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 60% of its replacement value, the structure shall not be restored unless it shall then conform to the regulations for the zoning district in which it is located. All structures damaged more than 60% shall be removed at the owner's expense within six months of having sustained damage.

D. *Moving.* No nonconforming structure shall be moved in whole or in part for any distance whatever 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 10-108: NONCONFORMING USES; CONTINUANCE

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 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 non-bearing partitions, non-bearing walls, 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 the 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 without first having received a conditional use permit.

D. *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 60% of its replacement value, the structure shall not be restored unless the structure and its use shall then conform to all regulations of the zoning district in which it is located. All structures damaged more than 60% shall be removed at the owner's expense within six months of having sustained damage.

E. *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 its use and the use of the land shall then conform to all regulations of the zoning district in which it is located after being so moved. Zoning compliant mobile homes may be replaced on an existing utility hookup outside a mobile home park.

F. *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 premises may be changed to another nonconforming use, 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 a change, the City Council, after receiving the recommendation of the Planning Commission, may require conditions and safeguards to protect surrounding areas and properties. Once the use has changed it may no longer be returned to the original use or any other less appropriate use.

G. *Abandonment or Discontinuance.* When a nonconforming use is discontinued or abandoned for a period of twelve consecutive months, that use shall not be re-established or resumed, and any later use or occupancy of the land or buildings shall comply with the regulations of the zoning district in which the land or buildings are located.

H. *Nonconforming Accessory Uses.* No use which is accessory to a principal nonconforming use shall continue after the principal use shall cease or terminate unless the accessory use is permitted in the district.

I. *Change of Ownership.* A nonconforming use may be continued, but not increased, by a new owner of such property.

Article 2 – Terms

SECTION 10-201: INTERPRETATION

For the purpose of interpreting this ordinance, certain terms are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary meaning.

A. Words used in the present tense include the future tense.

B. Words used in the singular include the plural and words used in the plural include the singular.

C. The word “shall” is always mandatory.

D. The word “lot” includes the words “plot” or “parcel”.

E. The word “building” includes the word “structure”.

F. The word “used” or “occupied”, as applied to any land or buildings, shall be construed to include the words “intended”, “arranged”, or “designed to be used or occupied”.

G. The word(s) “maps”, “zoning maps”, or “official zoning maps of the City of Gordon, Nebraska,” and the area comprising its one mile extra zoning jurisdiction.

H. In the event that there is any conflict or inconsistency between the heading of a section, subsection or paragraph of this ordinance and the context thereof, the headings shall not be deemed to effect the scope, meaning or intent of the context.

SECTION 10-202: DEFINITIONS

The following definitions shall be applied throughout this chapter. Where no definition is specified, the normal dictionary usage of the word will apply.

“Adjacent”, when used to indicate land in the immediate vicinity of a lot, shall mean land which shares a boundary line with the lot in question or which would share a boundary line with a lot in question or which would share a boundary line were it not for the separation caused by a street/road or any other public right-of-way.

“Apartment” shall mean a part of a building consisting of a room or rooms intended, designed, or used as a residence for three or more families or households; also known as a multi-family residence.

“Awning”, “canopy” or “marquee” shall mean a projection over a store window or entrance to provide shelter or shade.

“Bed and breakfast inn” shall mean an owner-occupied house, or portion thereof, where short term lodging rooms and meals are provided for compensation.

“Billboard” shall mean an off-site, non-farm advertisement.

“Boarding house” shall mean a residential establishment other than a hotel or motel where sleeping and eating accommodations are offered to the public on a non-transient basis.

“Building” shall mean a structure that is completely enclosed by a roof and by solid exterior walls along the outside faces of which an unbroken line can be traced for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support, or enclosure of persons, animals, or property of any kind. The connection of two buildings by means of an open porch, breezeway, passageway, carport, or other such open structures, with or without a roof, shall not be deemed to make them one building.

“Building, accessory” shall mean a subordinate building, the use of which is customarily incidental to that of a principal building on the same lot.

“Building, height” shall mean the vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

“Building, principal” shall mean a structure which houses the principal use of the lot on which it is situated.

“Building setback line” shall mean a line indicating the minimum horizontal distance permitted between a building or structure and a street right-of-way line.

“Cellar” shall mean a portion of a building located partly or wholly underground having one-half or more of its floor-to-ceiling height below the average grade of the adjoining ground.

“Childcare center” shall mean a commercial facility in the business of providing care to children as defined by the Nebraska Department of Health and Human Services as a “childcare center”.

“Common open space” shall mean an area of land or water or combination thereof planned for passive or active recreation, but does not include area utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

“Common sewer system” shall mean a sanitary sewage system in public ownership which provides for the collection and treatment of domestic effluent in a central sewage

treatment plant which meets the minimum requirements of the Nebraska Department of Environmental Quality for primary and secondary sewage treatment and which does not include individual septic tanks or portable sewage treatment facilities.

“Common water system” shall mean a water system which provides for the supply, storage and distribution of potable water on an uninterrupted basis and which is in public ownership.

“Communication tower” shall mean any structure used to elevate a transmitter for radio, television, telephone, or any other types of communication.

“Comprehensive plan” shall mean the comprehensive plan for the City of Gordon, Nebraska.

“Covenant” shall mean a written promise or pledge.

“Cul-de-sac”; see “thoroughfare”.

“Culvert” shall mean a transverse drain that channels under a bridge, street or driveway.

“Dead-end street”; see “thoroughfare”.

“Developer/subdivider” shall mean any individual, subdivider, firm, associate, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself/herself or for another.

“District” shall mean a section or sections of the area within the zoning jurisdiction of the City of Gordon for which uniform regulations governing the use, height, area, size, density, and intensity of the use of buildings, land, and open spaces are established.

“Dog” shall mean a canine six months of age or older.

“ Dwelling ” shall mean any building or portion thereof, not including recreational vehicles and mobile homes, which is designed and used exclusively for residential purposes.

“ Dwelling for the elderly and/or handicapped ” shall mean a two-family or multi-family residential building having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least 62 years of age. Handicapped persons are those people having an impairment which is expected to be of long, continuous and indefinite duration, is a substantial limitation to their ability to live independently, and is of a nature that such ability could be improved by more suitable housing.

“Dwelling, single-family attached” shall mean a portion of a residential building 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 other portions.

“Dwelling, single-family” shall mean a building having one dwelling unit from ground to floor and having independent and outside access.

“Dwelling, two-family” shall mean a building having two dwelling units, also known as a duplex.

“Dwelling, multi-family” shall mean a building used by or designed for three or more dwelling units, each independently containing cooking facilities.

“Dwelling unit” shall mean a building, or portion thereof, providing complete and permanent living facilities for one family.

“Earth-sheltered residence” shall mean a residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located, and which was not intended to serve as a substructure or foundation for a building.

“Easement” shall mean a grant by the property owner for the use of a tract of land for a specific purpose or purposes.

“Engineer” shall mean any person registered to practice professional engineering by the State Board of Registration who is designated by the city to approve portions of proposed subdivisions as specified in these regulations as requiring an engineer’s approval.

“Farm” shall mean an area of land 10 acres or larger from which \$1,000.00 or more of agricultural products are produced and sold.

“Feedlot/confinement” shall mean a lot, yard, corral, building or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter or the sale of products derived from such livestock. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze. All feedlot/confinement facilities located within 1/4 mile of any other feedlot/confinement facilities that are under the ownership or management of the same operation shall be considered a single feedlot/confinement operation.

“Family” shall mean one person or two or more persons related by blood, marriage or adoption 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.

“Family daycare home” shall mean a private residence wherein children are cared for as defined by Nebraska Department of Health and Human Services as a “family child-care home”.

“Floodway, commission” shall mean a floodway whose limits have been designated and established by order of the Nebraska Natural Resources Commission.

“Floodway, selected” shall mean a floodway within the limits of a commission floodway which is recognized by the Nebraska Natural Resources Commission as being subjected to a high degree of flood hazard.

“Floor area” shall mean the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating buildings.

“Frontage” shall mean the width of property between two side lot lines abutting the street and measured along the right-of-way line.

“Garage, private” shall mean a building used only for the housing of private motor vehicles, not used for repair, hire or sale.

“Garage, public” shall mean a garage other than a private garage.

“Governing body” shall mean that body having jurisdiction in the zoning area.

“Group home” shall mean a facility licensed by the State of Nebraska in which at least four but not more than eight persons, not including resident manager or house parents, who are unrelated by blood, marriage or adoption reside while receiving therapy, training, or counseling for the purposes of adaptation to living with, or rehabilitation from cerebral palsy, autism, or mental retardation.

“Home occupation” shall mean any occupation or profession carried on by a member of the family residing on the premises, provided no commodity is sold thereon, no person is employed other than such a member of the family, and no mechanical equipment is used for such as is not ordinarily used for domestic purposes.

“Hotel” or “motel” shall mean a building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals, whether the establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court tourist cabin, tourist court, or other similar designations.

“Improvements” shall mean street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

“Kennel” shall mean any place, area, building, or structure where three or more dogs are commercially boarded, commercially cared for, or raised for the intent purpose of sale.

“Livestock” shall mean all cattle, bison, horses, mules, burros, sheep, goats, swine, poultry, llamas, ostriches, and elk. Additionally, any other animal or fowl which are being produced primarily for use as food or food products for human consumption shall be considered livestock.

“Location map”; see “vicinity map”.

“Loop street”; see “thoroughfare”.

“Lot” shall mean a parcel of land defined by metes and bounds or boundary lines in a recorded deed fronting on a street. In determining lot area on boundary lines, no part thereof within the limits of the street shall be included.

“Lot, corner” shall mean a lot at the junction of and fronting on two or more intersecting streets.

“Lot, depth” shall mean the average horizontal distance between front and rear lot lines.

“Lot, interior” shall mean a lot other than a corner lot.

“Lot lines” shall mean the legal division between two lots.

“Lot of record” shall mean a lot which is a part of a subdivision recorded in the office of the register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

“Lot, through” shall mean an interior lot having frontage on two parallel, or approximately parallel streets, also known as a double fronted lot.

“Lot width” shall mean the horizontal distance between side lot lines measured at the street frontage.

“Major street plan” shall mean a plan adopted by the Planning Commission for the guidance of alignment, function, and improvements of municipal streets, including modifications or refinements which may be made from time to time.

“Mobile home” shall mean a moveable or portable unit designed and constructed to be towed on its own chassis (comprised of frame and wheels) and designed to be connected to utilities, resting on wheels, jacks or other supports, for human occupancy and habitation as a permanent residence for one or more persons. “Mobile home” shall include:

- A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
- B. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

“Mobile home parks/courts” shall mean land used or intended to be used, leased, or rented for occupancy by three or more trailers to be used for living or commercial purposes of any kind, together with automobile parking space and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales or lots on which unoccupied trailers are parked for purpose of inspection or sale.

“Mobile home subdivision” shall mean a subdivision where individual lots are sold for the placement of traditional homes or mobile homes, where the lot and structures are intended to be owned by the same party.

“Monuments” shall mean permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

“Open space” shall mean an area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

“Open dump” shall mean a site for the disposal of solid waste which is not a salvage operation and does not comply with the landfill requirements found in Title 132 of the Nebraska Code.

“Out lot” shall mean property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

“Performance guarantee” shall mean a corporate surety or cash deposit made out to the municipality in an amount equal to the full cost of the improvements which are required by these regulations, said cost being estimated by the municipal engineer or his or her designee and said surety or cash deposit being legally sufficient to secure to the municipality that the said improvements will be constructed in accordance with these regulations.

“Permanent foundation” shall mean a foundation, constructed of concrete, concrete block, or equivalent masonry material extending below the frost line which is designed

to resist frost action and to safely support a building.

“Person” shall mean an individual, firm, partnership, corporation, company, associate, syndicate, or any legal entity, including any trustee, receiver, assignee, or other similar representatives thereof.

“Planned development” shall mean special development of certain tracts of land planned and designed as a unit for one or more land uses under the regulations and procedures contained in the zoning ordinance and as approved by the City Council.

“Planning area” shall mean the municipality and one mile area surrounding it in all directions.

“Plat” shall mean the map, drawing, or chart on which the developer’s plan of the subdivision (preliminary) is presented to the city Planning Commission for approval and, after such approval, to the register of deeds (final) for recording.

“Plat, final” shall mean a finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording.

“Plat, preliminary” shall mean a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects (but not drafted in final form for recording) and the details of which are not completely computed.

“Public way” shall mean an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

“Principal use or structure” shall mean the predominate use of land or structures as distinguished from an accessory use.

“Re-plat” shall mean a plat of an existing subdivision showing a change in the subdivision, lot or lots.

“Right-of-way” shall mean a strip of land separating private property from the street or alley existing or dedicated in public ownership.

“Rooming house” shall mean a residential establishment other than a hotel or motel where sleeping accommodations only are offered to the public but on a non-transient basis.

“Satellite earth station” shall mean an apparatus capable of receiving communications from a transmitter or transmitter relay located in planetary orbit.

“Satellite signal, usable” shall mean a signal which is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

“Salvage operation” shall mean a site that collects solid waste materials with the intent of later processing, selling, and/or properly disposing of the aforementioned waste materials.

