

Exhibit C

ARTICLE 5. - SUPPLEMENTAL REGULATIONS

Section 501. - Application.

The regulations set forth in the following sections qualify and supplement all zoning district regulations and are declared to be a part of the ordinance.

Section 502. - Yard requirements.

- 502.01. Minimum yards shall be required along all public and private streets as set forth in the zoning district regulations. Any yard abutting a street shall be deemed a front yard for purposes of determining yard requirements.
- 502.02 No principal or accessory building or structure or part thereof, except those structures listed in Section 503 of this ordinance, shall project into a required front, side, or rear yard.
- 502.03 No eave, cornice overhang, awning, balcony, bay window, sills, lintels, chimneys or other similar architectural features of any building shall project into a required front, side or rear yard.
- 502.04 No unenclosed or enclosed steps, porch, entrance platform, ramp, terrace, landing, deck or similar above grade structure shall project into a required front, side or rear yard. (Refer to Section 503.02)
- 502.05 Any setback (yard) so placed or oriented that none of the specific setback definitions contained in this ordinance are applicable shall necessitate a determination by the zoning administrator of a suitable setback (yard) dimension which will be consistent with the intent of the setback (yard) requirements within the applicable zoning district.

Section 503. - Yard exceptions.

- 503.01 At grade patios, driveways, parking areas, loading areas and similar at grade surfacing shall be permitted to encroach into any yard, and such surfaced areas shall not be included in the calculation of maximum lot coverage as set forth in each zoning district regulation.
- 503.02 Awnings and projecting business signs in the C-2, Central Business District shall be permitted to encroach into a front yard, provided that the bottom of such awnings or signs shall not be less than eighty (80) inches from ground level.
- 503.03 Signs within the required yards when developed in accordance with the requirements of Section 521 of this ordinance.
- 503.04 Notwithstanding the requirements of Section 502.04 of this ordinance, structural canopies for drive through entrances to multi-family, group housing, assisted living, hospitals, nursing homes, convalescent centers, and canopies associated with commercial uses, except open air businesses and canopies over fuel pumps as regulated in Section 514.02 of this ordinance, shall be permitted to encroach on a front yard, but shall not extend closer than twelve (12) feet to the front lot line.

Section 504. - Fences and walls.

- 504.01 No fence or wall shall be constructed or moved until a zoning permit has been issued for such fence or wall, provided that no such permit shall be required to construct a fence within the AG, Agricultural District for the purpose of containing of livestock.
- 504.02 Any fence or wall shall be constructed so as to have the finished side facing adjacent property and street frontage or such fence shall be constructed to have the same finish on both sides. Fences and walls are allowed to extend to the property line requiring no setback except

for the visibility on corner lots with street intersections. All fences, walls, or structural screens shall comply with the requirements of Section 510 with regard to driver visibility.

504.03 Ornamental fences, open fences, screen fences, walls, structural screens, and shrubs used to create a natural fence or screen, shall be permitted in any required yard, provided that any such fence, wall, screen or shrubs used to create a natural fence or screen located in a front yard shall not exceed a height of forty-eight (48) inches as measured from the nearest point on the ground. On corner lots with two front yards, the addressed side or the front access will be considered the true front yard and a six-foot (6') fence is allowed in the other adjacent front yard provided no line of site obstruction to the traveled way is created.

505.04 Fence materials, fences shall be constructed of standard non-agricultural fencing materials, including chain link, vinyl, wood, decorative metal, and wrought iron. Zoning permits may not be issued for fences constructed of non-standard fencing materials

504.05 The maximum fence, free-standing wall or screen height along any side or rear yard shall be six (6) feet, as determined by perpendicular measurement from the nearest ground level. All such fences, walls, or structural screens shall comply with the requirements of Section 510 of this ordinance with regard to driver visibility at street intersections.

504.06 Nothing contained in this section shall be deemed to prohibit the erection and maintenance of an open fence or chain link fence in connection with an agricultural use, recreational use, or public safety and security fences in any non-residential district. An open fence shall be defined as having at least fifty (50) percent unobstructed openings per square foot and any such fence shall comply with the requirements of Section 510 of this ordinance with regard to driver visibility at street intersections.

504.07 The use of any electrified or barbed wire fence in residential district shall be prohibited. Use of such fences may be used on top of fencing used as security fencing on public grounds or on private land in commercial and industrial districts and for agricultural purposes for containing livestock in the AG, Agricultural District.

504.08 Retaining walls shall not be limited in height, but shall be constructed so that such wall is structurally sound for the height and type of material being retained. Retaining walls shall be constructed only of concrete, wood, steel or retaining wall blocks or combination thereof. Use of any other material shall be prohibited. The location of any such retaining wall shall comply with the requirements of Section 510 of this ordinance with regard to driver visibility at street intersections.

Section 505. - Height exceptions.

The height limitations set forth in the zoning district regulations shall not apply to spires, belfries, cupolas, parapets, grain elevators, silos, grain legs, antennae, water towers, ventilators, chimneys or other roof appurtenance usually required to be placed above the roof level provided that said appurtenance is not intended for human habitation and that appurtenances such as towers for mechanical or structural necessity with a roof area equal to or in excess of fifty (50) percent of the first floor area of the building shall be considered part of the regulated height of the building and further provided that on any land contained within the airport hazard zone the applicable height restrictions of said airport hazard zone shall remain applicable.

Section 506. - Building relocation.

No building or structure shall be moved from one lot or premises for location on another lot or premises unless such building or structure shall thereupon conform with the regulations of the zoning district in which such building or structure is to be located.

Section 507. - Bulk storage of certain materials.

In any zoning district any building, structure, or above ground tank used for the bulk storage of any poisonous or explosive material shall be located at least one hundred (100) feet from any property line.

Section 508. - Structures to have access.

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

Section 509. - Parking and storage of certain vehicles.

509.01 It shall be unlawful for any person in charge of any property within the city or its two-mile planning and zoning jurisdictional area, as indicated on the official zoning map, whether as owner, tenant, occupant, lessee or otherwise, to park, store, or place any non-operating, wrecked, junked, partially dismantled or unregistered vehicle or new vehicle parts, used parts of junked or salvaged vehicles on such property, unless such person is in possession of a current and valid hobbyist permit issued by the city clerk of the City of Nebraska City, as provided in Chapter Twenty-two, Article VI, of the Code of the City of Nebraska City, Nebraska. This section shall not apply to a vehicle, new vehicle parts or used parts of junked or salvaged vehicles stored or placed in an enclosed building on the premises, a vehicle or new vehicle parts or used parts of junked or salvaged vehicles on the premises of a business enterprise operated in a lawful place and in a manner when necessary to the lawful operation of such business enterprise, or a vehicle, new vehicle parts or used parts of junked or salvaged vehicles on the premises under the control of a person who has obtained a hobbyist permit for the restoration of said vehicle. Further, the following exceptions shall apply:

1. New or used vehicles in transition of becoming registered and duly licensed vehicles with substantially all main component parts attached, provided such vehicles shall be parked, stored or placed in a garage, carport or driveway or other space intended for such use.
2. Not more than one (1) vehicle, which is properly insured and licensed but is temporarily inoperable due to minor mechanical failure, but which is not in any manner dismantled and has substantially all main component parts attached, shall remain upon a premises for not longer than ten (10) consecutive calendar days.
3. Not more than one (1) vehicle in fully operational condition, such as a stock car or modified car that has been redesigned or reconstructed for a purpose other than that for which it was manufactured, shall be parked on any premises, provided that no building or garage is located on the premises in which the same could be parked or stored. In no event shall any such vehicle be parked in the front or side yard of any residential premises.

509.02. No repairing, modifying or dismantling work or operation shall be conducted on any vehicle or parts thereof upon any public right-of-way, whether improved or not, or other public property. Further no repairing, modifying or dismantling work or operation shall be conducted on any vehicle or parts on any premises used or zoned for residential purposes for a period in excess of twenty-four (24) hours, except such as shall be accomplished with a hobbyist permit as may be issued by the city.

509.03 Storage or parking of licensed recreational vehicles, trailers and boats shall be in a garage, carport or behind the nearest portion of a building to a street, provided that not more than two (2) such vehicles shall be parked or stored in an open space, defined as the horizontal area of a premises excluding the building area(s).

509.04 A recreational vehicle, trailer or boat may be parked outside of an enclosed structure in the required front yard, on a concrete driveway or its equivalent, or on an undeveloped lot under the following conditions:

1. Open space is unavailable in the rear or side yards of the developed property and there is reasonable vehicular access to either the rear or side yards. A corner lot shall always be

deemed to have reasonable access to a side yard and a fence is not deemed to prevent reasonable access.

2. The recreational vehicle, trailer or boat shall be parked not less than two (2) feet from the front property line or side lot line.
3. No part of a recreational vehicle, trailer or boat shall extend over a public sidewalk or public right-of-way.
4. On an undeveloped lot, not more than two (2) such vehicles shall be permitted to be parked or stored.
5. Parking is permitted for storage only and any recreational vehicle, trailer, or boat shall not be:
 - A. Used for dwelling purposes for more than fourteen (14) days in a calendar year;
 - B. Permanently connected to sewer lines, water lines or to electrical lines except for temporary connection to electrical lines for charging batteries;
 - C. Used for storage of goods, materials, junk or other items other than those considered to be a part of the unit or essential for its immediate use.
6. A self-propelled recreational vehicle may be parked next to the curb of a public street in front of the premises of the owner of such vehicle, provided such vehicle shall not be parked for a period exceeding twenty-four (24) hours.
7. A non-powered recreation vehicle or trailer may be parked next to the curb of a public street in front of the premises of the owner of such vehicle or trailer if attached to the towing vehicle, provided such vehicle shall not be parked for a period exceeding twenty-four (24) hours.

509.05. Notice of violation and penalties for violation: If a violation of this section occurs, the zoning administrator shall issue a notice of violation to any person in charge of control of such premises or shall post a notice of violation on said premises. Such notice of violation shall indicate the nature of the violation, the date of issuance and shall indicate that the person in charge or control of such premises shall have either:

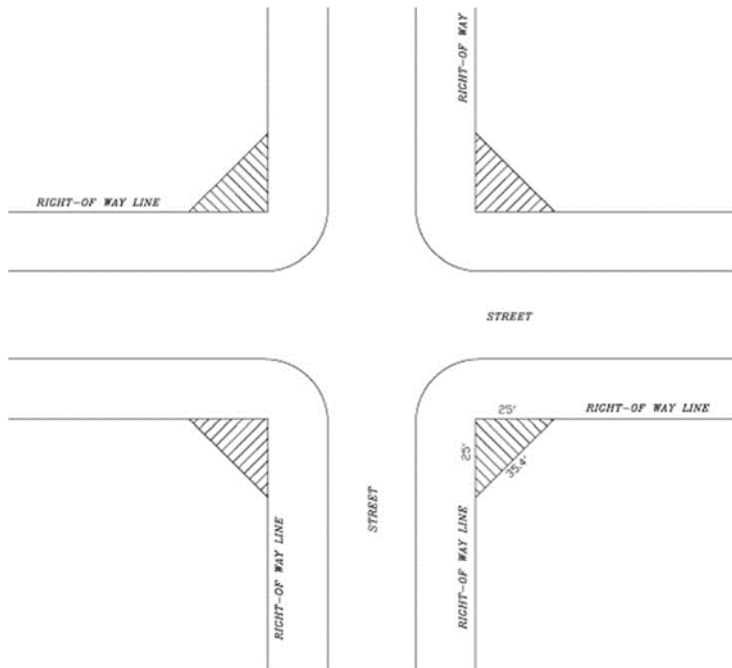
1. Seven (7) calendar days from the date of issuance of the notice of violation to eliminate such violation if the maximum storage or parking period set forth in this section exceeds twenty-four (24) hours; or
2. Twenty-four (24) hours from the date of issuance of the notice of violation to eliminate such violation if the maximum storage or parking period set forth in this section is twenty-four (24) hours or less.

Failure to eliminate such violation shall be a violation of this ordinance and shall be punishable in accordance with Section 1102 of this ordinance.

Section 510. - Street intersection visibility.

On any corner lot in any zoning district, except the C-2, Central Business District, no building, fence, wall, structure or other obstruction, except an open fence (having an unobstructed opening of fifty (50) percent or greater) and meeting the Section 504.03 requirement for a fence, shall be placed or maintained within the triangular area formed by the intersection street right-of-way lines and a line connecting points on said right-of-way lines which are twenty-five (25) feet from the intersection of said right-of-way.

The following drawing depicts the triangular area within which no building, fence, wall, structure, or other obstruction may be placed or maintained except an open fence having an unobstructed opening of fifty (50) percent or greater:



Section 511. - One primary structure per lot.

No more than one (1) primary structure shall be located on a single lot, except where primary structures are designed and platted as a single entity, under single ownership and control, such as multi-family and clustered residential developments, townhouse development or shopping centers and lots located in recognized industrial parks.

Section 512. - Easements.

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

Section 513. - Accessory uses.