“Salvage operation, auto” shall mean a salvage operation which possesses a Department of Motor Vehicles operating license.

“Salvage operation, other” shall mean a salvage operation which can demonstrate the processing and/or the sale of salvage material will occur within the time limitation imposed as part of a conditional use permit.

“Screened” shall mean the construction and maintenance of fences, earth berms or the use of landscaping materials or other materials used to lessen the noise, light, or visual impacts of a land use on surrounding land uses.

“Setback line” shall mean a line established by the subdivision ordinances and/or zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure, may be located above ground, except as may be provided in said ordinances. (See “yards”.)

“Sewers, central or group”; see “common sewer system”.

“Sewers, on-site” shall mean a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

“Sidewalk” shall mean that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. (See “walkway”.)

“Sign” shall mean any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printing, letter printed, lettered, pictures, figures or colored material on any building, structure, or surface. Signs placed or erected by governmental agencies or non-profit civic associates for a public purpose in the public interest shall not be included herein, nor shall this include signs which are a part of the architectural design or a building. “Billboard” shall mean a sign or sign aggregate having a continuous surface of 250 square feet or more.

“Sign, illuminated” shall mean a sign designed to give forth artificial light or through transparent or translucent material from a source of light within such sign including, but not limited to, neon and exposed lamp signs.

“Sign, temporary” shall mean a free-standing sign not attached to the structure it serves, nor intended, nor designed as, a permanent fixture.

“Story” shall mean that portion of a building, other than a basement, included between a floor and the next floor above it.

“Street” shall mean a public thoroughfare which affords a principal means of access to abutting property, having a right-of-way of 50 feet or more.

“Street, collector” shall mean a street which carries traffic from a local street to a major street and is so designated on the major street plan for the city.

“Street, dead-end” shall mean a short street having one end open to vehicular traffic and the other end terminated, but not with a vehicular turn-around.

“Street line” shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street and/or the right-of-way line of a street.

“Street, local” shall mean a street which is used primarily for access to abutting properties.

“Street, major” shall mean a street of considerable continuity connecting various sections of the municipality and is so designated on the major street plan for the city.

“Street right-of-way line” shall mean lines separating private property from the street or alley existing or dedicated in public ownership.

“Structure” shall mean anything constructed or erected, including a building which has permanent foundations on the ground, or anything attached to something having a permanent location on the ground.

“Subdivision” shall mean the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll prior to July 13, 1978, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets, or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities; provided, any division of land for agricultural purposes into lots or parcels of 10 acres or more shall not be deemed a subdivision unless street dedications, easements, improvements or other public facilities are involved. This definition shall be held to include re-subdivision and, when appropriate to the context, related to the process of subdividing or to the land or territory subdivided.

“Subdivision, major” shall mean any subdivision other than a minor subdivision.

“Subdivision, minor” shall mean a subdivision in which no land is dedicated for street purposes other than street widening.

“Surveyor” shall mean any person registered to practice surveying.

“Thoroughfare”, “street” or “road” shall mean the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. “Alley” shall mean a dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way of which is between 20 feet to 50 feet wide.
- B. “Arterial street” shall mean a street which provides for through traffic movement between and around streets with direct access to abutting property, subject to necessary control of entrances, exits and curb use.
- C. “Collector street” shall mean a street which provides for traffic movement between arterials and local streets with direct access to abutting property.
- D. “Major street” shall mean a street which provides direct access to abutting land and local traffic movement, whether in business, industrial, or residential land.
- E. “Cul-de-sac” shall mean a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- F. “Dead-end street” shall mean a street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- G. “Local street” shall mean a street primarily for providing access to residential, commercial, or other abutting property.
- H. “Loop street” shall mean a type of local street, each end of which terminates at an intersection with the same arterial or collector street or other local street, in which the principal radius points of the 180° system of turns are not more than 1000 feet from said arterial or collector street, nor normally more than 600 feet from each other.
- I. “Marginal access street” shall mean a local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets; also called “frontage street”.

“Through lot”; see “lot, through”.

“Trailer” shall mean a moveable or portable unit designed and constructed to be towed on its own chassis (comprised of frame and wheels) and designed to be connected to utilities, resting on wheels, jacks or other supports, for human occupancy and habitation as a permanent residence for one or more persons. The term shall include:

- A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
- B. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

“Trailer park(s)” or “trailer court” shall mean land used or intended to be used, leased, or rented for occupancy by three or more trailers to be used for living or commercial purposes of any kind, together with automobile parking space and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include trailer sales or lots on which unoccupied trailers are parked for purposes of inspection or sale.

“Truck terminal” shall mean a commercial facility where truck freight is stored, handled and dispatched between various locations by way of different major truck carriers and including facilities for the storage and repair of trucks and trailers while awaiting consignment.

“Use” shall mean any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

“Variance” shall mean a relaxation of the terms of the subdivision 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.

“Vicinity map” shall mean a drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to the other nearby developments or landmarks and community facilities and services within the city, in order to better locate and orient the area in question.

“Walkway” shall mean a dedicated public way, 40 inches or more in width, for pedestrian use only, whether along the side of a road or not.

“Water, central” or “group”; see “common water system”.

“Yard” shall mean an open space, unoccupied and unobstructed by a structure of any

sort from the ground upward. (Am. by Ord. No. 564, 7/13/1978)

“Yard, front” shall mean an open unoccupied space on the same lot with a building, situated between the front line of the building and the front line of the lot, and extending the full width of the lot.

“Yard, rear” shall mean an open unoccupied space on the same lot with a building, situated between the rear line of the building and the rear line of the lot, and extending the full width of the lot.

“Yard, side” shall mean an open unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

“Yard, special” shall mean a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term “side yard” nor the term “rear yard” clearly applies.

“Zone” or “district” shall mean a section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of the use of buildings, land and open spaces about buildings are established.

“Zoning administrator” shall mean the person or persons authorized and empowered by the governing body having jurisdiction to administer the requirements of these subdivision regulations; also called “planning administrator”.

“Zoning area” shall mean the area subject to the provisions of zoning and subdivision regulations as set out on the official zoning map of the city.

“Zoning jurisdiction”; see “zoning area”.

Article 3 – Districts

SECTION 10-301: USE

For the purpose of this chapter, the municipality is hereby divided into ten districts designated as follows:

- A. A-1 Agricultural District
- B. R-1 High Density Residential District
- C. R-2 Medium Density Residential District
- D. C-1 Central Business District
- E. C-2 Highway Business District
- F. C-3 Traveler Services District
- G. C-4 Heavy Commercial District
- H. I-1 Industrial District
- I. F-1 Floodplain District
- J. MP Mobile Home Park District

SECTION 10-302: BOUNDARIES

The boundaries of the districts are hereby established as shown on the maps entitled “Official Zoning Map of the City of Gordon, Nebraska.” Said maps and all explanatory matter thereon accompanies and is hereby made a part of this ordinance as if fully written herein. (Neb. Rev. Stat. §19-904)

SECTION 10-303: INTERPRETATION

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the center lines of streets, highways, streams or rivers, street or railroad right-of-way lines or said lines extended, such lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, highways, railroads, or reservoirs, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined by use of the scale shown on said zoning maps.

D. Where a district boundary line divides a lot in single ownership, the district boundary lines shall be determined by the use of the scale or dimensions shown on the zoning maps.

E. Where physical or cultural features existing on the ground are in variance with those shown on the zoning maps, or in other circumstances not covered previously in this section, the Board of Adjustment shall interpret the district boundaries.

SECTION 10-304: A-1 AGRICULTURAL DISTRICT

A. *Intent.* The purpose of this zoning district is to fix the location of predominately agricultural sections of the planning area, annotate those land uses which are agricultural or basically related to agriculture, and to further record those land uses deemed compatible with agriculture or with the agricultural area in transition to an area of more urban character.

B. *Permitted Uses.* In the Agricultural District (A-1) buildings, structures and land shall be used only for the following purposes.

1. The operation of a farm or ranch.
2. The cultivation, storage, and sale of crops, vegetables, plants, flowers, and nursery stock raised on the premises.
3. The grazing of livestock.
4. Greenhouses.
5. Kennels not nearer than 1,500 feet to any zoned residential district or dwelling other than the dwelling of the lessee or owner of the site.
6. Veterinary establishments not nearer than 1,500 feet to any zoned residential district or dwelling other than the dwelling of the lessee or owner of the site.
7. One single-family dwelling per legal lot or parcel.
8. One mobile home per legal lot or parcel.
9. Public buildings and publicly owned parks, playgrounds, golf courses, and community centers.
10. Accessory bridges, structures, or uses, subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses.
11. Major off-street parking facilities in conjunction with all uses in the foregoing listing.
12. Customarily incidental home occupations.
13. Billboards conforming to the specifications of Sections 10-402 through 10-404.
14. Accessory buildings, structures, or uses subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses and especially to include tenement housing and temporary living quarters for agricultural employees.

C. *Special Exceptions.* The legislative body for the city may by special permit, after a public hearing and subject to such conditions and protective restrictions set forth in Section 10-405, authorize the following special uses.

1. Churches, Sunday schools, and other places of worship.
2. Private clubs, private lodges, private social recreational areas and entertainment facilities or grounds for games, sports and camping.
3. Hospitals and convalescent or nursing homes.
4. Cemeteries.
5. Airports, airplane landing fields, radio or television transmitter stations, facilities for the distribution and/or treatment of water, sewerage, gas, electricity or other necessary public utilities.
6. Salvage operations.
7. Mental institutions and places of detention.
8. Temporary tenement housing incidental to the district.
9. *Bed and Breakfast; Special Exception.* A bed and breakfast, as defined herein, is permitted as a special exception in the Agricultural District (A-1) subject to the following conditions:
 - a. An application form shall be completed and submitted to the city Planning Commission. The commission will, after a public hearing, make its recommendation to the City Council either recommending approval or denial of the special exception use. If approval is recommended, the approval shall include a recommendation for occupancy limit, conditions of the use, and/or protective restrictions.
 - b. The City Council shall act upon the recommendation of the Planning Commission and, if the special use is granted, the council shall grant such license upon payment of a license fee of \$25.00, which license may be reviewed annually. The license shall include occupancy limits, special conditions, and/or protective restrictions as may be recommended by the Planning Commission or as may be set by the City Council. The license shall be subject to all provisions of this ordinance and the Nebraska statutes relating to bed and breakfast establishments.
 - c. *Bed and Breakfast; Building, Fire, Health and Safety Standards.* A bed and breakfast shall meet all minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such an establishment.
 - d. The rooms utilized by guests and occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings, and garages are not permitted to be used as living units or sleeping rooms.
 - e. The use by a guest shall be temporary only.
 - f. Each room designated for guest occupancy must be provided with an approved smoke detector.
 - g. One off-street parking space for each sleeping room designated for guests, which parking area shall not be located in the front or side yards.
 - h. One non-illuminated identification sign of not more than 4 square feet in area shall be permitted. This building sign shall be attached to and

- parallel to the front of the building.
- i. There shall be no separate cooking facilities in any guest room.
10. The storage and distribution of anhydrous ammonia but not within 2,640 feet of any residential district boundary.
 11. Wind Energy Conversion System (WECS) subject to the following conditions:
 - a. No tower or propeller shall be so located as to ever be within 100 feet of any structure, power line, or antenna located on property other than the property on which the system is located.
 - b. The bottom tip of any propeller shall be at least 10 feet above any accessible pedestrian area.
 - c. The system and component parts must be totally surrounded by a fence having a minimum height of 6 feet and a maximum height of 8 feet unless otherwise physically inaccessible to the public.
 - d. The system shall not cause interference to the radio and television reception on adjoining property.
 - e. The system shall contain a braking device for speeds above 40 miles per hour.
 - f. The safety results of an approved testing laboratory shall be submitted.
 - g. Proof that the system is covered by a homeowner's insurance policy shall be submitted.
 - h. No system shall interfere with the wind access of an existing system. Systems shall be a minimum of five rotor blade lengths apart based upon the largest rotor in the area.
 12. Accessory dwellings for persons customarily employed at or engaged in farming or ranching on site.
 13. Communication towers.
 14. Mobile home parks.
 15. The extraction of minerals.
 16. Prisons.
 17. Livestock sale barns.
 18. Uses similar to the uses listed above as "special exceptions" as long as the use complies with the general intent of the A-1 District.

D. Area, Yard and Height Requirements.

1. The minimum lot size for a nonfarm development shall be 80 acres. Any legal lot of less than 80 acres that existed prior to the adoption of this ordinance is hereby exempt from the minimum lot size requirements.
2. Minimum yard requirements for:
 - a. Front yard depth shall not be less than 50 feet;

- b. Side yard width shall not be less than 10 feet; and
 - c. Rear yard depth shall not be less than 25 feet.
3. There shall be no height limits placed on buildings constructed in this district.

SECTION 10-305: R-1 RESIDENTIAL DISTRICT

A. *Intent.* The intent of this zoning district is to establish the general location for high-density single and multiple family living, but to afford flexibility for the establishment of uses, other than residential, that are not detrimental to the overall intent of the residential neighborhood. This zone, although it accommodates both residential and semi-commercial uses, is not a business zone since the overall consideration is for high-density residential habitation.

B. *Permitted Uses.* In the Residential District (R-1), buildings, structures and land use shall be used only for the following purposes:

1. One single-family dwelling unit per legal lot.
2. Two family dwelling.
3. Multi-family dwelling.
4. Rooming and boarding houses not intended as tourist accommodations.
5. Public buildings, libraries, and public owned parks, playgrounds and community centers.
6. Churches, Sunday schools, and other places of worship.
7. Public and parochial schools.
8. Customary incidental home occupations.
9. Hospitals, convalescent or nursing homes, and medical clinics, excluding veterinary hospitals and mental institutions.
10. Accessory buildings, structures, or uses subordinate and customarily incidental to and located on the same lot with any of the forgoing principal uses.
11. Major off-street parking facilities in conjunction with all uses in the foregoing list.
12. Beauty and barber shops.
13. Real estate and insurance offices.
14. Medical and dental offices.
15. One temporary on-site non-illuminated sign advertising the sale or rental of the property, not to exceed 6 square feet in area.
16. Family childcare homes.

C. *Special Exceptions.* The legislative body for the city may by special permit, after a public hearing and subject to such conditions and protective restrictions as set forth in Section 10-405, authorize the following special uses:

1. Private clubs, private lodges, private social, recreational and entertain-

- ment facilities, or ground for games and sports.
2. Public works and public utility facilities, such as transformer stations, pumping stations, water towers, radio and television transmitter stations, or telephone exchanges.
 3. Mortuary or funeral homes.
 4. Medical clinics, where part of a civic center.
 5. *Bed and Breakfast; Special Exception.* A bed and breakfast, as defined herein, is permitted as a special exception in the Residential District (R-1) subject to the following conditions:
 - a. An application form shall be completed and submitted to the city Planning Commission. The commission will, after a public hearing, make its recommendation to the City Council either recommending approval or denial of the special exception use. If approval is recommended, the approval shall include a recommendation for occupancy limit, conditions of the use, and/or protective restrictions.
 - b. The City Council shall act upon the recommendation of the Planning Commission and, if the special use is granted, the City Council shall grant such license upon payment of a license fee of \$25.00, which license may be reviewed annually. The license shall include occupancy limits, special conditions, and/or protective restrictions as may be recommended by the Planning Commission or as may be set by the City Council. The license shall be subject to all provisions of this ordinance and the Nebraska statutes relating to bed and breakfast establishments.
 - c. *Bed and Breakfast; Building, Fire, Health and Safety Standards.* A bed and breakfast shall meet all minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such an establishment.
 - d. The rooms utilized by guests and occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings, and garages are not permitted to be used as living units or sleeping rooms.
 - e. The use by a guest shall be temporary only.
 - f. Each room designated for guest occupancy must be provided with an approved smoke detector.
 - g. One off-street parking space for each sleeping room designated for guests, which parking area shall not be located in the front or side yards.
 - h. One non-illuminated identification sign of not more than 4 square feet in area shall be permitted. This building sign shall be attached to and parallel to the front of the building.
 - i. There shall be no separate cooking facilities in any guest room.
 6. Earth-sheltered residences.
 7. Group homes.

8. Child daycare centers.
9. *Signs.* Permanent non-illuminated advertising signs identifying the use of the building, structure or premises. Such signs shall be in harmony with the intended use of the land and the character of the zoning district in which they are to be erected.
10. Uses similar to the uses listed above as long as the use complies with the general intent of the R-1 District.

D. Area, Yard and Height Requirements.

1. The minimum lot size shall be 4,500 square feet.
2. Minimum yard requirements for:
 - a. Front yard depth shall not be less than 25 feet.
 - b. Side yard width shall not be less than 8 feet.
 - c. Rear yard depth shall not be less than 25 feet.
3. The maximum height of a structure in this district shall be 35 feet unless prohibited by airport zoning restrictions.

SECTION 10-306: R-2 RESIDENTIAL DISTRICT

A. Intent. The intent of this zoning district is to establish the general location for traditional, medium-density single and multiple family living, but to afford flexibility for the establishment of uses, other than residential, that are not detrimental to the overall intent of the traditional residential neighborhood. This zone, although it accommodates both residential and semi-commercial uses, is not a business zone since the overall consideration is for high-density residential habitation.

B. Permitted Uses. In the Residential District (R-2), buildings, structures, and land use shall be used only for the following purposes:

1. One single-family dwelling unit per legal lot.
2. One multi-family dwelling with up to four units per legal lot.
3. Rooming and boarding houses not intended as tourist accommodations.
4. Public buildings, libraries, and public owned parks, playgrounds and community centers.
5. Churches, Sunday schools, and other places of worship.
6. Public and parochial schools.
7. Customary incidental home occupations.
8. Hospitals, convalescent or nursing homes, and medical clinics, excluding veterinary hospitals and mental institutions.
9. Accessory buildings, structures, or uses subordinate and customarily incidental to and located on the same lot with any of the foregoing principal uses.
10. Major off-street parking facilities in conjunction with all uses in the fore-

going list.

11. Beauty and barber shops.
12. Real estate and insurance offices.
13. Medical and dental offices.
14. Family childcare homes.

C. *Special Exceptions.* The legislative body for the city may by special permit, after a public hearing and subject to such conditions and protective restrictions as set forth in Section 10-405, authorize the following special uses.

1. Multi-family dwellings with five or more units.
2. Private clubs, private lodges, private social, recreational and entertainment facilities, or ground for games and sports.
3. Public works and public utility facilities, such as transformer stations, pumping stations, water towers, or telephone exchanges.
4. Mortuary or funeral homes.
5. *Bed and Breakfast; Special Exception.* A bed and breakfast, as defined herein, is permitted as a special exception in the Residential District (R-2) subject to the following conditions:
 - a. An application form shall be completed and submitted to the city Planning Commission. The commission will, after a public hearing, make its recommendation to the City Council either recommending approval or denial of the special exception use. If approval is recommended, the approval shall include a recommendation for occupancy limit, conditions of the use, and/or protective restrictions.
 - b. The City Council shall act upon the recommendation of the Planning Commission and, if the special use is granted, the council shall grant such license upon payment of a license fee of \$25.00, which license may be reviewed annually. The license shall include occupancy limits, special conditions, and/or protective restrictions as may be recommended by the Planning Commission or as may be set by the City Council. The license shall be subject to all provisions of this ordinance and the Nebraska statutes relating to bed and breakfast establishments.
 - c. *Bed and Breakfast; Building, Fire, Health and Safety Standards.* A bed and breakfast shall meet all minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such an establishment.
 - d. The rooms utilized by guests and occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings, and garages are not permitted to be used as living units or sleeping rooms.
 - e. The use by a guest shall be temporary only.
 - f. Each room designated for guest occupancy must be provided with an approved smoke detector.

- g. One off-street parking space for each sleeping room designated for guests; such parking area shall not be located in the front or side yards.
- h. One non-illuminated identification sign of not more than 4 square feet in area shall be permitted. This building sign shall be attached to and parallel to the front of the building.
- i. There shall be no separate cooking facilities in any guest room.

6. Group homes.
7. Child daycare centers.
8. Uses similar to the uses listed above as long as the use complies with the general intent of the R-2 District.

D. Area, Yard and Height Requirements.

1. The minimum lot size shall be 7,000 square feet.
2. The minimum yard requirements for:
 - a. Front yard depth shall not be less than 25 feet.
 - i. If two or more homes exist on the block with the same street frontage, a new home cannot have a front yard smaller than any of the other aforementioned homes on that block.
 - ii. In cases of corner lots with more than two street frontages, front yard requirements shall be subject to the following limitations:
 - a) At least one front yard shall be 25 feet from the respective lot line.
 - b) The other front yard shall be at least 10 feet from the respective lot line.
 - c) Neither front yard can be less than any other existing front yard along the same street on the same block.
 - b. Side yard width shall not be less than 8 feet.
 - c. Rear yard depth shall not be less than 25 feet.
3. The maximum height of a structure in this district shall be 35 feet, unless prohibited by airport zoning restrictions.

E. Development Standards.

1. The dwelling shall have no less than 900 square feet of floor area.
2. The dwelling shall have no less than an 18 foot exterior width.
3. The roof shall be pitched with a minimum vertical rise of 2½ inches for each 12 inches of horizontal run.
4. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single-family constructions.
5. The dwelling shall have a non-reflective roof material which is or simulates

asphalt or wood shingles, tile or rock.

6. The dwelling shall have wheels, axles, transporting lights, and removable towing apparatus removed, while on the premises owned or leased by the owner of said prefabricated home or manufactured home, when used as a residence or a trade or business, and shall be considered the same as a single-family dwelling.
7. All buildings shall be built on a permanent foundation.

F. Accessory Buildings.

1. No accessory use shall be erected in any required front or side yard.
2. No accessory building shall be erected closer than 5 feet from any other building.
3. No accessory building shall be constructed upon a lot until the construction of the main building has been started.
4. Accessory buildings shall not exceed 20 feet in height.

G. Fences.

1. No fence shall obstruct the view of traffic.
2. No fence shall be constructed in a manner or be of a design as to be hazardous or dangerous to persons or animals.
3. No fence shall exceed 3½ feet in height in front yards and no fence shall exceed 6 feet in height in side or rear yards.
4. Fences may be constructed on the property line as long as the fence complies with all street, utility, and other applicable easements.
5. Any fence that falls into disrepair shall be either repaired or moved within 30 days of notification by the city.

SECTION 10-307: C-1 CENTRAL BUSINESS DISTRICT

A. Intent. The purpose of this zone is to establish the location of the downtown or predominant shopping area of the municipality in relation to its intended use, that being to best serve the largest number of patrons within the community's service area with the widest variety of goods and services. Through the proper zoning classification and use of restrictions, it is the intent of this section to prevent the scattering of commercial uses and to centralize together the predominant retail and service activities needed to satisfy the local shopping public.

B. Permitted Uses. In the Central Business District (C-1) zone, buildings, structures, and land shall be used only for the following purposes:

1. Retail stores.
2. Businesses which provide personal or financial services, excluding gas stations and other fuel services.
3. Businesses which provide entertainment services.

4. Businesses which provide medical services.
5. Restaurants and other businesses which provide food or beverage services.
6. Businesses and structures which sell or store wholesale merchandise.
7. Personal or professional business offices.
8. Public, semi-public, or governmental buildings, office, and facilities.
9. Hotels, motels, and other establishments which provide lodging services.
10. Major off-street parking facilities as an integral design consideration with all the uses in the C-1 zone.
11. Public works, public buildings, and public utility facilities, such as transformer stations, pumping stations, water towers, and telephone exchanges.
12. Apartments.
13. Accessory uses and buildings that are clearly incidental to the permitted use and that will not create a nuisance or a hazard.

C. *Special Exceptions.* The legislative body for the city may by special permit, after a public hearing and subject to such conditions and protective restrictions set forth in Section 10-405, authorize the following special uses:

1. Single family dwellings.
2. Service stations and motor vehicle retail fuel sales.
3. *Bed and Breakfast: Special Exception.* A bed and breakfast, as defined herein, is permitted as a special exception in the Central Business District (C-1) subject to the following conditions:
 - a. An application form shall be completed and submitted to the Planning Commission. The commission will, after a public hearing, make its recommendation to the City Council either recommending approval or denial of the special exception use. If approval is recommended, the approval shall include a recommendation for occupancy limit, conditions of the use, and/or protective restrictions.
 - b. The City Council shall act upon the recommendation of the Planning Commission and, if the special use is granted, the council shall grant such license upon payment of a license fee of \$25.00, which license may be reviewed annually. The license shall include occupancy limits, special conditions, and/or protective restrictions as may be recommended by the commission or as may be set by the council. The license shall be subject to all provisions of this ordinance and the Nebraska statutes relating to bed and breakfast establishments.
 - c. *Bed and Breakfast: Building, Fire, Health and Safety Standards.* A bed and breakfast shall meet all minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such an establishment.
 - d. The rooms utilized by guests and occupants of the premises shall be in the principal residential structure. Separate structures, accessory build-

ings, and garages are not permitted to be used as living units or sleeping rooms.

- e. The use by a guest shall be temporary only.
 - f. Each room designated for guest occupancy must be provided with an approved smoke detector.
 - g. One off-street parking space for each sleeping room designated for guests, which parking area shall not be located in the front or side yards.
 - h. One non-illuminated identification sign of not more than 4 square feet in area shall be permitted. This building sign shall be attached to and parallel to the front of the building.
 - i. There shall be no separate cooking facilities in any guest room.
4. Motor vehicle repair service; provided, all work shall be performed and all materials shall be stored within an enclosed building; and provided further, 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 6 feet and a visual density of no less than 90%.
 5. Factory franchised new motor vehicle sales, with parts and service (including warranty service) furnished locally, with used motor vehicle sales permitted as part of such operation. Display lots must be paved and adequately lighted.
 6. Motor vehicle body shop; provided, all work shall be performed and all materials shall be stored within an enclosed building; and provided further, 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 6 feet and a visual density of no less than 90%.