- 513.01 Accessory uses shall be incidental to, subordinate to, and commonly associated with the principal use of the premises and shall be operated and maintained under the same ownership and on the same lot as the principal use.
- 513.02 Accessory uses shall be subordinate to the principal structure on the lot in height, area, bulk, extent and purpose, shall not be located closer to any lot line than set forth in the minimum yard requirements for the zoning district in which it is located and shall be included in the calculation of maximum lot coverage regulations of the zoning district in which it is located.
- 513.03 Accessory uses shall be permitted only after the erection and operation of the principal structure and shall not be used unless the principal structure is being used.
- 513.04 Accessory uses for residential uses and commercial uses shall include swimming pools, provided such swimming pools require a building permit and shall comply with the following requirements:
 - A. Swimming pools associated with residential uses shall be located in the side and/or rear yard. Swimming pools associated with commercial uses may be located in any yard.
 - B. Swimming pools and related decks and landings shall comply with the minimum setback requirements in all yards for accessory building and structures.

- C. Swimming pools shall be considered part of any required open space and shall not be considered lot coverage.
- D. No swimming pool shall be constructed until adequate provisions for drainage of the pool, which will avoid drainage onto neighboring properties, have been made and adequate distance from overhead electrical wires and electrical appurtenances is provided.
- E. Swimming or wading pool structures greater than twenty-four (24) inches in depth shall be enclosed by a substantial fence, wall or other barrier which shall be adequate to prevent unauthorized entrance to the pool and pool area by persons or animals. Such fenced or walled area shall be a minimum of forty-eight (48) inches in height and shall be equipped with a self-closing, self-latching gate, which is lockable.

Section 514. - Open air businesses.

514.01 Any business establishment where the principal use is the drive-in type or is generally characterized by open air operations shall be permitted to locate such open-air aspects of the business in the front yard, provided that a landscape buffer, as defined in this Section 303 of this ordinance, at least ten (10) feet in width shall be provided along the front property line.

514.02 For convenience stores and other businesses dispensing gasoline or other fuels at retail, pump islands shall be permitted no closer than twenty (20) feet to the front property line and any canopy covering such pump islands shall not extend closer than twelve (12) feet to the front property line.

Section 515. - Home occupations and home-based businesses.

515.01 A home occupation or home-based business may be permitted to accompany any residential use only after the issuance of an occupancy permit by the zoning administrator and such permit shall be issued only if the home occupation or home-based business complies in all respects to the requirements of this section.

515.02 A home occupation or home-based business shall be of a personal or professional service nature and such home occupations or home-based business shall not change the residential character of the premises or the structures thereon or interfere with the residential use of adjoining residential uses or residential uses across the street of the premises. No provision for additional off-street parking or loading facilities other than those which would normally be accessory to the residential use shall be permitted and on-street parking for customers of such home occupation or home based business shall be limited to those on-street parking spaces located on the same side of the street and along the frontage of the lot or premises where such home occupation or business is located. In instances where on-street parking is prohibited on one or both sides of the street, customer parking shall be limited to the off-street parking on the premises.

515.03 The principal use of the premises shall be for residential purposes and the owner and operator of the home occupation or home-based business shall be the occupant of the residential dwelling on the premises.

515.04 The owner/operator of the home occupation or home-based business shall not employ more than one (1) employee other than members of the immediate family of the owner/operator who reside on the premises.

515.05 No exterior alteration which would change the residential appearance of the residential dwelling structure or any accessory building, including the use of lighted canopies, shall be permitted.

515.06 If the home occupation or home-based business is located in the residential dwelling structure, such use shall not occupy more than twenty-five (25) percent of the floor area of such structure. A home occupation or home-based business may be conducted in an accessory building, provided such building is clearly a building that is accessory to the residential use.

- 515.07 No additional or separate entrance which is inconsistent with the use of the residential dwelling structure shall be constructed solely for the purpose of conducting such home occupation or home-based business.
- 515.08 No display of goods or exterior evidence of the home occupation or home-based business shall be permitted, except for one (1) non-animated, non-illuminated, non-flashing sign which identifies the occupation business. Said sign shall not exceed a total of ten (10) square feet in area and shall be attached flat against a wall of the residential dwelling structure or accessory structure in which the occupation or business is conducted. No temporary or movable signs of any type shall be used in conjunction with any such occupation or business.
- 515.09 No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises of such home occupation or home-based business.
- 515.10 No stock in trade or products, other than those used, manufactured, assembled, produced or created on the premises shall be sold on the premises, provided that a stocking of products to be sold where the operator of the home occupation or business delivers such products to the purchaser and the number of customers visiting the location of the home occupation business to pick up such products is limited to a total of four (4) per day.

Section 516. - Off-street parking.

- 516.01 Accessory off-street parking facilities, including parking facilities for handicapped drivers as required under the Americans with Disabilities Act, shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this ordinance in accordance with the provisions of this Section, which are designed to alleviate or prevent congestion of public streets by establishing minimum requirements for on-site and off-site parking areas for motor vehicles consistent with the parking needs of the use on each premises.
- 516.02 No use lawfully existing at the date of adoption of this ordinance or amendment thereto shall be required to provide or maintain the parking spaces required in this section, provided that off-street parking spaces required by any previous ordinance shall be provided and maintained and further provided that if the number of existing off-street parking spaces which are in excess of any prior ordinance, but less than the number required by this ordinance shall be maintained.
- 516.03 For any non-conforming structure which is hereafter damaged or partially destroyed and which is lawfully reconstructed, reestablished, or repaired, off-street parking spaces equivalent to those maintained on the premises at the time of such damage shall be restored and maintained, provided that in no case shall it be required to restore off-street parking spaces in excess of those required by this ordinance for the use on the premises.
- 516.04 If the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other means which will have the effect of increasing the need for parking spaces, the number of additional off-street parking spaces required by this ordinance for such additions shall be provided.
- 516.05 Whenever, the existing use of a building, structure or premises shall hereafter be changed or converted to another use, off-street parking spaces required by this ordinance for such new use shall be provided on the premises, except that this requirement shall not apply to a change of use in the C-2, Central Business District.
- 516.06 Nothing in this ordinance shall prevent the voluntary establishment of accessory off-street parking facilities to serve any existing use, provided that all requirements with regard to location, design, landscape screening or buffering are complied with.
- 516.07 Off-street parking spaces shall be provided in one or more areas on the same lot or premises as the use served, except as otherwise provided in the ordinance.

516.08 Off-street parking spaces required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity of employees, occupants or customers and such spaces shall not be used for the storage or display of materials or products or the repair or dismantling of any material.

516.09 Required off-street loading areas shall not be construed as being part of any required off-street parking area.

516.10 Each required off-street parking space shall be at least eight and one-half (8 ½) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns or work areas, provided that the minimum length of any parallel parking space shall be twenty three (23) feet and further provided that parking space dimensions for handicapped drivers shall be as set forth in Section 516.11. Such parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

516.11 In conformance with the Americans with Disabilities Act (ADA) and the Nebraska Accessibility Guidelines, if parking spaces are provided for self-parking by employees or visitors or both, then parking spaces for those with disabilities shall be provided in each parking area in conformance with the number of such spaces herein specified and the following requirements:

1. Number of disabled accessible parking spaces:

Total Parking Spaces Required
Minimum Number of Disabled
Accessible Parking Spaces

1—251

26—502

51—753

76—1004

101—1505

151—2006

201—3007

301—4008

401—5009

501—1,000Two (2) percent of the total

1,001 and overTwenty (20) plus one (1) for each 100 over 1,000

At facilities providing medical care and other services for persons with mobility impairments, parking accessible parking spaces in compliance with this Section shall be provided as follows:

Outpatient facilities	Ten (10) percent of the total spaces
Facilities specializing in treatment or services for persons with mobility impairments	Twenty (20) percent (20%) of the total spaces

2. Location of disabled accessible parking spaces: Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from the parking area to an accessible entrance. In parking facilities which do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking areas, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
3. Signage: Signage of accessible parking spaces shall be designated as reserved by a sign showing a symbol of accessibility. Spaces complying with Subsection 4. below shall have an additional "van accessible" sign mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
4. Access aisles: One (1) in every eight (8) disabled accessible parking spaces, but not less than one (1) space, shall be served by an access aisle at least eight (8) feet wide and shall be designated "van accessible". The vertical clearance shall be at least the minimum specified in Subsection 7. below. All such spaces may be grouped on one (1) level of a parking structure.

Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.

Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access aisles shall be level with slopes not exceeding 1:50 (2%) in all directions.

5. Valet parking: If valet parking services and facilities are provided a passenger loading zone complying with Subsection 6. below, located on an accessible route to the entrance of the facility served, shall be provided.
6. Passenger loading zones: If passenger loading zones are provided in association with any use, at least one (1) passenger loading zone shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (two (2) percent) in all directions.
7. Minimum vertical clearance: Minimum vertical clearance of one hundred fourteen (114) inches at accessible passenger loading zones and along at least one (1) vehicle route to such areas from the site entrance(s) and exit(s) shall be provided. At parking spaces complying with Subsection 4 above a minimum vertical clearance of ninety-eight (98) inches at the parking space and along at least one (1) vehicle access to such space from the site entrance(s) and exit(s) shall be provided.

516.12 Parking or driveway surfaces on the city parking, as defined in section 1-2 (14.1) of the Code of the City of Nebraska City, or interior of the lot in all residential zoning districts and all residential uses in all other zoning districts, shall be constructed of a material other than dirt, grass or weeds. All residential type dwellings shall use no more than fifty (50) percent of the front yard including city right-of-way and no more than sixty (60) percent of the combined side and rear yard for parking. All lots with more than one (1) frontage i.e. corner lots, shall conform to the above fifty (50) percent requirement to be determined by front yard area as defined by street address. Existing hard surfaced parking areas exceeding fifty (50) percent of the front yard area and sixty (60) percent of the combined side and rear yard area shall be exempt from the percentage limitations provided they comply with the regulations set forth below:

1. Parking or drive surfaces on the interior of the property or on the city's parking area shall be composed of material, as identified below and subject to following requirements:
 - a. Concrete.

- b. Asphalt.
 - c. Bricks.
 - d. Concrete pavers.
 - e. Grass pavers.
 - f. All of the above materials (except a and b above) shall be contained within a suitable barrier of sufficient height e.g. (landscape timber, railroad ties, landscaping blocks, lumber, but excluding tires) that retain the material, and shall conform to the abutting surface topography, sufficiently anchored to resist movement, and must retain the parking surface material from spreading into the street, alleys, or abutting vegetative areas.
 - g. No weeds, grass, or other vegetation shall be allowed within the defined area of parking or driveway surfaces. Exception: If the parking or driveway surfaces are constructed utilizing grass pavers, grass is allowed.
 - h. Entire parking or driveway surface shall be evenly surfaced or covered so that at no time is the underlying dirt visible.
 - i. The driveway entry surface or parking area shall at a minimum be constructed of a surface covering that matches the street surface in front of the lot or dwelling it serves; excepting paragraph 3 below.
 - j. Parking or driveway surface constructed of concrete or hot mix asphalt shall be a minimum of four (4) inches thick and shall include the intersecting sidewalks to the same depth.
 - k. Parking or driveway surfaces constructed of concrete or hot mix asphalt shall be placed on a minimum subsurface of two (2) inches of compacted sand or gravel material.
 - l. Parking or driveway surface shall have the curb ground or sawed out the entire width of the parking or driveway.
 - m. Exception: When proposed parking is parallel to the curb and there are two (2) approaches or driveway curb inlet or outlet ramps.
 - n. Parking surfaces located in the parking shall be large enough to prevent vehicles from overhanging the curb or sidewalk. The minimum size of the parking stall surface shall be an eight and one-half (8½) feet by twenty (20) feet rectangle.
 - o. Parking in the parking area shall not interfere with the intersection site triangle regulation set forth in section 510 of this code.
 - p. Driveway surfaces shall include all of the parking right-of-way from the street back of curb to the property line.
 - q. Parking and driveway surfaces shall be excavated a minimum of four (4) inches deeper than the surrounding terrain or unpaved surface.
 - r. Parking or driveway surfaces at the back of curb line shall be excavated and paved to the same depth as the abutting street depth, a minimum of twelve (12) inches from the street towards the property line, the entire width of the parking surface or driveway.
 - s. Proposed parking or driveway surface's property owner shall first obtain a curb cut permit.
 - t. Proposed parking or drive way surfaces built after June 5, 2019 shall be at least 3 feet from the side property lines.
2. Any new single-family type residential dwellings built or moved onto a lot after October 5, 2010 shall have all driveways and parking areas constructed of asphalt, concrete, brick or concrete pavers.

3. Driveways and vehicle circulation areas may match the all-weather surface of the access street or alley if the street is not hard surfaced.