D. Area, Yard and Height Requirements.

1. There shall be no limitations placed on the size of the lot.
2. There shall be no minimum yard requirements for:
 - a. Front yard depth.
 - b. Side yard width, except on the side of a lot adjoining a residential district, in which case a side yard of not less than 8 feet shall be provided. If a side yard is allowed, built, or used, it shall be not less than 5 feet in width.
 - c. Rear yard depth, except on the rear of a lot adjoining a residential district, in which case a rear yard of not less than 25 feet shall be provided.

E. Design Standards.

1. No storage outside of an enclosed or fenced area, except the display of merchandise for sale to the public.

2. Awnings, canopies or marquees shall be a minimum of 9 feet high and a maximum of 10 feet wide; provided, under no circumstances shall the awning, canopy or marquee be closer than 3 feet to the back of the curb line.
3. *Signs*. No signs intended to be read from off the premises shall be permitted except:
 - a. Permanent illuminated or non-illuminated advertising signs identifying the use of the building, structure or premises. Such signs shall be in harmony with the intended use of the land and the character of the zoning district in which they are to be erected and shall be part of the architectural design or theme of the building.
 - b. One temporary on-site, non-illuminated sign, not to exceed 8 square feet in area and advertising the sale or rental of the property.
 - c. Approval of permits for advertising signs and advertising sign specifications shall conform to Sections 10-402 through 10-404.

SECTION 10-308: C-2 HIGHWAY BUSINESS DISTRICT

A. *Characteristics*. The purpose of this zone is to establish the location of areas best suited to the needs of businesses which accommodate the broad range retail, service, and office activities that require either highway access or larger lots.

B. *Permitted Uses*. In the Highway Business District (C-2), buildings, structures and land shall be used only for the following purposes.

1. Farm equipment sales and service.
2. Automotive sales, services and storage.
3. Restaurants, cafes, drive-in restaurants and drinking establishments.
4. Motels, hotels and tourist accommodations.
5. Trailer sales, separate from trailer parks.
6. Commercial recreational and entertainment such as drive-in theaters, miniature golf courses, bowling alleys, dance halls, skating rinks, dragstrips, and golf driving and target ranges.
7. Truck terminals and related storage facilities.
8. Gas stations.
9. Public and private parking lots.
10. Food, drug, dairy, liquor, furniture and appliance stores.
11. Dry cleaners, laundries, barber and beauty shops, lumber yards, paint stores, clothing stores, farm and garden supplies, sporting goods and hobby shops.
12. Medical clinics, hospitals, convalescent homes, funeral homes and veterinary clinics excluding kennels.
13. Public or private clubs, lodges, social, recreational and entertainment facilities, or grounds for games and sports, including public or privately owned museums.
14. Accessory uses and buildings that are clearly incidental to the permitted

use and that will not create a nuisance or hazard.

15. Signs. No signs intended to be read from off the premises shall be permitted except:
 - a. Permanent illuminated or non-illuminated advertising signs identifying the use of the building, structure or premises. Such signs shall be in harmony with the intended use of the land and the character of the zoning district in which they are to be erected, consisting of no more than: (i) one single free standing sign with a maximum area of 200 square feet; (ii) one single sign, attached to and parallel with the facade of the building, occupying no more than 10% of the surface area of said façade; and (iii) one single billboard-type sign 24 square feet in area for use as advertising products or services considered incidental to the primary use of the building or premises, attached to and parallel with the facade of the building.
 - b. One temporary on-site sign, non-illuminated, not to exceed 16 square feet in area and advertising the sale or rental of the property.
 - c. Signs which do not exceed 35 feet in height.
 - d. Approval of permits for advertising signs and advertising sign specifications shall conform to Sections 10-402 through 10-404.

(Am. Ord. No. 1162, 7/14/16)

C. Special Exceptions. The legislative body for the city may by special permit, after a public hearing and subject to such conditions and protective restrictions set forth in Section 10-405, authorize the following special uses:

1. The open storage, parking or sale of building materials and supplies wholesale and warehousing goods, and contractors' equipment.
2. Single family dwellings.
3. Truck terminals and related storage facilities.
4. *Bed and Breakfast: Special Exception.* A bed and breakfast, as defined herein, is permitted as a special exception in the Highway Business District (C-2) subject to the following conditions:
 - a. An application form shall be completed and submitted to the Planning Commission. The commission shall, after a public hearing, make its recommendation to the City Council either recommending approval or denial of the special exception use. If approval is recommended, the approval shall include a recommendation for occupancy limit, conditions of the use, and/or protective restrictions.
 - b. The City Council shall act upon the recommendation of the Planning Commission and, if the special use is granted, the council shall grant such license upon payment of a license fee of \$25.00, which license may be reviewed annually. The license shall include occupancy limits, special conditions, and/or protective restrictions as may be recommended by the commission or as may be set by the council. The license shall be subject to all provisions of this ordinance and the Nebraska

statutes relating to bed and breakfast establishments.

- c. *Bed and Breakfast: Building, Fire, Health and Safety Standards.* A bed and breakfast shall meet all minimum building, fire, health and safety standards set by state and local laws and regulations applicable to such an establishment.
- d. The rooms utilized by guests and occupants of the premises shall be in the principal residential structure. Separate structures, accessory buildings, and garages are not permitted to be used as living units or sleeping rooms.
- e. The use by a guest shall be temporary only.
- f. Each room designated for guest occupancy must be provided with an approved smoke detector.
- g. One off-street parking space for each sleeping room designated for guests, which parking area shall not be located in the front or side yards.
- h. One non-illuminated identification sign of not more than 4 square feet in area shall be permitted. This building sign shall be attached to and parallel to the front of the building.
- i. There shall be no separate cooking facilities in any guest room.

D. *Area, Yard and Height Requirements.*

1. The minimum lot size shall be 10,000 square feet.
2. The minimum yard requirements for:
 - a. Front yard depth shall not be less than 25 feet.
 - b. Side yard width shall be none, except on the side of a lot adjoining a residential district, in which case, a side yard of not less than 8 feet shall be provided. If a side yard is allowed, built, or used, it shall be not less than 5 feet in width.
 - c. Rear yard depth shall be none, except on the rear of a lot adjoining a residential district, in which case, a rear yard of not less than 25 feet shall be provided.
3. Minimum height requirements shall be as prescribed by airport zoning requirements.

SECTION 10-309: C-3 TRAVELER SERVICES DISTRICT

A. *Intent.* The purpose of this zoning district is to establish the location of areas that provide the best access to provide services to highway travelers.

B. *Permitted Uses.* In the Traveler Service District (C-3), buildings, structures and land shall be used only for the following purposes.

1. Restaurants, cafes, drive-in restaurants and other dining establishments.
2. Motels, hotels and other places which provide temporary lodging.

3. Gas stations, truck stops and other vehicle service stations.
4. Public or private tourist, recreation, and entertainment.
5. Retail shops that cater primarily to travelers or tourists.
6. Accessory uses and buildings that are clearly incidental to the permitted use and that will not create a nuisance or hazard.

C. *Special Exceptions.* The legislative body for the city by special permit, after a public hearing and subject to such conditions and protective restrictions set forth in Section 10-405, authorize the special use of a bed and breakfast facility.

D. *Area, Yard and Height Requirements.*

1. The minimum lot size shall be 10,000 square feet.
2. The minimum yard requirements for:
 - a. Front yard depth shall not be less than 25 feet.
 - b. Side yard width shall be none, except on the side of a lot adjoining a residential district, in which case, a side yard of not less than 8 feet shall be provided. If a side yard is allowed, built, or used, it shall be not less than 5 feet in width.
 - c. Rear yard depth shall be none, except on the rear of a lot adjoining a residential district, in which case, a rear yard of not less than 25 feet shall be provided.
3. Minimum height requirements shall be as prescribed by airport zoning requirements.

E. *Design Standards; Signs.* No signs intended to be read from off the premises shall be permitted except:

1. Permanent illuminated or non-illuminated advertising signs identifying the use of the building, structure or premises. Such signs shall be in harmony with the intended use of the land and the character of the zoning district in which they are to be erected, consisting of no more than:
 - a. One single free standing sign with a maximum area of 90 square feet.
 - b. One single sign, attached to and parallel with the facade of the building, occupying no more than 10% of the surface area of said facade.
 - c. One single billboard type sign 24 square feet in area, for use as advertising products or services considered incidental to the primary use of the building or premises, attached to and parallel with the facade of the building.
2. One temporary on-site sign, non-illuminated, not to exceed 16 square feet in area and advertising the sale or rental of the property.
3. Signs which do not exceed 35 feet in height.

4. Approval of permits for advertising signs and advertising sign specifications shall conform to Sections 10-402 through 10-404.

SECTION 10-310: C-4 HEAVY COMMERCIAL DISTRICT

A. *Intent.* The intent of this district is to provide for commercial and storage activities which require more intense uses of land that do not mandate highway access.

B. *Permitted Uses.* In the Heavy Commercial District (C-4) buildings, structures, and land shall be used only for the following purposes:

1. Any use allowed in the C-1 and C-2 districts.
2. Commercial storage units.
3. Auto repair facilities.
4. Car washes.
5. Contractor storage yard.
6. Grain elevators.
7. Grain storage facilities.
8. Raising field crops and horticulture.
9. Greenhouses.
10. Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
11. Storage of bulk oil or gas.
12. Ready-mixed concrete and asphalt plants.
13. Public utilities.
14. Accessory buildings and uses customarily incidental to the listed permitted uses.

C. *Special Exceptions.* The legislative body for the city may by special permit, after a public hearing and subject to such conditions and protective restrictions set forth in Section 10-405, authorize the following special uses:

1. Communication towers.
2. Rail terminals.
3. Salvage yards subject to the following:
 - a. The area shall be screened from public view and access by a solid or semi-solid fence having a minimum height of 6 feet.
 - b. No materials shall be loaded, unloaded or otherwise placed outside the screened area.

D. *Area, Yard and Height Requirements.*

1. The minimum lot size shall be 10,000 square feet.
2. Minimum yard requirements for:

- a. Front yard depth shall not be less than 25 feet.
 - b. Side yard width shall be none, except on the side of a lot adjoining a residential district, in which case, a side yard of not less than 8 feet shall be provided. If a side yard is allowed, built, or used, it shall be not less than 5 feet in width.
 - c. Rear yard depth shall be none, except on the rear of a lot adjoining a residential district, in which case, a rear yard of not less than 25 feet shall be provided.
3. Minimum height requirements shall be as prescribed by the airport zoning requirements.

SECTION 10-311: I-1 INDUSTRIAL DISTRICT

A. *Intent.* The purpose of this district is to establish the area or areas within the planning area where manufacturing or processing of products can be grouped together and set apart from the residential and business areas because of bulk, noise, odor, or the need for segregation of placement due to unusual circumstances related to the manufacturing or industrial processes.

B. Permitted Uses. In the Industrial District (I-1) buildings, structures and land shall be used only for the following purposes:

1. Lumber and building materials manufacturing.
2. Appliance and mechanical instruments manufacturing and sales.
3. Electronic equipment manufacture.
4. Food processing.
5. Hatcheries.
6. Machine shops and sheet metal shops.
7. Metal processing and fabricating.
8. Milling, animal feed preparation and grain elevators.
9. Contractors' offices and shops.
10. Furniture and cabinet manufacturing.
11. Garages for storage, repair and servicing of motor vehicles.
12. Dry cleaning and laundry shops.
13. Printing and publishing plants.
14. Textile manufacturing.
15. Wholesale and warehousing establishments, except those which handle products of a highly explosive, combustible or volatile nature.
16. Light manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
17. Transportation terminals and freight yards.
18. Utility offices, installations and shops.
19. Plumbing, heating, and air conditioning manufacture and service.

20. Oil and water wells including drilling and associated activities.
21. Iron and steel works.
22. Sign manufacture.
23. Concrete, asphalt and ready-mix operations.
24. Gasoline, oil and petroleum products, production and storage.
25. Paint, glue, solvents or alcohol production.
26. Accessory uses and buildings that are clearly incidental to the permitted use and that will not create a nuisance or hazard.

C. Area, Yard and Height Requirements.

1. The minimum lot size shall be 10,000 square feet and not less than 80 feet in width and 100 feet in depth.
2. Minimum yard requirements for:
 - a. Front yard depth shall not be less than 35 feet.
 - b. Side yard width shall be the same as that indicated for the Central Business District (C-1).
 - c. Rear yard depth shall be none.
3. There shall be no height limits placed on buildings constructed in this district except as prescribed by airport zoning regulations.

D. Design Standards; Signs. No signs intended to be read from off the premises shall be permitted except:

1. Permanent illuminated or non-illuminated advertising signs identifying the use of the building, structure or premises. Such signs shall be in harmony with the intended use of the land and the character of the zoning district in which they are to be erected.
2. One temporary on-site, non-illuminated sign, not to exceed 16 feet in area and advertising the sale or rental of the property.
3. Signs which do not exceed 35 feet in height.
4. Approval of permits for advertising signs and advertising sign specifications shall conform to Sections 10-402 through 10-404 of this ordinance.

SECTION 10-312: MP MOBILE HOME PARK DISTRICT

A. Characteristics. The purpose of this zone is to establish the location of areas best suited to the needs of mobile home parks.

B. Permitted Uses. Any permitted principal use and structure in the parent district to which this district is made a part shall be permitted including mobile home parks; provided, such mobile home parks shall meet the minimum requirements of subsection (D) herein.

C. *Permitted Accessory Use.* Accessory uses and structures permitted under the provisions of the regulations of the parent district and those normally appurtenant to uses and structures permitted as exceptions shall be permitted.

D. *Minimum Requirements.*

1. Each trailer home shall have a lot of at least 5,000 square feet if connected with a public sewer or a minimum of 10,000 square feet if not connected to public sewer. Additional land may be required for septic tank systems under Nebraska Department of Environmental Quality rules and regulations.
2. No trailer shall be parked closer to the street or highway than the required front yard setback or closer than 25 feet to any property line.
3. No mobile home shall be located closer than 20 feet to another mobile home.
4. Trailer coach spaces within a trailer park shall abut upon a driveway or access way of not less than 25 feet in width. The area occupied by the road shall not fulfill part of the area requirements for any lot.
5. Two automobile parking areas shall be provided on every mobile home lot.
6. Tie-downs and ground anchors shall secure all mobile homes to the ground. 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 force of at least 4,800 pounds.
7. Each mobile home shall be skirted within 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 and is consistent with the quality of development of the park.

SECTION 10-313: F-1 FLOODPLAIN DISTRICT

A. *Characteristics.* This district is intended for application to that area lying within the city zoning boundaries but such district shall not extend more than one mile from the city limit boundary line. The Floodplain District (F-1) is prescribed by the Flood Hazard Boundary Map issued by the U.S. Department of Housing and Urban Development Federal Insurance Administration, dated November 22, 1977 in Community-Panel No. 31047500074A. The regulations are intended to minimize the hazard of loss of lives and property caused by floods and to secure safety from floods through the confinement of floods through reasonable limits by regulating and restricting areas of development along or in natural water courses and drain ways. This district is created to be appended to any district which is subject to periodic flooding.

B. *Permitted Principal Uses and Structures.* Any permitted principal use and structure in the parent district to which this district is made a part, provided that such uses and structures meet the minimum requirements of said district.

C. *Permitted Accessory Uses and Structures.* Any permitted accessory use and

structure in the parent district to which this district is made a part, provided that such uses and structures meet the minimum requirements of said district.

D. *Exceptions.* After the provisions of this ordinance relating to exceptions have been fulfilled, the City Council may permit all conditional uses permitted as exceptions in the parent district of which this district is made a part.

E. *Special Conditions; Granting Exceptions.* Notwithstanding the requirements of Section 10-405, the following regulations shall supplement the special conditions and/or conditions for granting exceptions which are provided in the parent district of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Where, by reason of flooding potential, the zoning administration determines that there are detrimental or limiting conditions for development, or where there is indicated the possibility of detrimental or limiting conditions for development, the zoning administrator may require such person or persons making application for a zoning (building) permit to provide any one or all of the following to the City Council:
 - a. Four copies of a site plan at an appropriate scale indicating the name and address of the applicant; lot dimensions and legal description of the property; the location, elevation, size, height, and proposed use of all structures; yards and space between structures; off-street parking; location of public streets and highways and points of pedestrian and vehicular ingress and egress; signs; areas which will require significant land forming; and
 - b. Four copies of topographic information providing the elevation of the site above mean sea level, the proposed first elevation of all principal structures and accessory structures, and all specifications for grading and fill.
2. As conditions for granting a zoning (building) permit, the council may require specific measures which are intended to minimize the hazard due to flooding, which shall include the following:
 - a. The first floors of buildings or structures shall be placed 2 feet above the elevation of the 25-year flood.
 - b. Easements, lower floors, or appurtenances located below the elevation of the 25-year flood shall be designed and constructed to prevent passage of water into the building or structure and to withstand flood conditions, including hydrostatic pressures of elevated water tables and the momentum of flood flows. Materials for construction shall be of a type not deteriorated appreciably by water. Windows, doorways, and other openings into the building or structure that are located below the elevation of the 25-year flood shall be designed and constructed incorporat-

- ing adequate floodproofing.
- c. Foundations of all structures shall be designed and constructed to withstand flood conditions at the proposed construction site.
 - d. All electrical equipment, circuits, and installed electric appliances shall be located so as to not be subject to flooding or shall be floodproofed to prevent damage resulting from inundation from the 25-year flood.
 - e. Sanitary and storm sewer drains shall be equipped with valves capable of being closed, manually or automatically, to prevent backup of sewage and storm waters into the building or structure. Gravity draining of basements may be eliminated by mechanical devices.
 - f. Any chemical storage, explosive, buoyant and inflammable liquid storage shall be located above the 25-year flood level or shall be adequately floodproofed to prevent flotation of tanks or other appreciable damage or escape into the flood waters of toxic materials.
 - g. Land may be filled provided such fill extends 15 feet beyond the limits of any building or structure erected thereon.

F. Area, Yard and Height Requirements.

1. The lot requirements of the parent district of which this district is made a part shall be the minimum lot requirements subject to additional requirements as prescribed by the City Council.
2. The yard requirements of the parent district of which this district is made a part shall be the minimum yard requirements subject to additional requirements as prescribed by the City Council.
3. The height requirements of the parent district of which this district is made a part shall be the maximum height requirements subject to additional requirements as prescribed by the City Council.

SECTION 10-314: PARKING REGULATIONS

A. Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established in all districts except the Central Business District (C-1) or, provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot, a substantial portion of which is within 500 feet of such use. Each automobile parking space shall be not less than 200 square feet in area exclusive of adequate access drives and maneuvering space. Such space shall be provided with vehicular access to a street or alley; and such use shall be equal in number to at least the minimum requirements for the specific use set forth herein.

B. Layout and Design Requirements.

1. *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.

2. *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.
3. *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.
4. *Residential Districts.* Spaces shall be provided in other than the front yard in all residential districts, except in the event an attached garage is converted to a livable room off the dwelling, in which case, the parking space may occupy the existing concrete or asphaltic drives when located within the required front yard.
5. *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 administrator shall be satisfied that the spaces provided are usable and meet the standard design criteria contained herein. All required off-street parking spaces shall be clearly marked.

C. *Special Parking Requirements.*

1. *Vehicle Sales and Repair.* One space for every two employees at maximum employment on a single shift, plus two spaces for each 300 square feet of repair or maintenance space.
2. *Automobile Service Stations.* Two spaces for each gas pump plus three spaces for each grease rack or similar facility.
3. *Bowling Alley.* Five spaces for each alley, plus one additional space for every two employees.
4. *Churches.* One space for every five seats.
5. *Elementary and Junior High Schools (Public and Private).* One space for each classroom and administrative office.
6. *Apartment House; Residential House.* Two spaces for each dwelling unit.
7. *Hospitals.* One space for every four patient beds plus one space for each staff or visiting doctor, plus one space for every four employees.
8. *Mortuary or Funeral Homes.* One space for every four seats in the assembly room or chapel.
9. *Motel; Tourist Homes; Tourist Courts.* One space for each accommodation; two additional spaces for employees.
10. *Offices: Professional, Business, or Public; Banks.* One space for each 200 square feet of gross floor area.
11. *Medical Offices and Clinics.* Four spaces for each doctor practicing at the clinic, plus one space for each employee.
12. *Places of Public Assembly and Entertainment.* One space for every four seats provided for patron use, plus one space for each 100 square feet of floor or ground area used for amusement or assembly, but not containing fixed seats.

13. *Residential Dwellings*. One space for each dwelling unit.
14. *Retail Business*. One space for each 200 square feet of gross floor area.
15. *Sanitariums, Rest Homes, and Similar Institutions*. One space for every six patient beds, plus one space for each staff or visiting doctor, plus one space for every four employees.
16. *Senior High Schools and Colleges (Public and Private)*. One space for every five students for which the school was designed, plus one space for each classroom and administrative office.
17. *Mobile Home Parks*. Two spaces for each dwelling unit.
18. *Wholesaling and Industrial Uses*. One space for every two employees at maximum employment on a single shift.

SECTION 10-315: LOADING AND UNLOADING

A. Every building or structure used for business, trade, or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purposes of this section, an off-street loading space shall have minimum dimensions of 12 feet by 40 feet and an overhead clearance of 14 feet in height above the alley or street grade.

B. *Special Loading Requirements.*

1. *Retail Business*. One space for each 5,000 square feet of floor area.
2. *Wholesale and Industry*. One space for each 10,000 square feet of floor space.

Article 4 – Application of Regulations

SECTION 10-401: USE

A. No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this chapter, or amendments thereto, for the district in which it is located.

B. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth; front, side or rear yards; lot area per family; or other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the condemnation of narrow strips of land for public utilities or street right-of-way purposes.

C. No part of a yard or other open space required in connection with any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building or structure.

D. Where a lot or tract is used for other than a single-family or two-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.

E. No building or use of land for other than agricultural purposes shall be established on a lot that does not abut a public street.

SECTION 10-402: ADVERTISING SIGNS; COMPLIANCE

Advertising signs shall not be erected, constructed or altered except in compliance with these requirements and the regulations of the zoning district in which they are to be located.

SECTION 10-403: ADVERTISING SIGN PERMITS

A. A zoning permit shall be required for erecting, alteration and construction of any advertising sign as required in Article 7. Any person, firm or corporation who erects, constructs or alters any advertising sign without first obtaining a zoning permit shall be subject to the penalties provided in Article 7 for the erection, construction, or alteration of any advertising sign. A zoning permit for the erection or alteration of any advertising sign located in the C-1 district may not be issued without prior approval of the City Council.

B. After a business area or building has remained vacant for 60 days or more, the owner of said property shall remove all advertising signs and supports.

SECTION 10-404: ADVERTISING SIGNS; LOCATION; SPECIFICATION

A. Advertising signs shall not overhang on public streets, alleys or ways. Advertising signs overhanging the sidewalks shall not project or extend closer than 2 feet to the curb line; shall be at least 9 feet above the sidewalk; shall be above all marquees; shall not be more than 48 square feet maximum size; and shall not exceed the height of the building on which they are erected by more than 4 feet.

B. Advertising signs shall not be erected on the roof of any building in any zoning district within or without the corporate limits.

C. Structural supports for advertising signs shall not be exposed to public view, but shall be an integral part of the design of the advertising sign. Signs, including those connected to a building facade, shall be structurally safe and in good repair as determined by the building inspector. Signs shall not flash all elements simultaneously and shall not resemble any traffic sign, signal or device. Revolving beacons are prohibited. Signs shall not be located in such manner as to obscure or otherwise interfere with the effectiveness of any existing business advertising, or an official traffic sign, signal or device, or which obstruct or interfere with the driver's view of approaching, merging or intersecting traffic, as determined by the building inspector.

D. *Freestanding Signs.* It shall be unlawful to erect any freestanding sign which total height is greater than 20 feet above the level of the street upon which the sign faces. Freestanding signs located on property which abuts both a controlled access highway and a state or federal numbered highway may not be erected where the total height of said sign is greater than 20 feet above the plane of the pavement of the highest road at the intersection. Freestanding signs shall be permitted to be erected in the city, subject to the following:

1. Off-site freestanding signs are prohibited.
2. On-site freestanding signs subject to the following:
 - a. Only one on-site freestanding sign shall be permitted on a lot.
 - b. *Computation of Area of Multi-Faced Signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
 - c. Display surface area shall not exceed 100 square feet.
 - d. Sign may be an illuminated sign or indirect illumination sign only.
 - e. Sign shall be set back 15 feet from existing street right-of-way and 50 feet from any residential district.

SECTION 10-405: SPECIAL EXCEPTIONS

Upon application, pursuant to the provisions of this chapter and the rules and procedures of the City Council, said council shall grant or refuse special exceptions in accordance with the standards of this article and the intent of this chapter. In granting any special exceptions, the council shall authorize the issuance of a zoning certificate and may prescribe and impose appropriate conditions and safeguards, including a specified time limit for the zoning certificate.

A. *Standards.* Classified special exceptions shall be authorized only if they meet the following standards.

1. *Fire Hazard.* The use shall not include any activity involving the use or storage of flammable or explosive material unless protected by adequate firefighting and fire-suppression equipment and by such safety devices as are normally used in the handling of such material.
2. *Noise.* The use shall not include noise which is objectionable due to volume or frequency unless muffled or otherwise controlled.
3. *Vibration.* The use shall not include vibration which is discernible without instruments on any adjoining lot or property.
4. *Air Pollution.* The use shall not involve any pollution of air by flying ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property, or which can cause soiling, discomfort, or irritation.
5. *Odors.* The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
6. *Glare.* The use shall not involve any direct or reflected glare that is visible from any adjoining property or from any public street, road or highway.
7. *Traffic Hazard.* The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
8. *Overtaxing of Public Utilities and Facilities.* The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provision is made for any necessary adjustments.
9. *Character of Neighborhood.* The use shall not involve any activity not in character with the majority of the uses in the neighborhood unless, by design, setback, nature of operation, and other devices, the character of the neighborhood will be maintained.
10. *General Welfare of the Community.* The use shall not involve any activity which adversely affects the general welfare of the community.