516.13 Off-street parking areas may be provided in the required front yard, except as otherwise restricted in this ordinance, provided that any landscape buffer or landscape screen required by the applicable zoning district regulations shall be provided along the front property line

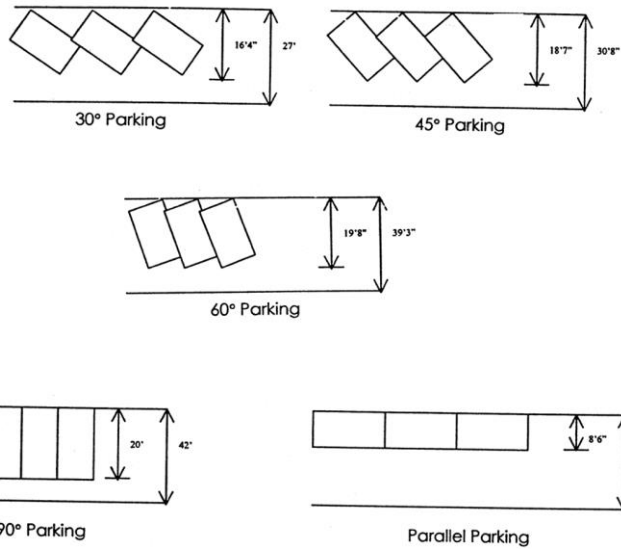
1. Off-street parking areas provided in the front yard for all uses in the Agriculture and Residential districts shall be set back at minimum three (3) feet from the property line

516.14 Except for single-family and two-family dwellings, each required off-street parking space shall open directly upon a drive aisle of sufficient width, as set forth and illustrated below, to provide safe and efficient means of vehicular access to and from such parking spaces and such drive aisle shall be unobstructed and allow for passage of emergency vehicles.

Parking Angle* (in degrees)	Minimum Required Aisle Width (in feet)
Less than 45	12
45	14
60	18
90	24

*Angle shall be measured between center line of parking space and centerline of drive aisle.

The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.



Parking Angles

516.15 The minimum off-street parking spaces required in association with the various uses permitted under this ordinance shall be as follows:

Use Description	Off-Street Parking Spaces Required
Agricultural uses	No requirement, except for roadside stands for the sale of produce shall be provided with an adequate number of off-street parking spaces so that parking does not occur on a public roadway and for residential uses associated with an agricultural use which shall comply with the parking requirements for such residential use as set forth herein.

Single-family residential uses	Two (2) spaces per dwelling unit including garage, carport or driveway parking
Two-family, townhouse or multi-family residential uses	One and one-half (1½) spaces per dwelling unit including garage, carport or driveway parking
Rooming houses, dormitories, fraternities or sororities	One (1) parking space for each two (2) beds
Hotels and motels	One (1) parking space per lodging room plus one (1) parking space per employee per largest working shift and any spaces required for any restaurant or lounge associated with any hotel or motel
Bed and breakfast businesses	One (1) parking space for each two (2) lodging rooms
Nursing homes, and hospitals	One (1) parking space for each four hundred (400) square feet of floor area or one (1) parking space for each two patient beds, whichever is lesser, plus one (1) parking space per employee per largest working shift
Assisted living and hospice housing	One (1) parking space for each independent dwelling unit and one-half (½) space for each dependent dwelling unit plus one (1) parking space per employee per largest working shift.
Children's homes	One (1) parking space for each six (6) beds, plus one (1) space for each employee per largest working shift
Child care centers, day nurseries and similar uses	One (1) parking space for each three children served plus one (1) parking space for each employee per largest working shift.
Clubs, and lodges (without bars, lounges or restaurants), community centers, public administrative, utility and public service offices, libraries, museums and similar uses	One (1) parking space per each four hundred (400) square feet of floor area or one (1) parking space per for each eight hundred (800) square feet of floor area plus one (1) parking space for each employee per largest working shift, whichever is greater
Public or private schools	Eight (8) parking spaces per classroom, laboratory or other student instruction area
Sports arena, gymnasium or similar use	One (1) parking space for each three (3) seats unless said arena or gymnasium is operated in conjunction with a public or private school where either the parking

	requirement for the school or for the arena or gymnasium, whichever is greater, shall apply
Theaters, auditoriums, assembly halls, funeral homes and similar places of congregation	One (1) parking space for each four (4) seats in the main seating area
Churches and similar places of worship	One (1) parking space for each three (3) seats in the main seating area
Boarding schools, vocational and trade schools colleges and similar educational institutions	One (1) parking space for each six (6) students based upon the maximum number of students the facility is designed to accommodate at any one time during a twenty-four (24) hour period.
General business uses, offices, retail and personal and professional service uses, except eating establishment, bars and lounges, discount retail stores, and strip developments with more than two (2) retail stores and retail shopping malls	One (1) parking space for each four hundred (400) square feet of floor area
Discount retail stores, strip developments with more than two (2) retail stores and retail shopping malls	One (1) parking space for each three hundred (300) square feet of floor area
Eating establishments, bars, lounges, night clubs and similar uses, excluding drive-in eating establishment where the customer eats in their vehicle	One (1) parking space for each three (3) customer seats plus one (1) parking space for each employee per largest working shift
Drive-in eating establishments where the customer eats in their vehicle	One (1) parking space for each two hundred (200) square feet plus one (1) parking space per employee per largest working shift
Open air businesses including auto, truck, recreational vehicle, mobile home or boat sales uses, kennels, plant nurseries and similar uses	One (1) parking space per employee per largest working shift plus an adequate number of parking spaces for customers, but not less than five (5) additional parking spaces
Automobile or truck service stations or repair businesses	One (1) parking space for each employee per largest working shift plus two (2) parking spaces for each automobile or truck service stall
Amusement establishments, public swimming pools, golf courses, bowling	One (1) parking space for each five hundred (500) square feet of floor area or five (5) parking spaces for each hole

alleys, skating rinks, and similar recreational uses	or alley, or one hundred (100) square feet of water surface area, whichever is greater
Commercial and industrial uses not catering to on premise retail customers	One (1) parking space for each one and one-fourth (1 and ¼) employees per largest working shift plus an adequate number of parking spaces to accommodate visitors and business vehicles operating from the premises

516.16 If the unit of measurement for determining the minimum number of off-street parking spaces is any fraction of a space, said fraction shall be considered as requiring one (1) additional parking space.

516.17 In sports arenas, gymnasiums, churches and other places of assembly or worship in which patrons occupy benches, pews or similar seating facilities, each twenty (20) inches of such seating shall be counted as one (1) seat for purposes of determining off-street parking requirements.

516.18 For uses not specified in this section or in any instance when the requirement for an adequate number of off street parking spaces is unclear, the number of off-street parking spaces shall be determined by the zoning administrator on the basis of similar uses, the number of persons expected to be employed or served on the premises and the capability of the use to adequately serve the visiting public.

516.19 The required number of off-street parking spaces for premises involving more than one (1) type of use shall be the combination of the required parking spaces for such uses, except where the zoning administrator determines that the parking spaces available for one use on the premises can be reasonably expected to function adequately for any other use on the premises without conflict.

(Ord. No. 2813-10, § 1, 9-20-10)

Section 517. - Off-site parking facilities.

The planning commission is hereby authorized to grant off-site parking facilities as conditional uses for any non-residential use in any zoning district, in accordance with Article 7 of this ordinance and with the following conditions:

517.01 A site development plan for such off-site parking facility shall be filed with the planning commission and said site plan shall demonstrate compliance with all applicable requirements for off-street parking facilities, including landscape buffer and screening, as set forth in this ordinance, and a listing of all individual off-site uses which shall be entitled to utilize such off-site parking facility, including the number of spaces committed to each such off-site use.

517.02 Any such off-site parking facility shall be situated within three hundred (300) feet of the lot(s) on which the use or uses to be served by said off-site parking facility, measured along the street or sidewalk connecting such parking facility to the use or uses served by the parking facility.

517.03 Any such off-site parking facility shall be surfaced with gravel or crushed rock, grass pavers, asphalt or concrete capable of carrying a wheel load of four thousand (4,000) pounds and shall be maintained in good condition and be free of all weeds, dirt, trash or debris.

517.04 The individual parking spaces in any such off-site parking area shall be delineated either by properly anchored wheel stops in the case of gravel or crushed rock surfacing or by painting of stripes and installation of curb or wheel stops in the case of asphalt or concrete surfacing.

517.05 Any off-site parking facility shall have a landscape buffer on all street frontages at least six (6) feet in width and any off-site parking facility abutting a residential zoning district shall be required to have a landscape screen on all side or rear yards that abut a residential zoning district.

Section 518. - On-street parking blisters.

Notwithstanding other requirements of this ordinance, the establishment of parking blisters on public street rights-of-way within the city may be authorized by the city council, after review and recommendation by the planning commission, to substitute for all or part of the off-street parking requirement for two-family, townhouse, and multi-family residential uses, subject to the following limitations and requirements:

518.01 Parking blisters shall be permitted only on streets classified on the city's major street plan as local streets.

518.02 All parking blisters shall be located to maintain the minimum street intersection site distance as required in Section 510 of this ordinance and such site distance requirement shall also apply to any intersection of a street and a public alley.

518.03 The parking arrangement of any parking blister shall be parallel with the street curb or edge of pavement or angled from such curb or edge of pavement at an angle not exceeding forty-one (41) degrees from the curb or edge of pavement. Where a street curb does not exist, such shall be installed as part of the paving of such parking blister.

518.04 All parking blisters shall provide for pedestrian movement in the form a sidewalk abutting the edge of the parking blister which is a minimum of six (6) feet in width and extending the length of the parking blister. Such sidewalk shall connect with any other sidewalks serving the premises or adjoining lots.

518.05 Any parking blister shall not exceed the length of the frontage of the lot of which the use it serves is located and no part of any vehicle parked in such parking blister shall extend beyond the frontage of the lot which the parking blister serves.

518.06 Any parking blister shall be paved with concrete or asphalt in accordance with city street paving standards and shall provide for proper drainage and be equipped with a curb on the frontage of the lot. Minimum parking space dimensions, as set forth in this ordinance, shall be required in any parking blister.

518.07 Maintenance and snow removal from a parking blister shall be the responsibility of the owner of the lot which such parking blister serves.

518.08 Any part of the total off-street parking requirement not satisfied by a parking blister shall be provided on the lot on which the use served by the parking blister is located.

518.09 If disabled accessible parking is not provided elsewhere on the lot on which the use served by the parking blister is located such parking space(s) shall be provided in the parking blister in accordance with the requirements of Section 516.11 of this ordinance.

Section 519. - Downtown parking.

519.01 Due to the pedestrian oriented nature of the some areas included in the C-2, General Business Zoning District, and the availability of on-street parking in the central business district, the off-street parking requirements contained in Section 516 of this ordinance shall not be applicable to any commercial use existing in the C-2, Central Business District at the date of adoption of this ordinance provided that any such existing use is not expanded through addition of floor space already existing in the area zoned C-2, Central Business District at the date of adoption of this ordinance.

519.02 Construction of new building in the C-2, Central Business District when such building does not replace any building or buildings existing in the area so zoned at the date of adoption of this ordinance or when the square footage contained in the new building exceeds the square footage of any building or buildings existing in the area so zoned at the date of adoption of this ordinance which are demolished, shall require development of additional off- street parking spaces in accordance with the requirements of Section 516 of this ordinance, provided that in the instance of where an existing building is demolished the off-street parking requirement shall be only for any floor area developed which is in excess of the floor area of the existing building or buildings which is/are removed.

519.03 Any or all of any off-street parking requirement for any new building or expansion of any existing use through construction of additional floor area in the C-2, Central Business District may be provided in one (1) or more off-site parking lots which collects and combines such off-street parking requirements for one or more uses in the C-2, Central Business District. Such off-site parking lots shall be developed in accordance with the following requirements:

1. An off-site parking lot may be located in any non-residential zoning district or in the R/O, Residential Office District within a distance of six hundred (600) feet of the use or uses served, measured along the nearest pedestrian walkway to the nearest point of said use or uses.
2. In order to encourage the development of additional off-site parking lots to serve the central business district, the number of off-street parking spaces per use utilizing such off-site parking lot may be reduced ten (10) percent below the off-street parking requirements applicable to such use or uses.
3. Off-site parking lots may be developed without yards, provided that a landscape buffer at least five (5) feet in depth shall be provided along all abutting streets and that a landscape screen shall be required in any side or rear yard which abuts a residential zoning district.
4. All off-site parking lots shall be surfaced with gravel or crushed rock or be paved with asphalt or concrete.
5. All parking spaces and drive aisles contained in any such off-site parking lot shall be developed in accordance with the design standards and marking requirements set forth in Section 516 of this ordinance.

Section 520. - Loading area requirements.

520.01 Except for uses located in the C-2, Central Business District and R/O, Residential Office District, every lot used for commercial purposes where a stock of goods is maintained, or industrial purposes shall be provided with an off-street loading area that will accommodate semi-tractors and trailers. Such loading area shall have access to a public street or alley and shall not interfere with the use of required off-street parking spaces or interfere with any sidewalk on the premises to maneuver or park any vehicles for loading or unloading. Such loading areas shall be surfaced with gravel or crushed rock or paved with asphalt or concrete.

520.02 Commercial uses located in the C-2, Central Business District and existing at the date of adoption of this ordinance shall not be required to meet the loading area requirements of this Section. Commercial uses located in the C-2, Central Business District which are developed after the date of adoption of this ordinance and so located that there is no alley abutting the location shall be required to establish an off-street loading area in accordance with the requirements of Subsection 520.01 above.

Section 521. - Signs.

521.01 Signs, generally: Any sign shall, by definition, be a structure. No land, building, or structure shall be used for sign purposes except in conformance with these regulations and those of the applicable zoning district. Signs shall only be permitted in zoning districts permitting said signs

and no sign shall be erected, enlarged, or otherwise modified until a Sign Permit has been issued, except as specified in Section 521.04 listing exemptions.

521.02 Legalizing existing signs: All signs legally existing at the date of adoption of this ordinance or applicable amendment thereto may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed without compliance with this ordinance, provided that normal maintenance of such signs and the changing of the advertising display in the case of billboards shall not be restricted. Conversion of any non-conforming business sign to another business sign or product name may be done, provided such non-conforming sign is not an obsolete sign, as defined in Section 521.03 below. If such non-conforming sign is determined to be an obsolete sign, it shall not be converted to any other sign unless such conversion would bring such sign into conformance with these regulations.

521.03 Definitions:

1. Billboard: An off-site free-standing sign, unattached to any other structure, which directs attention to an object, product, place, activity, business, person or persons, service or interest not situated on the same premises as such billboard. See Section 521.10 below.
2. Business sign: An on-site sign which identifies or directs attention to an object, product, place, activity, business, person or persons, service or interest situated on the same premises as said sign.
3. Canopy: A structure, either detached from or attached to and extending from the enclosed portion of a building and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes, but is not limited to fuel station, bank and pharmacy canopies. See Illustrative Definitions following this section.
4. Commercial complex: A building or a group of buildings that contain multiple independent business entities.
5. Sign: Any outdoor visual identification, description, display, drawing or illustration, message, placard, poster, billboard, insignia or information which is affixed to, painted on, or attached to a building, post, pole or other structure and which directs attention to an object, product, place, activity, business, person or persons, service or interest; provides direction, information, or advertisement; or otherwise provides a means of visually communicating with the general public.
6. Sign, animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene, appearance or optical illusion of movement, or appears to flash, undulate, pulse, blink, move closer to or move further from the viewer, expand or contract, bounce, rotate, twist or otherwise portray movement.
7. Sign, awning: An on-premises attached sign displayed, attached to, or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of non-rigid materials, and/or fabric on a supporting framework that may be either permanent or retractable. See Illustrative Definitions following this section.
8. Sign, central identification: A sign erected to provide direction to a commercial complex or development including multiple uses and/or structures within the commercial complex or development. Central identification signs shall include the name of the commercial complex or development and may include, when permitted, the names of major tenants of the commercial complex or development.
9. Sign, digital billboard: An off-site sign capable of displaying multiple static images controlled by electronic communications.
10. Sign, electronic information: On-site signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Signs whose information is limited to time and temperature are not considered electronic information signs.

Sign, Electronic Message Board: A sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes (see also "Sign, animated").

11. Sign face: The display surface of the sign upon, against, or through which the message is exhibited.
12. Sign, flashing: A sign that utilizes a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated, fully non-illuminated, or varying light intensities for the purpose of drawing attention to the sign.
13. Sign, frame effect: A visual effect on an electronic information sign applied to a single frame to transition from one message to the next message.
14. Sign, free-standing: A sign attached to a self-supporting structure, which is unattached to any building or other structure.
15. Sign, height: The vertical distance from average grade (ground level) immediately below the sign to the top of the sign — including the supporting structure and any projecting design elements.
16. Sign, incidental: A nameplate, temporary sign, or on-site sign providing direction for entrances, exits, parking areas and similar uses, including real estate "for sale" and "for rent or lease" signs and elected officials or public issue campaign signs.
17. Sign, monument: A free-standing sign in which the sign face is immediately attached to the foundation of the sign without poles or posts visible above the ground level. See Illustrative Definitions following this section.
18. Sign, moving/vehicle: A sign that is physically mobile and able to move from one position to another position. It is also a sign that is mounted on a motor vehicle, trailer, or other framework that is not permanently attached to a pole, building or other stationary structure.
19. Sign, obsolete: Any sign which advertises an activity, business, product or service no longer conducted on the premises on which the sign is located for a period of twelve (12) months. The time frame for the calculation of an obsolete sign shall begin the day following the day that the business closes for the final time at that location.
20. Sign, pole: A mounted free-standing pole or other support so that the bottom edge of the sign face is eighteen (18) inches or more above ground level and the poles that are used to support the sign are visible to the public. See Illustrative Definitions following this section..* Flag poles are not considered to be a sign as defined herein.
21. Sign, political campaign: An outdoor sign of temporary nature, erected for the purpose of soliciting votes or support for, or in opposition to, any candidate or any political party under whose designation any candidate is seeking nomination or election, or for the purpose of endorsing or in opposition to a proposition or public question being placed on a ballot at an election held under the laws of the state. See Illustrative Definitions following this section..
22. Sign, projecting: A sign suspended from or supported by a building and extending outward in such a manner that its leading edge extends more than fifteen (15) inches beyond the surface of the building or wall to which it is attached. See Illustrative Definitions following this section.
23. Sign, real estate: Any temporary sign displayed for the purposes of offering for sale, lease, or rent the property on which such sign is erected, affixed, or otherwise established. See Illustrative Definitions following this section.
24. Sign, rotating: A sign that changes its message through rotating or changing elements.

25. Sign, sail (banner or flag): A wind device that contains a harpoon style pole or staff driven into the ground for support or mounted on a weighted portable base. Sail signs are generally used in connection with a commercial promotion or to advertise a commercial product, service, business, activity or person. All sail signs shall be considered temporary signs.
26. Sign, sponsorship: Public service, public equipment and public furnishing: An off-site sign that is attached to a public service, public equipment or public furnishing that advertises an activity, business, product or service as a sponsorship to obtain funding or in-kind support for public services, public equipment or public furnishings that may not otherwise be available.
27. Sign, wall: An on-premises sign affixed to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen (15) inches except in accordance with these regulations. See Illustrative Definitions following this section.
28. Sign structure: The base, support or supports, uprights, bracing and framework, which supports the sign surface. In the case of a sign structure consisting of two (2) or more sign faces, where the angle formed between any of the faces, or projections thereof, exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
29. Sign surface: The entire area within a single continuous perimeter enclosing all elements of a sign which are intended to be part of the visual image of the sign.
30. Sign, temporary: Any sign used to display information relating to a land use or event of limited duration which is not rigidly and permanently installed in the ground, attached to a building, or identified in this section. The use of said sign shall be limited to thirty (30) total days per calendar year, subject to the regulations provided in Subsection 521.05, Incidental signs. A business shall be limited to one (1) temporary on-site sign per event. This definition also includes any and all signs supported by human beings or animals.
31. Special event: A one-time or infrequently occurring event outside of normal programs or activities of the sponsoring or organizing body or business. For the purpose of this section, a special event shall be a business grand opening, business anniversary celebration, local community celebration or a specific organizational event.

Illustrative Definitions

 Animated Sign	 Announcement Sign	 Awning Sign	 Balloon Sign
 Banner/Flag Sign	 Banner Sign (Commercial)	 Building Marker Sign	 Canopy Sign
 Center Identification Sign	 Changeable Copy Sign	 Commemorative Sign	 Construction Sign
 Destination Sign	 Directional / Informational Sign	 Directory Sign	 Double-faced Sign

 Electronic Message Sign	 Freestanding Sign	 Gas Station Price Sign	 Identification Sign
 Ground Monument Sign	 Incidental Sign	 Inflatable Sign	 Kiosk Sign
 Marquee Sign	 Menu-Board Sign	 Billboard Sign	 Painted Ghost Wall Sign
 Painted Wall Sign	 Parapet Sign	 Pennant Sign	 Pole Sign

 Political Sign	 Projecting Sign	 Public/Traffic Information Sign	 Real Estate Sign
 Roof Sign	 Roof (integrated) Sign	 Sandwich Board Sign	 Sign, Digital
 Sign Stacking	 Subdivision Identification Sign	 Suspended Sign	 Wall Sign
 Warning Sign	 Window Sign	 Portable Sign	

521.04 Exemptions: The following signs shall be exempt from these regulations, subject to the conditions specified below:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, address numbers, names of occupants or premises, or other identification of the premises not denoting any business activity.
2. Flags and insignia of any governmental unit, civic, educational or religious organization, except where displayed in connection with a business promotion.
3. Legal notices, identification, informational, warning, no trespassing, directional or other similar signs erected, or required to be erected by any governmental unit, and informational or directional signs allowed by the city council to be placed in any public right-of-way.
4. Memorial plaques, historical markers, integral decorative or architectural features of a building, except trademarks, moving parts or moving lights.
5. One (1) real estate sign for each lot of frontage indicating "for sale" or "for rent or lease", provided any such sign shall be set back at least five (5) feet from any street right-of-way line.
6. Political campaign signs shall be limited to sixteen (16) square feet or less in all other areas. Campaign signs are allowed on private property with the consent of the property owner, but are prohibited on public property, including the rights-of-way. Political campaign yard signs, up to thirty-two (32) square feet in size are allowed adjacent to a state or business highway. (Refer to Chart 1.)

Such signs shall be set back at least five (5) feet from any street right-of-way line. Political campaign signs may be placed on private property no earlier than sixty (60) days prior to the election for which the sign is applicable and must be removed not later than the fifteenth (15th) day following the election. City personnel may remove and dispose of any sign placed on public property or within the rights-of-way.

7. Window signs, including pictures, symbols, writing or a combination thereof designed to promote an on-site activity that is placed inside a window and is visible from the exterior.

521.05 Incidental signs: The following incidental signs shall be permitted, subject to the listed requirements and limitations:

1. Signs directing and guiding traffic, identifying a parking or loading area, or designating building entrances on private property. Such signs shall not exceed four (4) square feet in area for each sign, shall not exceed a height of four (4) feet if free-standing, and shall be set back a minimum of five (5) feet from any right-of-way line.
2. Temporary signs, such as sail signs, in connection with a special event, provided such signs are limited in use to thirty (30) total days per calendar year, per premises, and are set back a minimum of five (5) feet from any right-of-way line.
3. Temporary signs in connection with buildings under construction, model homes and similar longer-term temporary signs which shall be removed when the work or sale is completed. Any sign reflecting a "coming soon" message must be removed when the work is completed. Work of this nature must have a building permit approving the work and run under the same time-line as building permits (six (6) months to begin the work and two (2) years to complete the work from the day that the permit is issued). Such signs shall be set back a minimum of five (5) feet from any right-of-way line.
4. A temporary or permanent subdivision identification sign for each street entrance into a subdivision. Such signs shall be installed by a certified sign installer. Street signs and subdivision signs shall not exceed two hundred fifty (250) square feet and shall be set back a minimum of ten (10) feet from any right-of-way line unless a greater setback is required to maintain street intersection visibility in accordance with Section 510 of the Zoning Regulations of Nebraska City.

5. Off-site signs identifying a church, school, public park, historic site, local service, benevolent organizations, public/quasi-public facilities, and other public facilities are subject to the following limitations:
 - a. Such signs shall be placed on private property and shall not be placed on any public property or public right-of-way unless so authorized by the city council.
 - b. Such signs shall be located no closer than five (5) feet to the right-of-way line of any adjacent street.
 - c. Such signs shall not have a sign surface exceeding sixteen (16) square feet and such signs shall not exceed ten (10) feet in height.
 - d. Not more than one (1) such sign may be placed on the same sign structure.
 - e. Such signs shall be located no closer than two hundred (200) feet to any other sign, excluding those signs listed as exempted signs in Section 521.04 of this ordinance.
 - f. Such signs may be lighted or may be an electronic information sign as defined in Section 521.03 and shall be subject to the electronic information sign standards and parameters referenced in Section 521.09 of this ordinance.
6. Off-site signs identifying hospital and emergency medical care facilities are subject to the following limitations:
 - a. Such signs may be placed on private property subject to the limitations in Subsection 5 above; or
 - b. Such signs may be placed on any public property or public right-of-way as authorized, with or without restrictions, by the city council; however, no sign shall be placed in the right-of-way of any federal-aid highway.

521.06 Maintenance and removal:

1. All signs shall be kept in good repair, including, but not limited to electrical wiring and fixtures, supports, faces, lighting, braces, guys and anchors, and must be structurally sound as determined by the building inspector.
2. Signs and sign structures which are obsolete, no longer functional, or abandoned shall be removed within sixty (60) days after written notification from the zoning administrator that such sign is deemed to be obsolete, non-functional, abandoned, or the sign face and/or structure is dilapidated.
3. If the sign is not taken down or removed within the sixty (60) day period, there may be a fine assessed to the property owner as defined in Section 1102: Penalties.