B. *Special Uses.* The City Council, subject to conditions and protective restrictions as set forth in subsection (A) herein, hereby authorize the following special uses in any zoning district.

1. Expansion of railroads and appurtenances.
2. Removal of gravel, topsoil, or similar natural material with safeguards for

the protection of adjoining property and the community as a whole.

SECTION 10-406: LOT OF RECORD

Where the owner of a lot of official record in any district prior to July 13, 1978, or his or her successor in title thereto, does not own sufficient contiguous land to enable him or her to conform to the minimum lot size requirements of this chapter, such lot may be used as a building site provided that said lot requirements are not reduced below the minimum specified in this chapter by more than 20%. If, however, the owner of two or more adjoining lots with insufficient land dimensions decides to build on or sell said lots, he or she must first combine said lots to comply with the dimensional requirements of the chapter. Any lot requiring dimensional variances below the 20% minimum set forth in this section shall be approved by the Board of Adjustment provided that further decreased dimensional requirements shall conform as closely as possible to the required dimensions.

SECTION 10-407: CORNER VISIBILITY

On a corner lot in any residential district, no planting, structure, sign, fence, wall or obstruction to vision between the range of 2½ feet and 8 feet in height measured from the bottom of the curb or, where no curb exists, the edge of the pavement or roadway, shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said right-of-way lines, each of which is a 35-foot distance from the point of intersection.

SECTION 10-408: PROJECTIONS

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except:

A. The ordinary projection of sills, eaves, bell courses, cornices, and ornamental features may be permitted, but not to exceed more than 24 inches in any required yard.

B. An open, uncovered porch or paved terrace may extend not more than 10 feet into any required yard and not closer than 5 feet to any lot line.

C. Open or enclosed fire escapes, fireproof outside stairways and balconies may be permitted, but may not project into a yard or court for more than 50% of the required yard.

SECTION 10-409: PLATS, INSTRUMENTS; COUNCIL APPROVAL REQUIRED

No plat of or instruments affecting the subdivision of real property shall be recorded or have any force or effect unless the same are approved by the City Council.

SECTION 10-410: OPEN STORAGE

The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or materials for more than 48 consecutive hours shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary in the primary use of the property.

SECTION 10-411: SCREENING

In all business and industrial districts a solid or semi-solid fence, hedge or wall at least 6 feet, but not more than 8 feet high, and having a density of not less than 70% per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the business or industrial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the business or industrial district.

SECTION 10-412: BUILDINGS; STRUCTURES; PROJECTIONS; VERTICAL

In measuring height of buildings or structures for compliance with this chapter, the following parts of buildings or structures are not included, except where expressly otherwise provided: parapet walls not more than 4 feet high, chimneys, cooling towers, elevators, bulkheads, fire towers, grain elevators, penthouses, stacks, stage towers or scenery lifts, sugar towers, ornamental tanks, radio or television towers, ornamental towers, monuments, cupolas, domes and spires, and necessary mechanical appurtenances; provided, such projections shall not be so placed as to obstruct light or ventilation.

SECTION 10-413: SATELLITE EARTH STATIONS

A. Finding. It is found and declared that the use of satellite earth stations, as an alternative means of receiving television service, is becoming common within the city and the area of the city's building and zoning jurisdiction and, particularly outside the city's corporate boundaries, in areas out of the reach of the cable television, or where conventional television reception is poor.

B. Purpose. The purpose of this section is to regulate the occupancy and use of lands by satellite earth stations for protection of the public health, safety and general welfare including, but not limited to, that of owners and occupants of adjacent lands, in a manner that will facilitate the effective and efficient use of such stations.

C. Standard Codes; Compliance. All satellite earth stations and the construction and installation thereof shall conform to all applicable provisions of the 1985 Basic/National Building Code, the 1985 Basic/National One- and Two-Family Dwelling Code, and the 1985 National Electric Code.

D. Installation; Specifications. All satellite earth stations shall be constructed of

non-combustible and corrosive-resistant material, meet all manufacturer's specifications concerning installation, and be erected in a secure wind-resistant manner.

E. *Modification Permit.* No structural or electrical modifications may be made to any satellite earth station without a building permit approved by the city zoning administrator.

F. *Height.* "Satellite earth station height" shall mean the height of the dish measured vertically from the highest point of the dish, when positioned for operation, to the bottom of the base which supports the dish.

G. *Location; Setback.* A satellite earth station may be located anywhere on a lot or tract of land; provided, the location shall comply with all setback requirements of the zone in which the station will be located and, if the location will be in a commercial or industrial zone which abuts a residential zone, the station shall comply with the setback requirements in the residential district. A satellite earth station may be located only in the rear yard of a lot or tract, shall be set back from every lot or tract line and shall follow the same setback requirements as required for accessory buildings. Special exceptions may be made for roof mounting as determine by the zoning administrator in all districts except R-1.

H. *Special Exceptions; Roof Mounting.* If it is determined by the zoning administrator that a usable signal cannot be received on the ground, then exception may be made in any district, except R-1, that the satellite antenna may be mounted on the rear one-half portion of a roof.

I. *Number; Exception; Permit.* Not more than one satellite earth station may be installed on a lot or tract of land in an R-1 zone, or on two or more lots or tracts of land in such a zone which are occupied or used in common; provided, the Planning Commission may issue a special permit for installation of one or more additional such stations in a planned unit development if the commission shall determine that technological considerations (including, but not necessarily limited to, the adequacy of signals received) reasonably require use of an additional station or stations.

J. *Height; Exceptions.* No satellite earth station, including the platform or structure upon which it is mounted, shall exceed in height the following restrictions, or restrictions upon the height of structures generally in the zone, whichever is the more restrictive: in any C-1, C-2, I-1, MH-1, MH-2, MP-I, MP-II, or MP-III zone, 12 feet; provided, the foregoing restrictions of this section shall not apply to a commercial or public satellite earth station that is a part of, or mounted on, a communication tower.

K. *Color; Appearance; Character.* All satellite earth stations shall be neutral in color and, to the extent reasonably possible, as determined by the zoning administrator, shall be compatible with the surrounding neighborhood in appearance and character.

L. *Residences Served; Number.* In any R-1 zone, except in the case of a planned unit development, or an apartment complex under one ownership, a satellite earth station may serve only one residence.

M. *Advertising.* No form of advertising shall be placed on any part of a satellite earth station, except a small manufacturer's identification plate and, except in the case of a station operated by a television or radio station, the call letters or numbers of the latter station(s).

Article 5 – Pre-Application Procedures

SECTION 10-501: CONFERENCE

Before filing a preliminary plat the subdivider shall consult with the city manager and, if desired, request advice from the Planning Commission regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map may be submitted. The subdivider may also submit a vicinity map showing the relationship of the proposed subdivision to existing or platted streets and arterials and existing community facilities.

SECTION 10-502: NOTIFICATION

The city manager shall inform the subdivider of the requirements pertaining to the proposed subdivision. Such requirements are established by these regulations. The pre-application does not preclude the subdivider to review his or her sketches or ideas with the Planning Commission as desired on a no-fee basis.

SECTION 10-503: PLAT SUBMISSION REQUIREMENTS

The subdivider shall submit to the Planning Commission eight copies of the preliminary plat and supplemental material specified with written application for approval. Said complete submittal shall occur at least 10 days prior to the regular meeting of the Planning Commission at which the request will be heard.

SECTION 10-504: PRELIMINARY PLAT; FEES

A preliminary plat review fee shall accompany the application for approval at \$25.00 per subdivision, plus \$1.50 per each lot.

SECTION 10-505: PRELIMINARY PLAT; SCALE; CONTENTS

Preliminary plats shall be at least on the scale of 1 inch to 100 feet and shall be prepared with the following information:

A. Name, legal description, location, acreage, owner, developer, and engineer, surveyor or land planner preparing the plat.

B. Present zoning of the subdivision and adjacent tracts.

C. Vicinity map.

D. Date, north point, and graphic scale.

E. Location, width, grades, and name of each existing or platted street within and adjoining the proposed subdivision and location, grades and width of other public

ways, railroads, utility right-of-way or easements, park and other public open spaces within the proposed subdivision.

F. Proposed utility system, including sewers, water mains, gas, electric, telephone, cable TV, culverts, and drainage provisions, and other underground installations with the proposed subdivision or immediately adjacent thereto and the location and grade of the nearest available such facility.

G. Dimensions and lot lines, except that in "industrial" type subdivisions, lot lines may be excluded.

H. Proposed improvements and grading concepts.

I. Location of existing buildings.

J. Proposed easements, dedications and reservations of land required shall be provided.

SECTION 10-506: IMPROVEMENT SCHEDULE; NOTIFICATION

The subdivider shall indicate by a letter when improvements as required will be provided. Any proposed restrictive covenants for the land involved shall accompany the letter.

SECTION 10-507: PLANNING COMMISSION; APPROVAL OR DENIAL

After review of the preliminary plat and negotiations with the subdivider, and after compliance with Neb. Rev. Stat. §19-923, the Planning Commission shall reject or approve the preliminary plat and authorize the preparation of a final plat within 31 days after the official meeting at which the preliminary plat was considered.

SECTION 10-508: PLANNING COMMISSION; RECORDING OF ACTION

The action of the Planning Commission shall be noted on three copies of the plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider; one copy relayed to the City Council; and one copy retained by the Planning Commission.

SECTION 10-509: FINAL PLAT; APPROVAL

Upon approval of the preliminary plat by the Planning Commission, a final plat shall be prepared, drawn in ink on tracing cloth, Mylar or similar material, and shall be at a scale of no smaller than 1 inch to 100 feet. The final plat shall show the following:

A. Date, title, name and location of subdivision.

B. Streets and street names, lots, setback lines, lot numbers, etc., except that in industrial-type subdivisions, lot designation may be excluded.

C. Graphic scale and true north point.

D. Monuments.

E. Dimensions, angles and bearings, and a complete legal description of the property.

F. Sufficient engineering data to reproduce any line on the ground.

G. Location, dimensions and purpose of any easements.

H. Purpose for which sites are dedicated or reserved, and the transfer of ownership of the same.

I. Certification by surveyor or engineer certifying to accuracy of survey and plat.

J. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted.

K. Certification recording the approval by Planning Commission.

L. Necessary language for recording approval by the City Council and the acceptance of any dedications.

SECTION 10-510: SUPPLEMENTARY DATA REQUIRED

The plat shall be accompanied by:

A. Detailed construction plans of all required public improvements, said plans shall be approved by the engineer.

B. A certificate by a certified engineer certifying that the subdivider has compiled with all provisions of Article 7 of these regulations, or certifying that all required improvements have been installed in accordance with the approval of the preliminary plat by the Planning Commission.

C. Protective covenants in form for recording.

D. An operation and maintenance program pursuant to the provisions of Article 7 of these regulations.

E. A title report by an abstract or a title insurance company, or an attorney's

opinion of title, showing the name of the owner of the land and all other persons who have an interest in or an encumbrance on the plat. The consent of all such persons shall be shown on the plat.

F. A certificate showing that all taxes and special assessments due and payable have been paid in full and, if such taxes have been protested as provided by law, moneys or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld may be placed on deposit with such official or governing bodies to meet this requirement.

SECTION 10-511: COUNCIL APPROVAL OR DISAPPROVAL

Upon receipt of recommendation, the City Council shall approve or disapprove the plat within 30 days of presentation to the council.

SECTION 10-512: FINAL APPROVAL; DEDICATION; FILING

If the final plat is approved, such approval shall be indicated by the mayor and the city clerk on the original (linen) copy and two additional copies. Approval of the plat by the mayor and City Council shall constitute acceptance of the dedication to public use of the streets, alleys and other public ways and places shown in the plat.

SECTION 10-513: REPLAT; CLEAR TITLE

A. In the case where a subdivision involves the relation of the lot lines in two adjoining lots where no additional buildable lots are created, the subdivision shall be considered a replat and may be exempted by a majority vote of the Planning Commission according to Sections 10-503 to 10-508 herein. This replat shall meet all other requirements of this ordinance and shall follow the procedures for a plat as stated in Sections 10-509 through 10-512.

B. In the case where owners of lots of a subdivision cannot obtain a clear title due to lack of proper recording of the initial plat, the City Council may accept a plat of this subdivision, providing no changes are made in the initial plat and it meets other requirements of this ordinance.

Article 6 – Subdivision Design Standards

SECTION 10-601: GENERAL REQUIREMENTS

A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, erosion or other menace. If, following adequate investigation conducted by all public agencies concerned, it is determined that land to be subdivided cannot be used without endangering the health, safety, welfare or prosperity of the community, or would necessitate an excessive expenditure of public financial resources for sewage and water facilities, other public facilities and streets, then the subdivision plat shall not be approved unless the subdivider formulates adequate methods for meeting such problems.

B. All subdivision design shall conform to standards of the Comprehensive Development Plan and to the city zoning specifications.

SECTION 10-602: STREETS

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

SECTION 10-603: STREET EXTENSIONS

The street layout of the proposed subdivision shall provide for the continuation or appropriate projection of streets and alleys already existing in areas being subdivided. Where at the determination of the Planning Commission it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turnaround having a radius of at least 30 feet. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street.