521.07 General provisions:

1. No sign or sign structure shall be placed on private property or public property without the consent of the owner of such property.
2. No sign or sign structure, other than official street or highway signs, shall be placed upon, over or in any street or highway right-of-way, except in the C-2 Central Business District or as otherwise authorized by the city council.
3. No sign or sign structure shall be erected at any location where it will interfere with, obstruct the view of pedestrians or on-coming vehicular or railroad traffic, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency vehicle lights shall be used in connection with any sign.
4. It shall be unlawful to erect and maintain:
 - a. Any sign without previously submitting a sign permit to the office of the city clerk-treasurer. Said sign permit must be approved by the building inspector and the zoning

administrator before the sign is erected or changed. For any new sign that is not a wall sign, a building permit may be required in conjunction with the sign permit.

- b. Any sign which is not included under the types of signs permitted in this ordinance.
 - c. Any portable or movable sign, except as a temporary sign in accordance with the regulations set forth in this section.
 - d. A billboard and an on-site business sign on the same lot.
 - e. Any trailer, vehicle, semi-truck trailer or other movable vehicle shall not be used as a structure for any sign, except as a temporary sign in accordance with the regulations in this section.
5. Business signs and billboards may be illuminated except as otherwise restricted in this section. When such signs are directly lighted such light fixtures and reflectors shall not extend more than eight (8) feet from the sign face and shall not extend into any public right-of-way, except as authorized in the C-2 Central Business District.
 6. No sign or sign structure, except a projecting sign, shall extend more than fifteen (15) inches from the building wall or structure on which it is mounted.
 7. Not more than one (1) projecting sign shall be allowed for each lot or occupant thereof and the maximum sign surface area shall be fifty (50) square feet per side. In no case shall a projecting sign extend more than eight (8) feet beyond its supporting structure or be less than eighty (80) inches above ground level. See Illustrative Definitions for local examples. Projecting signs may be illuminated except as otherwise restricted in this section.
 8. Signs or sign structures shall be set back from any right-of-way line in accordance with the yard requirements of the applicable zoning district, except as otherwise specified in this section. In the case of an awning sign, a canopy sign, or a projecting sign, in the C-2 Central Business District, where the building wall or structure on which the sign is mounted is located closer than eight (8) feet to the setback line, such sign may extend up to six (6) feet into the required yard. See Illustrative Definitions for local examples.
 9. No sign shall be located in a site distance triangle, as set forth in Section 510 of the Zoning Regulations.

521.08 – intentionally blank

521.09 Business signs: The number and size of business signs for business uses permitted in the Residential/Office, any commercial, or industrial zoning district shall be limited as follows:

1. No more than one (1) business sign shall be permitted on any lot used for business purposes in the R/O Residential/Office Zoning District and no more than three (3) business signs shall be permitted on any lot in a commercial, or industrial zoning district, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets or when the principal business building has public entrances to both a front and rear of the building, one (1) additional sign shall be permitted.
2. Business signs on any premises with frontage on Highway 2, Highway 75, including the business routes of these highways, with frontage on the J. Sterling Morton Beltway or located on any premises zoned C-2 Central Business District, may be wall-mounted, projecting, monument, or free-standing pole signs.
3. The maximum sign face area for wall mounted business signs in the R/O Residential/Office Zoning District shall be fifty (50) square feet for each street frontage. The maximum sign face area for wall mounted business signs in a commercial, or industrial zoning district shall not exceed 30% per architectural elevation and no wall sign shall exceed 500 square feet in sign area. See Illustrative Definitions for local examples. The construction of an electronic wall-mounted information sign shall be subject to the usage provisions below.

4. Any existing sign which may be legally modified to include electronic information capability as defined in Section 521.03 above shall complete a sign permit application and shall conform to the usage provisions set forth below.
5. In any commercial district, residential/office, or any industrial zoning district a ground monument business sign (See Illustrative Definitions for local examples.) or free-standing pole sign (See Illustrative Definitions for local examples.) may be located no closer than five (5) feet to a lot line, except in the C-2 Business District, where said sign may be placed on the lot line/right-of-way line. The placement of a monument or pole sign in any of the aforementioned Zoning Districts at a distance greater than five (5) feet from the lot line/right-of-way line shall follow the distance requirements set forth below:
 - a. At a distance of five (5) feet to nine (9) feet from the right-of-way, a monument or pole sign may have a maximum height of eight (8) feet and a maximum size of forty (40) square feet.
 - b. At a distance of ten (10) feet to fourteen (14) feet from the right-of-way, a monument or pole sign may have a maximum height of twelve (12) feet and a maximum size of eighty (80) square feet.
 - c. At a distance of fifteen (15) feet to twenty-four (24) feet from the right-of-way, a monument or pole sign may have a maximum height of twenty-four (24) feet and a maximum size of one hundred (100) square feet.
 - d. At a distance of twenty-five (25) feet or more the right-of-way, a monument or pole sign may have a maximum height of thirty (30) feet and a maximum size of two hundred (200) square feet.

Distance from ROW	Maximum Height	Size of Face
5 to 9 feet	8 feet	40 square feet
10 to 14 feet	12 feet	80 square feet
15 to 24 feet	24 feet	100 square feet
25 feet and up	30 feet	200 square feet

6. In any commercial district, residential/office, any industrial zoning, any residential, or agriculture districts such sign may be an electronic information sign or electronic message board sign as defined in Section 521.03 subject to the following conditions:
 - a. Such signs shall display static images for a period of at least five (5) seconds before transition to another static image. Frame effect signs are permitted; however, animated signs and flashing signs are prohibited.
 - b. Such signs in all zoning districts shall come equipped with automatic dimming technology which adjust the brightness of the sign based on ambient light levels.
 - c. Such signs may not exceed an illumination level of 0.3-foot candles above ambient light levels, as measured using a foot candle (lux) meter, at a distance of one hundred (100) feet from the sign.

- d. Such signs may not emit an audible sound.
 - e. Such sign may be illuminated or lighted, but shall not be flashing or animated.
7. For commercial complexes, including shopping centers, technology and industrial parks, one (1) central identification sign shall be permitted to identify each main tenant at the main entrance to such commercial complex, subject to the following requirements:
- a. Such sign shall be a monument or pole sign and shall indicate only the name and location of such commercial complex and the name and type of business of the occupants of such complex.
 - b. The setback, sign face surface area and height shall be as regulated in Section 521.09 above.
 - c. Such sign may be illuminated or lighted, but shall not be flashing or animated.
 - d. Such sign may be an electronic information sign as defined in Section 521.03 above subject to the provisions in Section 521.09 above.

521.10 Billboards:

- 1. It is the intent of this section to establish reasonable and uniform limitations, safeguards and controls for the location of billboards. Such regulations are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interest of the city.
- 2. The construction of a billboard in any zoning district shall be subject to the provisions of Section 521.07 of this ordinance and will require a conditional use permit and a sign permit before construction.
- 3. Billboards shall be permitted on a lot with one hundred (100) feet or more of frontage on a street classified in the city's major street plan as an arterial street and only in areas included in the C-3 General Commercial District, any Industrial Zoning District, or the AG Agriculture District. (Refer to Chart 1.)
- 4. A billboard shall not be less than fifty (50) feet from any other building or on-site sign or two hundred (200) feet from another billboard on the same side of the street.
- 5. Billboards shall not be permitted on the same lot as any commercial complex or shopping center.
- 6. The minimum front yard from any street or highway right-of-way shall be in accordance with the front yard requirements of the applicable zoning district.
- 7. The minimum side or rear yard shall be five (5) feet.
- 8. No billboard shall be permitted within one hundred (100) feet of a residential zoning district.
- 9. The sign face of a billboard shall not be greater than ten (10) feet in vertical dimension or greater than thirty (30) feet in horizontal dimension and the maximum sign face area shall not exceed three hundred (300) square feet.
- 10. The sign face of a billboard shall not be less than eight (8) feet in vertical dimension or less than twelve and one-half (12½) feet in horizontal dimension and the minimum sign face area shall not be less than one hundred (100) square feet.
- 11. A billboard shall not contain more than two (2) advertising signs per sign face.
- 12. A maximum of two (2) signs back-to-back shall be permitted per sign structure.
- 13. Double-decker sign faces are prohibited.
- 14. A moving sign as defined in Section 521.03 may be permitted.

15. The maximum height of a billboard shall be twenty (20) feet above ground level at the base of the sign.
16. The construction of an electronic billboard information sign or a digital billboard sign is subject to the following usage restrictions:
 - a. Such billboards shall display static images for period of at least ten (10) seconds before instantaneously transitioning to another static image.
 - b. Animation, flashing and frame effects are specifically prohibited.
 - c. Such billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
 - d. Such billboards shall not exceed an illumination level of 0.3-foot candles above ambient light as measured using a foot candle (lux) meter from a pre-set distance measuring as follows:

0—100 square foot sign to be measured from one hundred (100) feet to the source,

101—300 square foot sign to be measured one hundred fifty (150) feet from the source.

521.11 Public service, public equipment and public furnishing sponsorship signs:

1. It is the intent of this section to provide public services, public equipment and public furnishings to each and every citizen through the use of sponsorships. By utilizing sponsors, the City of Nebraska City may gain wanted public services, public equipment and public furnishings without expending tax dollars.
2. Public sponsorship signs shall be affixed to the sponsored public service, public equipment and/or public furnishing.
3. All public sponsorship signs shall be approved by the city council regarding subject matter and location prior to being located on public property.
4. Public services, public equipment and public furnishings that are permitted under this section shall be solely used for the good of the public.
5. No public sponsorship sign under this section shall contain subject matters referring to alcohol, tobacco, illegal or legal drugs, nudity, sexual contents, political messages, products for sale and/or other subject matters that are found by the city council not to be in the best interest of the community.
6. All public sponsorship signs shall have a lifespan of one thousand ninety-five (1,095) days, or three (3) years.

Section 522. - Radio, television, and wireless communication towers.

522.01 Intent: Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) granted the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the city to be in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication services.

522.02 Definitions: All terms in this section which are not specifically defined herein shall be construed in accordance with the Communication Act of 1934, the Telecommunication Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this section, the following terms shall have the following meanings:

522.02.01 Antenna shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite services (including direct-to-home satellite services), and/or video programming services via multi-point distribution services.

- 522.02.02 Antenna support structure shall mean any building or structure other than a tower which can be used for location of telecommunication facilities.
- 522.02.03 Applicant shall mean any person that applies for a conditional use permit.
- 522.02.04 Application shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the city submits a request to develop, construct, modify, or operate a tower upon such tract of land. The term application includes all written documentation, verbal statements, and representations, both formal and informal, made by an applicant to the city concerning such request.
- 522.02.05 Conforming commercial earth station shall mean a satellite dish which is two (2) meters or less in diameter and is located in an area where commercial or industrial uses are generally permitted under this regulation.
- 522.02.06 Engineer shall mean any engineer qualified and licensed by any state or territory of the United States of America.
- 522.02.07 Owner shall mean any person with a fee simple title or a leasehold exceeding ten (10) years in duration to any tract of land within the zoning jurisdiction of the city who desires to develop, construct, modify, or operate a tower upon such tract of land.
- 522.02.08 Person shall mean any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for-profit or not-for-profit.
- 522.02.09 Satellite dish antenna shall mean an antenna consisting of a radiation element intended for transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure with or without a reflective component to the radiating dish, usually circular in shape.
- 522.02.10 Significant gap shall mean a user cannot connect with the national telephone network or cannot maintain a connection supporting reasonably uninterrupted communication.
- 522.02.11 Stealth shall mean any telecommunication facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look like something other than a tower, such as a light pole, power poles and trees.
- 522.02.12 Telecommunications facilities shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include:
- a) Any conforming commercial earth station;
 - b) Any earth station antenna or satellite dish antenna three (3) or less in diameter.
- 522.02.13 Tower shall mean a self-supporting lattice, guyed, or monopole structure, which supports telecommunications facilities. The term tower shall not include non-commercial amateur radio operator's equipment as licensed by the FCC or structure supporting an earth station antenna serving residential premises or dwelling units exclusively.
- 522.02.14 Conditional Use Permit shall mean provisions of Article 7 of this ordinance.
- 522.02.15 Tower owner shall mean any person with an ownership interest of any nature in a proposed or existing tower following the issuance of a conditional use permit.
- 522.03 Location of towers and construction standards:
1. Towers shall be permitted as a conditional use of land in only those zoning districts where specifically listed and authorized in this regulation.

2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the city prior to approval of its application for a conditional use permit by the planning commission and issuance of the permit by the city. Applicants shall submit their application for a conditional use permit to the zoning office and shall pay the required filing fee.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the city after the effective date of this ordinance shall conform to the building codes and all other construction standards set forth by city, county, federal, and state laws and applicable American National Standards Institute (ANSI) standards. Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all of the aforementioned applicable regulatory standards shall be filed in the zoning office.