SECTION 10-604: RIGHT-OF-WAY; DEDICATION; NEW STREETS

The dedication of right-of-way for new streets measured from lot line to lot line shall be as shown on the comprehensive plan or, if not shown thereon, shall meet the right-of-way requirements of at least 60 feet in width. All streets classified as arterial streets by the comprehensive plan shall have all points of access approved by the Planning Commission. Marginal access streets may be required by the Planning Commission for subdivisions fronting on arterial streets.

SECTION 10-605: RIGHT-OF-WAY; DEDICATION; EXISTING STREETS

Subdivision platted along existing streets shall dedicate additional right-of-way if necessary to meet the above stated minimum street width requirements. The entire minimum right-of-way width shall be dedicated where the subdivision is on both sides of an existing street. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way width, measured from the center line of the existing roadway, shall be dedicated. Dedication of one-half of the right-of-way for proposed streets along the boundaries of land proposed for subdivision shall be prohibited.

SECTION 10-606: INTERSECTIONS

Streets shall intersect as nearly as possible at a 90° angle and no intersections shall be at any angle less than 60°. Street curb intersections shall be rounded by radii of at least 20 feet. When the smallest angle of street intersection is less than 75°, the Planning Commission may require curb radii of greater length. Wherever necessary to permit the construction of a curb having a desirable radius without reducing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such curb construction. No lot or other parcel of land which abuts on and has access to a collector street shall have a service drive, curb cut, or other means of access to an arterial street within 75 feet of the right-of-way of any cul-de-sac, dead-end, local, loop or marginal access street which intersects such arterial street on the side on which such lot or parcel is located.

SECTION 10-607: STREET CURVES

A. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets. Where there is a deflection angle of more than 10° in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves will be 200°.

B. Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of 200 feet, said sight distance being measured from a driver's eyes, which are assumed to be 4½ feet above the pavement surface, to an object 4 inches high on the pavement. Profiles of all streets showing natural or finished grades, drawn to an approved scale, may be required by the Planning Commission.

SECTION 10-608: STREET GRADES AND ELEVATION

All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall be not less than one-half of 1%. The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood-free for storms of

a 25-year flood average in order that portions of the subdivisions will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles of elevations of streets in order to determine the advisability of permitting the proposed subdivision activity. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not increase flood heights. Drainage openings shall be designed so as not to restrict the flow of water and thereby increase flood heights. Street grades shall not be greater than 8%.

SECTION 10-609: MARGINAL ACCESS STREETS

A. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

B. Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety consideration, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed arterial street or highway.

C. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future separations.

SECTION 10-610: STREET JOGS

Street jogs with center line offsets of less than 125 feet shall be prohibited.

SECTION 10-611: CUL-DE-SACS

Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than 500 feet and shall be provided at the closed end with a turnaround having a radius at the outside of the pavement of at least 35 feet and a radius at the outside of the right-of-way of at least 50 feet.

SECTION 10-612: STREET NAMES

A. Proposed streets which are in alignment with other already existing and named streets shall bear the names of such existing streets. The name of a proposed street which is not in alignment with an existing street, shall not duplicate the name of

any existing street, irrespective of the use of any suffix such as "Street", "Avenue", "Boulevard", "Drive", "Place", "Court", "Land", "Road", "Pike", "Highway", "Parkway", or similar suffix.

B. Whenever a street alignment changes direction more than 45° without a return to the original alignment within a distance of 500 feet, then the name of the street shall be changed at the point of curvature.

C. Whenever a cul-de-sac street serves not more than three lots, the name of the intersection street shall apply to the cul-de-sac.

D. To avoid duplication and confusion, the proposed names of all streets shall be approved by the city engineer prior to such names being assigned or used.

SECTION 10-613: PRIVATE STREETS; RESERVE STRIPS

There shall be no private streets platted within subdivisions. There shall be no reserve strips in a subdivision except where their control is definitely vested in the municipality or county under conditions approved by the Planning Commission as authorized in these regulations.

SECTION 10-614: ALLEYS

Alleys shall be provided to give access to the rear of all lots used for commercial and industrial purposes. The minimum width of an alley shall be 20 feet. Alley intersections and sharp changes in alignment shall be avoided but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate facilities at the dead-end, as determined by the Planning Commission. Alleys shall be provided in residential areas, except in cases where the subdivider produces to the Planning Commission, satisfactory evidence that alleys are not needed.

SECTION 10-615: BLOCKS

The length, widths and shapes of blocks shall be determined with due regard to the provisions of adequate building sites suitable to the special needs of the type of use contemplated, zoning requirements as to lot sizes and dimensions, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.

SECTION 10-616: BLOCK LENGTHS

Block lengths shall not exceed 900 feet or be less than 300 feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.

SECTION 10-617: BLOCK WIDTHS AND TIERS

Blocks shall be wide enough to allow two tiers of lots of minimum depth; provided, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

SECTION 10-618: FLOOD HAZARDS

Land subject to flooding and land deemed to be topographically unsuitable for residential development shall not be platted for residential use or for any other use which may increase the danger to health, life or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation contrary to the public welfare. To insure that lots will be located only where they will provide flood-free building sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the building sites will be completely free from the danger of flooding. If a stream flows through or adjacent to the proposed subdivision, the plat plan shall provide for easement of right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvements to enable them to carry all reasonable floods within banks. The floor elevations of structures intended for human habitation shall be high enough to be above the level of 100-year frequency flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and run-off rates are increased.

SECTION 10-619: OFF-STREET LOADING AND PARKING FACILITIES

All lots or parcels platted shall provide sufficient space for off-street loading and parking facilities to meet the requirements of the zoning district within which said lot or parcel is platted.

SECTION 10-620: EASEMENTS

A. Easement across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide. There shall be no buildings or accessory buildings on easements.

B. Where a subdivision is transversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

SECTION 10-621: CONFORMANCE WITH OTHER REGULATIONS

No final plat of land within the area of force and effect of existing zoning regulations will be approved unless it conforms with such regulations. Whenever there is a variance between the minimum standards set forth in these regulations and those contained in the Building Code, or other official regulations, the highest standard shall apply.

SECTION 10-622: RESERVATION OF PUBLIC LAND OPEN SPACE

Before final plat approval is given the subdivider, he or she may be required to reserve sites for parks, playgrounds, open spaces, schools, and other public land as determined by the Planning Commission to be sufficient and in compliance with the comprehensive plan. Reservation of land for public acquisition and/or use shall be for a period not to exceed three years from the date the plat is officially approved and recorded unless otherwise provided in these regulations.

A. Where a park, playground, school or other site for public use shown on the comprehensive plan is located in whole or in part in the applicant's subdivision, the city may require the acquisition or accept the dedication or reservation of such area within the subdivision.

B. Where deemed essential by the Planning Commission upon consideration of the type of development proposed in the subdivision and especially in large-scale developments not anticipated in the comprehensive plan, the city may request the dedication or reservation of such areas or sites of a character, extent or location suitable to the needs created by such development for schools, parks and other neighborhood facilities.

C. Where a tract of land being subdivided includes land proposed to be used for parks under the duly adopted comprehensive plan of the city, the subdivider shall indicate the location of such areas on the subdivision plat.

D. Where a tract of land being subdivided includes land proposed to be used for a future school site, under the adopted comprehensive plan, the subdivider shall indicate the general location of such areas on the preliminary plat. School sites are to be reserved for two years giving the community school district the right to purchase the land at a negotiated value or at a value determined in the same manner as required by state statutes for proceedings under the power of eminent domain plus one-half the cost of grading, utilities, and paving, including curbs, of any streets contiguous to the site, plus other approved special assessments. Should the school site not be purchased within the time limit specified above, the subdivider may then sell said site for an alternate purpose as shown on the approved subdivision plat.

SECTION 10-623: DEDICATION OF PUBLIC LAND OPEN SPACE

Before final plat approval is given to the subdivider, he or she shall be required to dedicate to the public use all streets, alleys, buffer strips and parks as may be required by the Planning Commission. Acceptance of these dedicated lands shall be recorded in the minutes of the City Council and on the subdivision plat.

SECTION 10-624: LARGE PARCELS

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical re-subdivision.

Article 7 – Required Subdivision Improvements

SECTION 10-701: GENERAL REQUIREMENTS

A. The subdivider shall design and construct improvements not less than the standards outlined in these regulations. The work shall be done under city supervision and inspection and shall be completed within the time fixed or agreed upon by the city engineer. The minimum requirements for materials shall be in accordance with the standards currently in effect in the city or as approved by the city engineer. Standards applicable to health and sanitation as required by the Nebraska Department of Environmental Quality and the Nebraska Department of Health shall be the minimum standards required.

B. Schedules of improvements shall be prepared by the subdivider. The schedules shall contain standards and classes of construction which are consistent within the zoning districts as identified in the city zoning regulations. The subdivider shall furnish the copies of pertinent schedules and certificates of compliance as required by the city engineer.

C. All inspection costs and costs for required tests shall be paid by the subdivider.

SECTION 10-702: MONUMENTS; MARKERS; PINS

Permanent concrete monuments shall be accurately set and established at the intersections of all outside boundary lines of the subdivision; at the intersections of those boundary lines with all street lines; at the beginning and end of all curves; at points on curves where the radius or direction change; and at such other points as are necessary to establish definitely all lines of the plat, including all lot corners. Stone or concrete monuments shall be at least 36 inches long and at least 6 inches in diameter and shall be provided with an appropriate center point. Solid iron pins or iron pipe monuments at least 1 inch in diameter and at least 30 inches long may be used at all other points.

SECTION 10-703: STREETS; GRADING SPECIFICATION

All streets, roads and alleys shall be graded to their full widths by the subdivider so that street pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the approval of the City Council. Before grading is started, the entire right-of-way area shall first be cleared of all tree stumps, roots, brush and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the accepted cross section and grades. In cuts, all tree stumps, boulders, organic materials, soft clay, spongy material and other objectionable materials shall be removed to a depth of at least 2 feet below the graded surface. Rock, when encountered, shall be scarified to a depth of at least 12 inches below the graded surface. In fills, all tree stumps, boulders, organic material, soft clay,

spongy material and other objectionable material shall be removed to a depth of at least 2 feet below the natural ground surface. This objectionable matter, as well as similar matter from cuts, shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system.

SECTION 10-704: STREETS; MINIMUM PAVEMENT WIDTHS

Pavement widths shall be measured between curbs. Minimum pavement or surface widths shall be 28 feet for residential streets. Other streets will be reviewed on a case by case basis.

SECTION 10-705: STREETS; SURFACING

Street surfacing shall be crushed rock, gravel, or as determined by the city engineer. Any street surface of greater cost than the minimum required shall be optional and be borne by the developer or a paving district. The city shall not be responsible for any portion of this improvement, including intersections.

SECTION 10-706: STREETS; CURB AND GUTTER

Curb and gutter shall not be required except in commercial developments, or where other similar intensive urban uses exist or are anticipated. Where curbs exist on abutting properties, their extension shall be required through the proposed subdivision. All curb and gutter shall be constructed in conformance with the minimum standards of the city and as approved by the city engineer.

SECTION 10-707: STREETS; NAME SIGNS

Street name signs of a type in use throughout the city shall be erected by the subdivider at all intersections.

SECTION 10-708: SIDEWALKS

Sidewalks will be required when building a dwelling or business but not during the initial building of the subdivision. When sidewalks are built they should be constructed of Portland cement, concrete or other acceptable material as approved by the city engineer. Sidewalks shall be 4 feet wide and at least 4 inches thick.

SECTION 10-709: UTILITY AND DRAINAGE FACILITIES

A. *Installation of Utility Lines.* Sanitary sewer, storm sewer, water distribution, electrical, gas, telephone, and communications cable, and all other utility lines shall be installed in alleys where practical. Where it is impractical to install such utility lines in alleys, they shall be installed within the unpaved portions of the street right-of-way

except for sanitary and storm sewer lines, which may be installed in the paved portion of the street right-of-way if it is impossible to install them in the unpaved portion.

B. *Sewer Lines*. When it is impossible to install sanitary and storm sewer lines in the unpaved portion of the street right-of-way, all such utility lines, including service connections, shall be completely installed, inspected and approved by the city engineer or zoning administrator following the grading of the street and prior to the application of any pavement base.

C. *Sewer Lines; Special Conditions*. Where sanitary and storm sewer lines are to be installed in the unpaved portion of the street right-of-way, the installation of service connections may be delayed; provided, at such time as these service connections are installed, they shall be installed without breaking or weakening the existing pavement. Where rock is known to exist beneath the pavement area at such depth as to interfere with the installation of service connections, the complete installation of service connections shall be required prior to the application of any pavement base.

D. *Access to Water and Sewer*. All lots within a subdivision shall have access to the City of Gordon's public water system and public sanitary sewer system.

E. *Construction of Facilities*. The subdivider shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, as determined by the city engineer, to provide for the adequate disposal of subsurface and surface water and maintenance of natural drainage courses. The velocity of flow in an open ditch shall not exceed 4 feet per second in soil ditches or 6 feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified or if it is otherwise likely that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facilities.