522.04 Application to develop a tower: Prior to commencement of development or construction of a tower, an application shall be submitted to the zoning administrator for a conditional use permit and shall include the following:

1. Name, address, telephone number and FCC license number of the owner and, if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all persons having an ownership interest in the proposed tower. The application shall be executed by all applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately-owned towers and structures.
4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or co-locate the applicants telecommunications facilities on a tower or usable antenna support or written technical evidence from an engineer that the applicants telecommunications facilities cannot be installed or co-located on another tower or usable antenna support structure.
5. Written technical evidence from an engineer that the proposed tower will meet the established building code, and all other applicable construction standards set forth by the city council and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and/or zoned property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturers' literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
8. A performance bond in the amount of fifty thousand dollars (\$50,000.00) to cover the expenses of removal and disposal of the tower.

522.05 Setbacks and separation or buffer requirements:

1. All towers up to one hundred (100) feet in height shall be setback on all sides a distance equal to the height of the tower from any structure. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding one hundred (100) feet in height may not be located in any residentially-zoned district and, also, must be separated from all residentially-zoned districts and occupied

structures other than those utilized by the tower owner, by a minimum of one-quarter mile (1,320 feet).

3. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of one (1) mile, except for those monopoles tower structures that provide coverage for significant gaps in services as determined by substantial evidence of colored coverage maps and field measurements with test antenna at different heights.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one (1) mile, except for those monopoles tower structures that provide coverage for significant gaps in services as determined by substantial evidence of colored coverage maps and field measurements with test antenna at different heights.

522.06 Structural standards for towers adopted: Towers shall be designed, constructed and maintained in accordance with the building codes of the City of Nebraska City, Nebraska, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this article of the zoning regulation.

522.07 Illumination and security fences:

1. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses/zoned properties within a distance of three hundred (300) percent of the height of the tower, any tower subject to this section shall be equipped with dual mode lighting.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will prevent, to the extent practical, unauthorized climbing of said structure.

522.08 Exterior finish: Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the planning commission as part of the application approval process. All towers which must be approved as a conditional use shall be stealth design unless an affidavit attesting to the fact that the stealth features are impractical or the cost of such features represents an undue burden on the applicant.

522.09 Landscaping: All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the city.

522.10 Maintenance, repair or modification of existing towers: All towers constructed or under construction on the date of approval of this regulation may continue in existence as a non-conforming structure and may be maintained or repaired without complying with any of the requirements of this section. Non-conforming structures or uses may not be enlarged or the degree of non-conformance increased without complying with this section, including applying for and obtaining a conditional use permit. Any modification or reconstruction of a tower constructed or under construction on the date of approval of this regulation shall be required to comply with the requirements of this section including applying for and obtaining a conditional use permit. Said application shall describe and specify all items which do not comply with this section and may request, subject to final review and approval of the planning commission, an exemption from compliance as a condition of the conditional use permit.

522.11 Inspections: The City of Nebraska City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance with this section and to prevent

structural and equipment failures and accidents which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with any construction standards set forth by the city, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the city's zoning office, zoning administrator, or a duly-appointed independent representative of the city.

522.12 Maintenance: The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance to, or a danger to, the life or property of any person or the public.

522.13 Abandonment: If any tower shall cease to be used for a period of one (1) year, the zoning office shall notify the tower owner that the site will be subject to determination by the zoning administrator that the site has been abandoned. Upon issuance of written notice to show cause by the zoning administrator, the tower owner shall have thirty (30) days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the zoning administrator shall issue a final determination of abandonment of the site and the tower owner shall have seventy-five (75) days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the zoning administrator, or his/her designee and a written request shall be directed to the city attorney to proceed to abate said public nuisance pursuant to authority of the Revised Nebraska State Statutes and City of Nebraska City codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

522.14 Satellite dish antennas, regulation: Upon adoption of this regulation, installation of satellite dish antennas shall be permitted within the zoning jurisdiction of Nebraska City only upon compliance with the following criteria:

1. In residentially-zoned districts, satellite dish antennas may not exceed a diameter of two (2) feet.
2. Single family residences may not have more than two (2) satellite dish antennas.
3. Multiple family residences with ten (10) or fewer dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter. Multiple family residences with more than ten dwelling units may have no more than two (2) satellite dish antennas over three (3) feet in diameter.
4. In residential-zoning districts, satellite dish antennas shall not be installed in the required front yard setback area.
5. All satellite dish antennas installed within the zoning jurisdiction of Nebraska City, upon adoption of this regulation, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.
6. Commercially-zoned districts, satellite dish antennas shall not be installed in the required front yard setback area. The intent of this provision is to prohibit satellite dish antennas from being visually unattractive to consumers.

Section 523. - Temporary uses.

523.01. Temporary uses customary and commonly associated with the primary uses allowed within each zoning district shall be permitted and such uses shall be subject to the regulations of the applicable zoning district and the following time period restrictions:

Temporary Use	Time Limit
---------------	------------

Temporary office, model home or apartment and incidental signs necessary for the sale, rental or lease of real property	1 year
---	-------------

Temporary building or yard for storage of construction materials and equipment necessary to the construction of a building or structure on or near the storage premises1 year

Mobile home or truck trailer parking as a temporary construction office during construction of a building or structure on or near the office premises1 year

Announcement signs in association with buildings under construction, demolition or remodeling announcing the future use, developer, architect, engineer and contractor1 year

Subdivision or building development signs necessary to advertise the sale, rental or lease of real property within the subdivision or development1 year

Commercial construction/paving material batch plants necessary to construction on or near the batch plant premises, provided such plants shall not be located in any residential zoning district6 months

Sites for the sale of fireworks, Christmas trees and similar seasonal items and signs associated with such uses60 days

Special events, such as meetings, exhibitions, sales, political campaign headquarters and similar special events60 days

Temporary signs announcing a special event60 days

Parking lot or areas designated for a special event30 days

Bazaars, carnivals, rummage, garage or yards sales, auctions and similar uses14 days/year

Other temporary uses customary to and commonly associated with the primary uses permitted in each zoning district60 days

523.02. Temporary uses shall also comply with the following performance standards:

1. Except for the temporary use of a portable public-address system in association with an auction, no public-address system or noise producing device shall be permitted in any residential zoning district.
2. Floodlighting or other lighting used in association with a temporary use shall be restricted to lighting of the premises of the temporary use and shall not be directed or allowed to shine directly on to adjoining properties.
3. Temporary uses shall not block public street and alley intersection visibility and shall comply with section 510 of this ordinance.
4. Temporary uses shall not be permitted to use or occur on any public property, except as approved by the city council and except for on street parking associated with a temporary use where such parking is permitted.
5. Temporary uses shall comply with the requirements of the zoning district in which the use occurs, and signs associated with a temporary use shall comply with the applicable regulations of section 621 of this ordinance.

Section 524. - Manufactured home—Mobile home parks, courts and subdivisions.

524.01 Manufactured homes, as defined in section 303 of this ordinance and mobile homes, as defined in section 303 of this ordinance, as well as site-built homes may be placed in manufactured home—mobile home parks, courts or subdivisions, provided such mobile home parks, courts or subdivisions have been authorized as a conditional use and such parks, courts or subdivisions meet the following minimum requirements:

524.02. Manufactured home—Mobile home park/court: The following minimum requirements shall apply to any manufactured home—mobile home park or court developed after the effective date of this ordinance and to any expansion of any mobile home park or court already existing as of the effective date of this ordinance:

1. A manufactured home—mobile home park or court shall have an area of not less than one (1) acre.
2. Each lot provided for manufactured or mobile home placement shall have an area of not less than four thousand (4,000) square feet and a minimum width of thirty-six (36) feet.
3. The minimum front yard for each manufactured or mobile home shall be sixty (60) feet from any public street classified on the city's major street plan as a major arterial street (unrestricted right-of-way), thirty five (35) feet from any public street classified on such plan as a major arterial (restricted right-of-way) minor arterial, or collector street or twenty (20) feet from any street classified as a local street or frontage road. A front yard shall be measured from the right-of-way line of any public street or from a point which is twelve (12) feet from the centerline of any private street providing access to the mobile home lot. For developed areas, as defined in this ordinance, the minimum front yard shall be the average of the front yards, provided that no front yard shall be less than twenty (20) feet. A front yard may contain the vehicle parking spaces required for each mobile home lot.
4. The minimum side yard for each manufactured or mobile home or addition thereto shall be five (5) feet.
5. The minimum rear yard shall be fifteen (15) feet.
6. Each manufactured home or mobile home lot shall be served by a hard-surfaced street at least twenty-four (24) feet in width. Any dead-end street shall be provided with a hard-surfaced turn-around at least sixty (60) feet in diameter.
7. Municipal water and sewage utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot is more than one hundred fifty (150) feet from a fire hydrant measured along the streets on the perimeter or within the mobile home park or court.
8. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Parking spaces and walkways connecting the parking spaces to the manufactured home or mobile home shall be hard surfaced.
9. Street lighting within and on the perimeter of any manufactured home—mobile home park or court shall be in a manner equivalent with that required for other residential subdivisions within the city.
10. Not less than eight (8) percent of the total land area in the manufactured home—mobile home park or court shall be designated as common open space for a park and playground. Any such area shall be designed so that its length is not more than twice its width and is not traversed by any street or motor vehicle traffic.
11. If common refuse storage facilities are to be provided, such facilities shall not be located more than one hundred fifty (150) feet from any mobile home lot and all refuse containers shall be screened from view by a solid fence at least six (6) feet in height with hinged openings to permit dumping of waste into the refuse containers and emptying of the containers.
12. The owner/management of the manufactured home—mobile home park or court shall prohibit storage of any materials, equipment, or trash receptacles, except licensed, operable vehicles, outside or underneath any manufactured home or mobile home unless such materials are stored in an enclosed building or inside a solid fence with a minimum height of six (6) feet.

13. All manufactured home and mobile homes located in a mobile home park shall be completely skirted, provided that skirting of recreational vehicles either pull type or motorized which are not designed for skirting shall not be required to be skirted.
 14. All manufactured home and mobile home lots shall provide pads and anchors for support of and windstorm protection for such homes and such pads and anchors shall be constructed in accordance with manufacturer's specifications or in the event of non-availability of such specifications, such pads and anchors shall be constructed to meet the minimum requirements of 24 CFR 3280.
 15. Each manufactured home or mobile home lot shall be provided with a minimum eighty (80) square foot of enclosed storage space for storage of refuse containers, bicycles, mowers or other items. Such enclosed storage space may be provided through providing a small storage building on each lot, by providing a centralized storage building sufficient in size to meet the minimum square footage of storage area requirement or by providing oversized garages sufficient in size to provide the required eighty (80) square feet of storage area.
 16. Not less than one reinforced storm shelter be provided for use by occupants of the manufactured home—mobile home park or court in the event of hazardous storms. Such shelter shall be of adequate size and capacity to safely house all occupants in the mobile home park or court and shall provide at least ten (10) square feet of floor space for each person utilizing an average of two and one-half (2½) persons per manufactured home or mobile home. Such storm shelter shall be located near the center of the manufactured home—mobile home park or court to provide the shortest possible distance between all lots within the park or court.
- 524.03. Manufactured home—Mobile home park/court plan requirements: As part of any conditional use application, the developer of any new or expanded manufactured home—mobile home park or court shall submit a complete, accurately scaled plan of the proposed park or court. Said plan shall include at least the following information:
1. The legal description and area of the land to be included in the park or court.
 2. The number, size and location of each mobile home lot, including the location of required parking spaces and walkways.
 3. A grading and drainage plan for the park of court.
 4. The location and width of all streets and walkways.
 5. The size and location of all water and sewer lines, fire hydrants and other infrastructure improvements together with easement locations and widths.
 6. The location of all proposed street lights and utility easements to provide power to such lights.
 7. The location and dimensions of the required common recreational open space together with playground equipment to be provided.
 8. The location, size and capacity of the required reinforced storm shelter.
 9. The location of all refuse storage areas, other buildings and structures and other improvements to be provided in the park or court.
 10. Plans and specifications of all buildings to be provided.
- 524.04. Manufactured home—mobile home subdivision: The following minimum requirements shall apply to any manufactured home— mobile home subdivision developed after the effective date of this ordinance and to any expansion of any manufactured home—mobile home subdivision already existing as of the effective date of this ordinance:
1. A manufactured home or mobile home subdivision shall have an area of not less than two (2) acres.