F. *Storm Sewers; Storm Water Drainage*. Where an adequate public storm sewer system is available at the plat boundary, the subdivider shall construct a storm sewer system and connect with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the city engineer and approved by the Planning Commission. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in subsection (E) above or cause destructive erosion. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.

G. *Bridges and Culverts*. Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

1. All culverts shall extend across the entire right-of-way width of the pro-

posed street. The cover over the culvert and its capacity shall be determined by the city engineer.

2. The minimum diameter of a culvert pipe shall be 18 inches. Depending on existing drainage conditions, head walls may be required.
3. Driveway culverts shall have a minimum length of 20 feet and a minimum diameter of 15 inches. The driveway culverts shall be so laid so as to maintain the flow lines of the ditch or gutter. Head walls may be required.

H. *Erosion Control.* The subdivider shall be required to provide for the control of erosion of areas of the subdivision which are disturbed by grading operations by constructing temporary terraces or slopes, temporary silting basins, sod swales and spillways, and whatever may be necessary to prevent erosion and damage to adjacent properties from surface drainage as approved by the city engineer and the Planning Commission.

I. *Fire Protection.*

1. Fire hydrants shall be provided by the subdivider in all subdivisions with public water supplies. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding 800 feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding 400 feet in length.
2. The type of hydrant and control valves and the location of the hydrant shall be approved by the city engineer. The minimum size of any water line serving any hydrant shall not be less than 6 inches in diameter and should be circulating water lines. The size and location of water lines shall be approved by the city engineer.

J. *Electricity, Telephone, Gas Service.*

1. Electric service and telephone service shall be provided within each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Telephone, electric, and street lighting wires, conduits and cables shall be constructed underground except in cases where the city engineer determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider.
2. Overhead utility lines, where permitted, shall be located at the rear of all lots.
3. Whenever a sanitary sewer line and electric and/or telephone line are each placed underground in the same utility easement, the following provisions shall be applicable: (a) the total easement width shall be not less than 20 feet; and (b) the sanitary sewer line shall be installed within 3 feet of the

easement boundary and the electric and/or telephone lines shall be installed within 3 feet of the opposite side of the easement boundary.

SECTION 10-710: SHARED IMPROVEMENT COSTS

A. *Oversize and Off-Site Improvements.* The utilities, pavements, and other land improvements required for the proposed subdivision shall be designed for oversize and/or with extensions provided to serve nearby land which is an integral part of the neighborhood service or drainage area as determined by the Planning Commission and city engineer.

B. *Cost of Oversized Improvements.* Where pavement width greater than those specified are deemed necessary by the city engineer and approved by the City Council, the city shall bear the extra cost of providing a greater than the minimum pavement width required by these regulations. The subdivider shall be required to pay for only that part of the construction costs for the arterial streets, trunk sewers, or water lines which are serving the proposed subdivision as determined by the Planning Commission and the city engineer. The city shall pay the difference between the cost of required improvements for the proposed subdivision and improvements required to service the surrounding areas specified in subsection (A) above.

C. *Boundary Extensions.* The subdivider may be required to extend the necessary improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land, as determined by the city Planning Commission.

D. *Off-Site Extensions.* If streets or utilities are not available at the boundary of a proposed subdivision, and if the city Planning Commission finds the extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a municipal expense until some future time, the subdivider may be required, prior to approval of the final plat, to obtain necessary easement or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land.

SECTION 10-711: SUBDIVISION IMPROVEMENT GUARANTEES

In lieu of requiring the completion of all improvements prior to plat approval, the city shall, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee to complete all improvements required by this ordinance or otherwise specified by the City Council, in a manner satisfactory to the council. To secure this contract, the subdivider shall provide, subject to the approval of the council, one of the guarantees provided in Sections 10-712 through 10-715.

SECTION 10-712: SURETY PERFORMANCE BOND

The subdivider shall obtain a security bond from a surety bonding company authorized to do business in the State of Nebraska. The bond shall be payable to the city and shall

be in an amount to cover the entire cost, as estimated by the subdivider and approved by the city engineer, of installing all contracted improvements. The duration of the bond shall be until such time as the improvements are accepted by the city in accordance with Section 10-718.

SECTION 10-713: ESCROW ACCOUNT

A. The subdivider shall deposit cash, or other instrument readily convertible into cash at face value, either with the city or in escrow with a bank. The use of any instrument other than cash, and in the case of an escrow account, the bank with which the funds are to be deposited shall be subject to the approval of the City Council. The amount of the deposit shall be at least equal to the cost, as estimated by the subdivider and approved by the city engineer, of installing all required improvements.

B. In the case of an escrow account, the subdivider shall file with the City Council an agreement between the financial bank and himself or herself guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the City Council and may not be used or pledged by the subdivider as security in any other matter during that period.
2. And that in the case of a failure on the part of the subdivider to complete said improvements, then the bank shall immediately make the funds in said account available to the City for use in the completion of those improvements.

SECTION 10-714: APPROVAL OF SUBDIVISION SEGMENTS WITHOUT GUARANTEE

Where a subdivision is to be developed in several sections, the City Council may, at its discretion, waive the use of a guarantee on the initial sections; provided, such sections may not be larger than ten lots or 50% of the total number of lots in the subdivision, whichever is less. The City Council shall grant final plat approval for each succeeding section, being contingent upon completion of all contracted improvements in each preceding section, and acceptance of those improvements in accordance with Section 10-711 of this ordinance. Completion of improvements in the final section of the subdivision, which shall include at least ten lots, or 50% of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed under Section 10-711.

SECTION 10-715: SPECIAL ASSESSMENTS

The city may, at its discretion, enter into an agreement with the subdivider to pay the cost of the required improvements through the use of special assessment. The city shall make such arrangement for actual construction and interim financing as it deems

appropriate; provided, construction of improvements in any section of the subdivision shall be completed in a time period not longer than would be allowed if any other form of improvement guarantee were used.

SECTION 10-716: TIME LIMITS

Prior to the granting of final plat approval, the subdivider and the City Council shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two years from the date of plat approval. The City Council shall have the power to extend that deadline for one additional year where the subdivider can present substantial reason for doing so.

SECTION 10-717: FAILURE TO COMPLETE IMPROVEMENTS

If any portion of the required improvements shall fail to be accepted for dedication in compliance with Section 10-718 within the allocated time period, either for reason of incompleteness or for reason of substandard construction, then the City Council shall take one of the following actions.

A. Where improvements have been guaranteed under Section 10-712, the city will negotiate with the subdivider and bonding company to insure proper completion of work.

B. Where improvements have been guaranteed under Section 10-713, the City Council shall declare whatever security has been pledged as a guarantee to be forfeited. Where the council is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the council shall use them or receipts from their sale, if necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. Unused portions of these securities shall be returned to the subdivider, bonding company, or crediting institution, as is appropriate.

SECTION 10-718: INSPECTION AND CERTIFICATION

A. The city engineer, or other knowledgeable official as specified by the City Council, shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the city engineer shall file with the council a statement either certifying that the improvements have been completed in the specific manner or listing the defects in those improvements.

B. Upon completion of the improvements, the subdivider shall file with the City Council a statement stipulating the following:

1. That all required improvements are complete.
2. That these improvements are in compliance with the minimum standards specified by the City Council for their construction.

3. That the subdivider knows of no defects, from any cause, in those improvements.
4. That these improvements on land to be dedicated to the city are free and clear of any encumbrance or lien.

C. If the city engineer has certified that the contracted improvements are complete and free from defect then, upon receipt of the other statements and agreements detailed above, the city shall accept the dedication of those improvements. The city may, at its discretion, accept the dedication of any portion of the required improvements; provided, all statements and agreements specified above have been received for that portion of the improvements.

SECTION 10-719: REDUCTION OF GUARANTEE

In those cases where improvement guarantees have been made under Section 10-713, the amount of the guarantee may be reduced upon acceptance, in compliance with Section 10-718, of the dedication of a portion of the required improvements.

SECTION 10-720: RELEASE OF GUARANTEE

Upon acceptance, in accordance with Section 10-718 of the dedication of the final portion of improvements, the city shall authorize the release of the remaining portion of the improvement guarantee.

SECTION 10-721: OPERATION AND MAINTENANCE

It is the intention of the city to provide no services other than planning and zoning administration to its area of planning and zoning jurisdiction beyond the corporate boundaries of the city. Therefore, it will be the obligation of the subdivider to present to the Planning Commission and City Council a precise approach for the provisions of these services. Said approach may include the formation of district(s), homeowners' organizations or other method to operate and provide for long term maintenance and service. Said approach shall be made binding on the subdivider in a form, agreement, or contract in a manner which is accepted by the city attorney.

Article 8 – Board of Adjustment

SECTION 10-801: APPEAL

Any person may appeal to the Board of Adjustment by compliance with Neb. Rev. Stat. §19-909, as amended. Such appeal must be made within a reasonable time following the zoning officer's decision by filing a notice of appeal, specifying the grounds for such appeal, with the board and the officer from whom the appeal is taken. The board shall fix a reasonable time for the hearing of an appeal; give at least 10 days' notice to the public and to the parties in interest; and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by agent or attorney. (Neb. Rev. Stat. §19-909)

SECTION 10-802: STAY

An appeal stays all legal proceedings in furtherance of the action appealed from unless the zoning officer certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record on application, on notice to the zoning officer and on due cause shown. (Neb. Rev. Stat. §19-909)

Article 9 – Amendments

SECTION 10-901: GENERALLY

This chapter, including the official zoning map, may be amended from time to time, but no amendments shall become effective unless it shall have been proposed by, or shall first have been submitted to, the Planning Commission for review and recommendation. The Planning Commission shall have 90 days within which to submit its report to the City Council. If the Planning Commission does not submit a report within the 90 days, it shall be deemed to have approved the proposed amendment. A public hearing will be held by the Planning Commission before the adoption of any proposed amendment to this chapter pursuant to the notice requirements as set forth in Neb. Rev. Stat. §19-904.

SECTION 10-902: APPLICATION FOR CHANGE

In order to have a proposed change of district or amendment introduced and considered by the Planning Commission, persons requesting the same shall comply with the following:

A. At the time an application for the change of a zoning district or amendment to the zoning text is filed with the Planning Commission, there shall be deposited with the city clerk the sum of \$50.00 as a fee to cover investigation, legal notices, and other expenses incidental to the determination of such matter.

B. A person presenting an application for a change of district shall not be entitled to have such change considered and acted upon by the City Council unless and until the Planning Commission has certified that such change is not inconsistent with the principals of the city land use plan.

C. When an application for change of zoning district for a lot or parcel of land specifically described and identified has been submitted to and denied by the City Council, a period of six months must elapse before the aforementioned lot or parcel, either separately or as a component of a larger parcel, can again be brought before the Planning Commission for further consideration. (Neb. Rev. Stat. §19-904)

SECTION 10-903: PUBLIC HEARING

Before enacting an amendment to this chapter, the City Council shall hold a public hearing thereon and give notice of such hearing and notice shall be as required by Neb. Rev. Stat. §§19-904 through 19-905.

SECTION 10-904: PROTEST

In case of a protest against such change signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately ad-

ja cent on the sides and the rear thereto, extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths of all members of the City Council. (Neb. Rev. Stat. §19-905)

Article 10 – Enforcement

SECTION 10-1001: RESPONSIBILITY

The provisions of this chapter shall be enforced by the zoning officer. Appeal from the decision of the zoning officer may be made to the Board of Adjustment as provided herein. (Neb. Rev. Stat. §§19-909, 19-913)

SECTION 10-1002: ZONING CERTIFICATE REQUIRED

A zoning certificate shall be required to erect, construct, reconstruct, alter, maintain, or use any building or structure, or to use any land as herein specified. It shall be the duty of the zoning officer to issue a zoning certificate if the building or other structure and the proposed user thereof, or the proposed use of the land or premises, conforms with all of the requirements herein set forth.

SECTION 10-1003: APPLICATION FOR ZONING CERTIFICATE

To obtain a zoning certificate, the applicant shall submit the required documents established herein:

A. An application on a form prescribed by the zoning officer containing information sufficient to show compliance with the required documents established herein.

B. A plat drawn to scale showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of existing buildings and structures; the lines within which the proposed building or structures and driveways shall be located or altered; the existing and intended use of the property; and such other information with regard to the lot and neighboring lots and their use as may be necessary to determine compliance and provide for the enforcement of this chapter.

C. In areas which are not served with public water or sewer, a certified statement that the proposed water and sewer facilities will be installed to conform to the minimum requirements of the State Department of Health.

D. Any zoning certificate issued shall become invalid unless the work authorized by it shall be commenced within six months of its date of issue or if the work authorized by it is suspended or abandoned for a period of one year. A record of zoning certificates shall be kept on file in the office of the zoning officer.

(Neb. Rev. Stat. §19-902)

SECTION 10-1004: PENALTIES AND REMEDIES

A. Any person, firm, or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00 or imprisoned in the county jail for a term not to exceed 30 days. Each and every day during which such illegal location, erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense.

B. In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this chapter, the zoning officer, any other appropriate city authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation.
(Neb. Rev. Stat. §19-912)