2. Each lot provided for manufactured home or mobile home placement, or site-built home shall have on area of not less than six thousand (6,000) square feet and a minimum width of fifty (50) feet, except that any lot to accommodate a double-wide mobile home shall have a minimum lot width of seventy (70) feet.
 3. The minimum front yard for each manufactured home or mobile home shall be sixty (60) feet from any public street classified on the city's major street plan as a major arterial street (unrestricted right-of-way), thirty five (35) feet from any public street classified on such plan as a major arterial (restricted right-of-way), minor arterial, or collector street or twenty (20) feet from any street classified as a local street or frontage road. For developed areas, as defined in this ordinance, the minimum front yard shall be the average of the front yards, provided that no front yard shall be less than twenty (20) feet. A front yard may contain the vehicle parking spaces required for each mobile home lot.
 4. The minimum side yard for each manufactured home or mobile home or addition thereto shall be five (5) feet.
 5. The minimum rear yard shall be fifteen (15) feet.
 6. Each manufactured home or mobile home lot shall be served by a dedicated public street developed in accordance with the standards set forth in the city's subdivision regulation ordinance.
 7. Municipal water and sewage utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot is more than one hundred fifty (150) feet from a fire hydrant measured along the streets on the perimeter or within the mobile home park or court.
 8. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Parking spaces and walkways connecting the parking spaces to the manufactured home or mobile home shall be hard surfaced.
 9. Street lighting within and on the perimeter of any manufactured home—mobile home subdivision shall be in a manner equivalent with that required for other residential subdivisions within the city.
 10. The developer of the manufactured home—mobile home subdivision shall establish restrictive covenants which prohibit storage of any materials, equipment, or trash receptacles, except licensed, operable vehicles, outside or underneath any manufactured home or mobile home unless such materials are stored in an enclosed building or inside a solid fence with a minimum height of six (6) feet.
 11. The developer of the manufactured home—mobile home subdivision shall establish restrictive covenants which require that each manufactured home or mobile home located in the mobile home subdivision shall be completely skirted.
 12. Not less than one reinforced storm shelter shall be provided for use by occupants of the manufactured home—mobile home subdivision in the event of hazardous storms. Such shelter shall be of adequate size and capacity to safely house all occupants in the mobile home subdivision and shall provide at least ten (10) square feet of floor space for each person utilizing an average of two and one-half (2 ½) persons per mobile home. Such storm shelter shall be located near the center of the mobile home subdivision to provide the shortest possible distance between all lots within the subdivision and the developer shall make provisions for a homeowner's association with assessment authority to provide sufficient funds with which the lot owners can properly maintain such storm shelter.
- 524.05. Manufactured home—Mobile home subdivision requirements: As part of any conditional use application, the developer of any new or expanded manufactured home—mobile home subdivision shall submit a complete, accurately scaled plat of the proposed subdivision in accordance with the requirements of the subdivision regulations ordinance of the city.

Section 525. - Storage of firewood.

Firewood may be stacked and stored outdoors on any premises used for residential purposes, provided such stacking and storage shall comply with the following limitations:

1. Not more than eight (8) chords of firewood may be stored on any premises at any time, provided that not more than two (2) of the maximum eight (8) chords of firewood may be stored outdoors in an unenclosed area and be visible or partially visible from adjoining properties. Any firewood stored outdoors in an unenclosed area shall not closer than five (5) feet to any property line or on any public right-of-way and such firewood shall not be stacked higher than four (4) feet above the ground and no stack of firewood shall exceed sixteen (16) feet in length.
2. Additional firewood may only be stored within a fenced enclosure enclosing an area of not more than one hundred fifty (150) square feet. Any such fenced enclosure shall be located at least five (5) feet from any other structure or building. The fence creating any such enclosure shall be a solid (opaque) fence not more than six (6) feet in height and any firewood stored inside any such enclosure shall not be stacked higher than said fence. If a portion of the fence forming the enclosure is located on a property line, firewood stored inside such enclosure shall be located at least five (5) feet from the property line.
3. No firewood may be stored in any front yard, as defined in Section 303 of this ordinance.
4. A chord shall be interpreted to mean a stack of cut firewood which is the equivalent of four (4) feet in height, four (4) feet in width and eight (8) feet long or one hundred twenty-eight (128) cubic feet.
5. Current firewood storage above these limits on any premises shall be addressed by the owner of such premises and all such firewood storage on such premises shall become compliant with these regulations within one (1) year from the effective date of this ordinance. Further, additional firewood shall not be added to any such premises until such premises is in compliance with all restrictions of this section of this ordinance.

Section 526. - Occupancy of basements and cellars.

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially constructed and can be occupied for residential purposes.

Section 527. - Other general business standards.

Any business or industrial use shall comply with the following general business standards:

1. No music or audio advertising shall be permitted on the exterior of any business premises, except that music may be permitted on the exterior of business enterprises during holiday seasons or special events, provided that the number of special events shall not exceed two (2) per year and that the level of amplification of such music or advertising shall not create an annoyance or nuisance to nearby businesses or other uses.
2. Each business shall provide adequate refuse containers for waste produced on the premises. Any waste container located on the exterior of a building, which is larger than six (6) cubic yards in capacity, shall be enclosed in an opaque fence or walled area and said fence or wall shall be sufficient height to hide said refuse container, and shall exceed six (6) feet in height.
3. No strobe or lighting utilizing rotating beacons, or an attracting device of the type used by emergency vehicles as emergency or warning lights shall be permitted on the exterior of any building.

Section 528. - Wind energy conversion systems.

528.0. Intent: It is the purpose of this regulation to promote the safe, effective and efficient use of wind energy systems installed to reduce consumption of electricity or generate power for the enhancement of utility supplied electricity.

528.02. Definitions: The following are defined for the specific use of this section.

- A. Aggregate project shall mean projects that are developed and operated on a coordinated fashion, but which have multiple entities separately owning one or more of the individual wind energy conversion systems (WECS) within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.
- B. Commercial WECS shall mean a wind energy conversion system of equal to or greater than one hundred (100) kW in total nameplate generating capacity.
- C. Connector line shall mean any power conductor that carries electrical power from one (1) or more wind turbines to the point of interconnection with the distribution system.
- D. Daytime hours shall mean from sunrise to sunset.
- E. Hub height shall mean the distance from ground level as measured to the centerline of the rotor.
- F. Fall zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure.
- G. Meteorological tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a wind energy conversion system. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.
- H. Nighttime hours shall mean from sunset to sunrise.
- I. Property line shall mean the boundary line of the area over which the entity applying for a wind energy conversion system permit has legal control for the purpose of installing, maintaining and operating a wind energy conversion system.
- J. Public conservation lands shall mean land owned in fee title by state or federal agencies and managed specifically for conservation purposes, including but not limited to state wildlife management areas, state parks, federal wildlife refuges and waterfowl production areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.
- K. Rotor diameter shall mean the diameter of the circle described by the moving rotor blades.
- L. Shadow flicker shall mean alternating changes in light intensity caused by the moving blade of a wind power generator casting shadows on the ground and stationary objects such as the window of a dwelling.
- M. Small wind energy conversion system (SWECS) shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended to primarily reduce on-site consumption of utility power.
- N. Substations shall mean any electrical facility to convert electricity produced by wind turbines to a higher or lower voltage for interconnection with transmission lines.
- O. Total height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the wind energy conversion system.

- P. Tower shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.
- Q. Tower height shall mean the total height of the wind energy conversion system, between the ground level at the base of the tower and the top of the tower, exclusive of the rotor blades.
- R. Transmission line shall mean the electrical power lines that carry voltages of at least sixty-nine thousand (69,000) volts (69KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- S. Vertical axis wind turbine (also VAWT) shall mean one (1) or more mechanical devices, such as wind turbines, with multiple caged blades, which are designed and used to convert the kinetic energy of wind into a usable form of energy. The turbine rotates on a vertical axis. The VAWT includes all parts of the system except the tower and transmission equipment.
- T. Wind energy conversion system (WECS) shall mean an electrical generating facility comprised of one (1) or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy which may be used on-site or distributed into the electrical grid.
- U. Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

Small Wind Energy Conversion System

528.03. Intent: It is the purpose of this regulation to promote the safe, effective and efficient use of wind energy systems installed to reduce consumption of electricity on site and produce minor amounts of electricity for local utility use.

528.04. Permitted use: Small wind energy conversion systems shall be permitted, as an accessory use within any district as long as certain requirements as set forth below shall be met:

- 1. Tower height:
 - A. For all residential or residentially zoned properties tower height shall be limited to thirty-five (35) feet or the maximum height for a structure in that district; tower must meet required setbacks.
 - B. For non-residential or non-residentially zoned properties between twenty thousand (20,000) square feet and one-acre tower height shall be limited to thirty-five (35) feet or the maximum height for a structure in that district; tower must meet required setbacks.
 - C. For non-residential or non-residentially zoned properties greater than one acre in size, there is a 50-foot height limit and the tower must meet required setbacks.
 - D. Wind energy facilities shall be sited in a manner that minimizes shadow flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

Educational note: Shadow flicker is caused by sunlight passing through the swept area of the wind turbine's blades. As sunlight passes through the spinning blades, it is possible to have a stroboscopic effect that can, under the right conditions, affect persons prone to epilepsy. In general, these conditions require varying light intensity at frequencies of 2.5-3 Hz. Large commercial turbines are typically limited to a frequency of less than 1.75 Hz. Furthermore, the impacts of shadow flicker diminish rapidly with distance and should be minimal at ten (10) or more rotor diameters. Though the RPM for smaller turbines is generally higher (up to 350 RPM, for some turbines), the small size of the rotor swept area, combined with the shorter tower heights, support a negligible shadow flicker impact from these types of facilities. In

any case, the effects of shadow flicker are a seasonal and/or diurnal impact, requiring that the sun be at the right position in the sky to generate a line of sight with the affected building and the wind turbine rotor. As such, the impacts of shadow flicker will generally only be felt for a few hours per year.

2. Minimum lot size:
 - A. Towers shall not be permitted on any lot of less than twenty thousand (20,000) square feet.
3. Noise:
 - A. Small wind energy systems shall not exceed sixty-five (65) dBA during daytime hours and fifty-five (55) dBA during nighttime hours, as measured at the closest neighboring inhabited dwelling unit.
 - B. The noise level may be exceeded during short-term events such as utility outages and/or severe windstorms (wind speeds of greater than fifty (50) miles per hour.)
4. Approved wind turbines:
 - A. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small certification program recognized by the American Wind Energy Association.
 - B. Wind turbines shall not be modified from manufacturer's specifications or design/build in any manner.
5. Compliance with building and zoning codes:
 - A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Nebraska and certified by a licensed professional engineer shall also be submitted.
6. Compliance with FAA regulations:
 - A. Small wind energy conversion systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports in the Airport Hazard Overlay District.
 - B. No small wind energy system shall be installed until evidence has been given that the Nebraska City Airport Authority has been informed of the applicant's intent to install a SWECS if it is located within the designated hazard district.
7. Compliance with National Electrical Code.:
 - A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code and the National Electric Safety Code.
8. Utility notification:
 - A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - B. Off-grid systems shall be exempt from this requirement.
9. Decommissioning:
 - A. Small wind energy systems shall be considered discontinued or decommissioned after one (1) year without energy production. All small WECS and accessory facilities,

including the base and footing shall be completely removed within (one hundred eighty 180) days of the discontinuation of use.

528.05 Setbacks:

- A. No part of the wind system structure, including guy-wire anchors, may extend closer than ten (10) feet to the property lines of the installation site; tower must meet required underlying setbacks.
- B. All towers for SWECS shall adhere to the setbacks established in the following table to minimize the impacts of noise, ice fling and blade throw:

	Required Setbacks for SWECS Towers
Property Lines	1.1 times the total height
Road Rights-of-way*	1.1 times the total height
Other Rights-of-Way	1.1 times the total height

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

528.06 Conditional uses and structures: After the provisions of Article 7 of this ordinance relating to conditional uses have been met the following conditions may be allowed as conditional use:

- 1. Towers in excess of thirty-five (35) feet in height in residential zoned and non-residentially zoned districts in lots between thousand (20,000) square feet and one (1) acre provided all required setbacks and other requirements can be met.
- 2. Towers in excess of fifty (50) feet in height in non-residentially zoned areas provided all required setbacks and other requirements can be met.
- 3. Rooftop and tower systems supported in part or wholly by a residential, commercial or accessory building shall be of vertical axis wind turbine design only. All buildings must be evaluated for the stress and loads developed by a VAWT and certified by a Nebraska State licensed engineer and filed with the building permit application.

Commercial/Utility Grade Wind Energy Conversion System

528.07. Intent: It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within the City of Nebraska City and its two-mile extraterritorial zoning jurisdiction.

528.08 Permitted use: All commercial/utility grade wind energy systems shall be a conditional use within the AG, C-3, I-1, and I-2 Districts. The following requirements and information shall be met and supplied:

- 1. Name(s) of project applicant.
- 2. The name of the project owner.
- 3. The legal description and address of the project.

4. A description of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
 5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
 6. Certification by an Engineer competent in disciplines of WEC's.
 7. Documentation of land ownership or legal control of the property.
 8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks where actual WEC will be considered.
 9. A USGS topographical map; or map with similar data, of the property and surrounding area, including any other wind energy conversion system, within ten (10) rotor diameters of the proposed wind energy conversion system not owned by the applicant.
 10. Location of migratory waterfowl flyways, wetlands, scenic, and natural areas within one thousand three hundred twenty (1,320) feet of the proposed Wind energy conversion system.
 11. An acoustical analysis that certifies that the noise requirements within this regulation can be met.
 12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
 13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agencies and that the Nebraska City Airport Authority has been notified of the project.
 14. Evidence that there will be no interference with any commercial and/or public safety communication towers.
 15. Decommissioning Plan as required by this regulation.
- 528.09. Special safety and design standards: All towers shall adhere to the following safety and design standards:
1. Clearance of rotor blades or airfoils must maintain a minimum of twelve (12) feet of clearance between their lowest point and the ground.
 2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation warning of high voltage. Additional signs shall be posted on the tower base or perimeter fencing with emergency contact information.
 3. All wind turbines which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
 4. Consideration will be given to painted aviation warnings on all towers less than two hundred (200) feet.
 5. All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
 6. Lighting, including lighting intensity and frequency of strobe, shall adhere to, but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.
 7. All other signage shall comply with the sign regulations found in Section 521 of the City Code.

8. Feeder Lines to all communications and connector lines associated with the project distribution system, installed as part of WECS shall be buried. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle.
9. Solid and hazardous wastes, including but not limited to creates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
10. A WECS shall be considered discontinued or decommissioned after one year without energy production, unless a plan is developed and submitted to the zoning administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities, including the concrete base and footings, shall be completely removed within one hundred eighty (180) days of the discontinuation of use. The one hundred eighty (180) days may be extended if proof of weather delays is provided.

Each commercial/utility WECS application shall contain a decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon use being discontinued. The cost estimates shall be made by a competent party; such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities. The initial plan shall be submitted with the application. An updated plan shall be filed with the city every five (5) years.
11. No Commercial/utility WECS shall exceed fifty-five (55) dBA at the nearest structure or use occupied by humans.
12. Wind energy facilities shall be sited in a manner that minimizes shadow flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses.

Educational note: Shadow flicker is caused by sunlight passing through the swept area of the wind turbine's blades. As sunlight passes through the spinning blades, it is possible to have a stroboscopic effect that can, under the right conditions, affect persons prone to epilepsy. In general, these conditions require varying light intensity at frequencies of 2.5—3 Hz. Large commercial turbines are typically limited to a frequency of less than 1.75 Hz. Furthermore, the impacts of shadow flicker diminish rapidly with distance and should be minimal at ten (10) or more rotor diameters. Though the RPM for smaller turbines is generally higher (up to 350 RPM, for some turbines), the small size of the rotor swept area, combined with the shorter tower heights, support a negligible shadow flicker impact from these types of facilities. In any case, the effects of shadow flicker are a seasonal and/or diurnal impact, requiring that the sun be at the right position in the sky to generate a line of sight with the affected building and the wind turbine rotor. As such, the impacts of shadow flicker will generally only be felt for a few hours per year.

13. The applicant shall not cause interference with power quality of area utility feeder circuits and shall not introduce noise to the connected electric distribution system. WECS shall not cause interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves or television signals. The applicant shall notify all electric utilities and communication tower operators within five (5) miles of the proposed WECS location upon application for permits.
14. The developer shall present evidence the project meets the environmental permitting requirements of all applicable state and federal agencies if such permits are required.
15. The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

528.10 Setbacks: All towers shall adhere to the setbacks established in the following table, to minimize the impacts of noise, ice fling and blade throw:

	Wind Turbine-Commercial/Utility WECS	Meteorological Towers
Property lines	150' from property lines, however, the setback may be less when two adjoining property owners are within the aggregate project	
Neighboring dwelling units	1,000 feet	One times the tower height
Road rights-of-Way*	One-half the rotor diameter	One times the tower height
Other rights-of-way	NA	NA
Wildlife management area and state recreational areas	600 feet	600 feet
Wetlands, USFW Types III, IV, and V	600 feet	600 feet
Other structures and cemeteries adjacent to the applicant's sites	One-half the rotor diameter	One times the tower height
Other existing WECS not owned by the applicant	NA	NA

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

Section 529 - ADULT ESTABLISHMENTS

529.01 Purpose and Intent

It is the purpose of this section to regulate Adult Establishments to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Establishments within the city's jurisdiction. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of these

regulations to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of these regulations to condone or legitimize the distribution of obscene material.

529.02 Findings and Rationale

Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Farkas v. Miller, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of Moorhead*, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*,

505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Major Liquors, Inc. v. City of Omaha, 188 Neb. 628 (1972); DLH Inc. v. Nebraska Liquor Control Commission, 266 Neb. 361(2003); Village of Winslow v Sheets, 261 Neb.203 (2001),

and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," Crime & Delinquency (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McCleary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and Village of Ellicottville, Cattaraugus County, New York (January 1998), the city finds:

1. Adult Establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

2. Adult Establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. Additionally, the city's interest in regulating Adult Establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the city. The city finds that the cases and documentation relied on in this resolution are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

529.03 Definitions

As used in this section, the following terms shall have the meanings indicated:

Adult Arcade: shall mean a commercial establishment to which the public is permitted or invited that maintains booths or rooms smaller than 100 square feet, wherein image-producing devices are regularly maintained, where a fee is charged to access the booths or rooms, and where minors are excluded from the booths or rooms by reason of age.

Adult Bookstore: shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items, or
2. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
3. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items; or
4. The establishment maintains at least seven hundred fifty square feet (750 sq. ft.) of its floor area for the display, sale, and/or rental of said items.

Adult Establishment: shall mean an "adult arcade," an "adult bookstore," an "adult motion picture theater," a "semi-nude lounge," or a "sex paraphernalia store."

Adult Motion Picture Theater: shall mean a commercial establishment to which the public is permitted or invited that maintains viewing rooms that are 100 square feet or larger wherein films or videos characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas" are regularly shown.

Characterized By: shall mean describing the essential character or quality of an item. As applied to adult establishments, no business shall be classified as an adult establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Employee of an Adult Establishment: shall mean any person who works on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Nudity or Nude Conduct: shall mean the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator of Adult Establishment: shall mean any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner or part owner, of the business.

Semi-Nude or Semi-Nudity: shall mean the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-Nude Lounge: shall mean a nightclub, juice bar, restaurant, bottle club, massage parlor, or similar commercial establishment that regularly offers live semi-nude conduct. No establishment shall avoid classification as a semi-nude lounge by offering nude conduct.

Sexual Device: shall mean any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sex Paraphernalia Store: shall mean a commercial establishment where more than 100 sexual devices are regularly made available for sale or rental. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall or any establishment primarily dedicated to providing medical products.

Specified Anatomical Areas: shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

Specified Sexual Activities: shall mean intercourse, oral copulation, masturbation or sodomy.

Viewing Room: shall mean the room or booth where a patron of an adult establishment would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video on an image-producing device.

529.04 Regulations

1. No person shall establish, operate, or cause to be operated an adult establishment in Nebraska City's jurisdiction within:
 - a. 1,000 feet of another adult establishment;
 - b. 500 feet of a business licensed to sell alcohol at the premises; or
 - c. 1,000 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
 - d. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
2. No adult establishment shall be or remain open for business between 12:00 midnight and 10:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six (6) feet from all patrons and on a stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.
6. No person shall possess alcoholic beverages on the premises of an adult establishment.
7. No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of an adult establishment.
8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any other employee of an adult establishment who is semi-nude or who appears semi-nude on the

premises of the adult establishment, unless an operator of the adult establishment is present in the same room.

9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 - a. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the City Zoning Officer a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
 - b. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - c. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
 - d. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 - e. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - i. That the occupancy of viewing rooms less than 150 square feet is limited to one person.
 - ii. That specified sexual activity on the premises is prohibited.
 - iii. That the making of openings between viewing rooms is prohibited.
 - iv. That violators will be required to leave the premises.

- v. That violations of these regulations are unlawful.
- f. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in e.i. through e.v. above.
- g. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- h. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
- i. It shall be unlawful for a person having a duty under subsections 9.a. through 9.h above to knowingly or recklessly fail to fulfill that duty.
- j. No patron shall knowingly or recklessly enter or remain in viewing room less than 150 square feet in area that is occupied by any other patron.
- k. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
- l. No person shall knowingly or recklessly make any hole or opening between viewing rooms.
- 10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
- 11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 8.17.03.

529.05. Fees

- A. The annual fee for a sexually oriented business license is \$1,500.
- B. In addition to the fees required by Subsection A, an applicant for an initial sexually oriented business license shall, at the time of making application, pay a nonrefundable fee of \$250 per applicant for the city to conduct a survey to ensure that the proposed sexually oriented business is in compliance with the locational restrictions set forth in § 126-13.
- C. If an applicant is required by this code to also obtain a dance hall license for the business at a single location, payment of the fee for the sexually oriented business license exempts the applicant from payment of the fees for the dance hall license.

Section 530 - Solar Panels

530.01 No solar panel shall be constructed within the residential zoning jurisdiction of the City of Nebraska City unless a permit therefore is approved and issued by the building inspector and is constructed in conformance with the following requirements. For those devices that include electrical, plumbing and heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the following requirements.

- A. Lot and Height Requirements: Solar panels shall conform to the required front, side, street side, and rear lot setback requirements except as provided herein:
 - 1. A solar panel which is attached to an integral part of the principal building may project three feet into the front yard and street side yard; six feet into the rear yard; and two feet into the side yard.
 - 2. A solar panel which is freestanding may be located only in the required rear yard provided it does not exceed six feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage's, nor shall the solar panel be located in the required side yard, front yard or street side yard.
- B. Structural Requirements: The physical structure and connections to existing structures shall conform to the applicable Nebraska City building codes.
- C. Plot Plan: The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- D. Permit Fee: A permit fee is required. This permit fee shall be paid prior to the issuance of the building permit. The amount of the fee shall be as established in the Master Fee Schedule.
- E. Pre-existing Solar Panels: Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to January 1, 2015, pursuant to a valid building permit issued by the City, may continue to be utilized so long as it is maintained in operational condition.

Section 531 Outdoor Storage Containers

531.01 Outdoor storage containers are only allowed in the Agricultural, Industrial and C-3 Districts with the following conditions:

531.02 Location: Containers shall be located to the rear 50 percent of the site. Containers shall not be located in any required setback or yard area, required landscape area, required drive aisle, driveway, or parking area. Containers shall not encroach upon spaces necessary to satisfy the minimum parking requirement, nor shall they block, impede, or divert traffic in or access to

emergency, snow removal, circulation and fire lanes. Containers shall not be stacked upon one another and shall be located an appropriate distance from all structures, in accordance with the Fire Code. Containers shall not be located adjacent to residential uses.

531.03. Condition: The exterior of the storage containers shall be kept free of rust, holes, dents, or other corrosion and shall be painted or otherwise maintained such that they are consistent with the character of adjacent buildings and secured at all times.

531.04. Use: At no time shall an outdoor storage container be used as a place of business or residence, nor shall a container house, store, or contain goods, products, or materials other than those that are accessory and essential to daily on-site use and operation of the principal building or business requesting the conditional use permit.

531.05 Exemptions: The temporary use of construction trailers, containers at a building site up to one year, or moving containers up to 60 days are exempt from this requirement.

Section 532 Self Storage Units / Convenience Storage Units

.532.01 Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.

532.02 All storage must be within enclosed buildings and shall not include the storage of hazardous materials.

Section 533 Accessory Dwelling Units

533.01 This section applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.

533.02 Only one accessory dwelling unit is permitted per lot. An accessory dwelling unit shall not contain more than two bedrooms

533.03 Separate detached garages and accessory units are not permitted on the same lot. Accessory units may be created as a second story within detached garages if the height of the accessory unit does not exceed the height of the principal structure on the lot.

533.04 The gross floor area of the accessory dwelling unit shall not exceed 50 percent of the principal buildings' s livable floor area. In addition, the accessory dwelling unit shall not exceed 800 square feet.

533.05 To maintain the character of the single-family residence, the accessory dwelling shall:

- 1) Have a pitched roof, siding, and window proportions similar to the that of the principal dwelling unit. The accessory dwelling unit;
- 2) Not exceed two stories or height of the principal dwelling unit, whichever is less;
- 3) Not have exterior stairs to the second floor on the front or side yards.

533.06 Occupancy of the Accessory Dwelling Unit.

- 1) The total number of occupants in the accessory dwelling unit shall comply with the occupancy standards of the building code.
- 2) The property owner must occupy either the principal or accessory dwelling unit as a permanent

residence.

- 3) The property owner shall sign an affidavit before a notary public affirming that the owner occupies the principal or accessory dwelling. The applicant shall provide a covenant suitable for recording with the Otoe County Recorder providing notice to future owners of the subject lot that the existence of the accessory dwelling unit is predicated upon upon the occupancy of either the accessory dwelling or principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section, and to provide for the removal of improvements added to convert the premises to an accessory family dwelling in the event that any condition of the approval is violated.

533.07 The number and design of the off-street parking spaces are established by Section 516 of this ordinance. Parking space shall be located in the rear yard behind the principal building.

533.08 The utilities to the Accessory Dwelling Unit shall be connected to the primary building's utilities.