

**HASTINGS CITY COUNCIL
WORKSESSION AGENDA**

**Hastings Municipal Airport
3300 W. 12th Street
March 17, 2025
6:00 PM**

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MOTION TO ADOPT CURRENT AGENDA for March 17, 2025 Worksession.

PUBLIC NOTICE - Official Notice of the Worksession was published in the Hastings Tribune on Friday, March 14, 2025. Pursuant to Nebraska Revised Statute Section 84-1412, the public is advised that a copy of today's agenda and all reproducible written material which will be discussed at today's meeting is available for public review and a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

CITIZEN COMMUNICATIONS: (Only for agenda items.)

DISCUSSION ITEMS

1. Presentation of Museum Annual Report.
2. Presentation of Library Annual Report.
3. Discussion of Micro TIF (Tax Increment Financing).
4. Discussion of the draft of Zoning Regulation updates including a rewrite of Section 34-309. Signs, Section 34-314. Small Wind Energy Systems, and Article VI - Nonconformities.

ADJOURN:

The Mayor and City Council reserve the right to enter into an executive session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be indicated on the agenda.

It is the intention of the Mayor and City Council to take up the items on the agenda in sequential order. However, the Mayor and City Council reserve the right to take up matters in a different order to accommodate the schedules of the city council members, person having items on the agenda, and the public.

Worksession meetings are intended to allow for communication and discussion amongst the elected officials. At the prerogative of the presiding officer of the worksession, city staff, consultants or citizens may be requested or allowed to address specific items on the worksession agenda.

ANNUAL REPORT

2023-2024

HASTINGS MUSEUM

J.M. MCDONALD PLANETARIUM

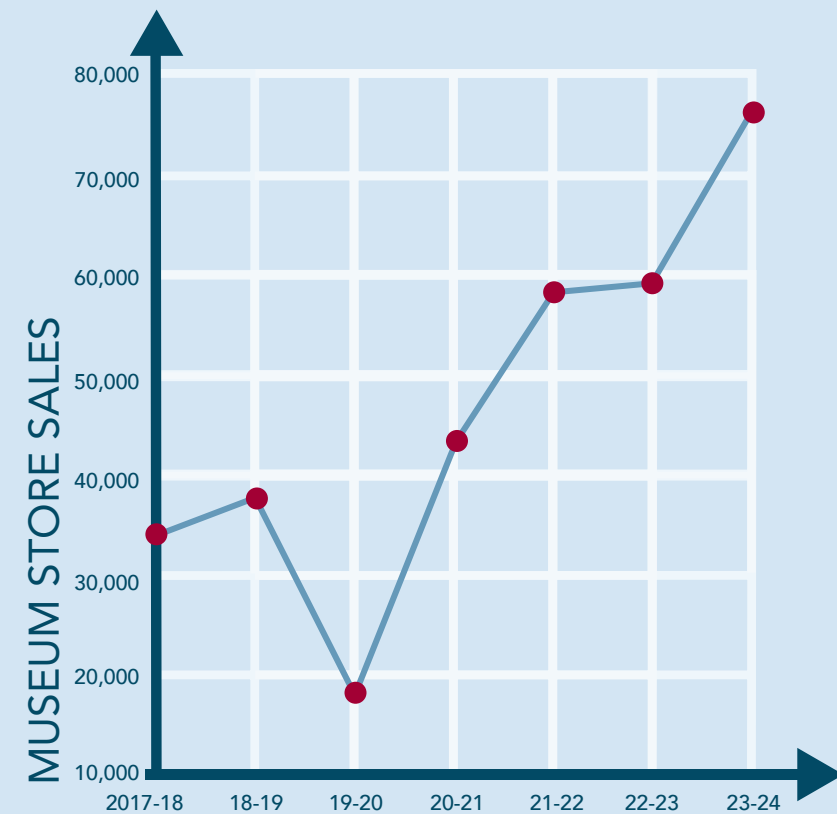
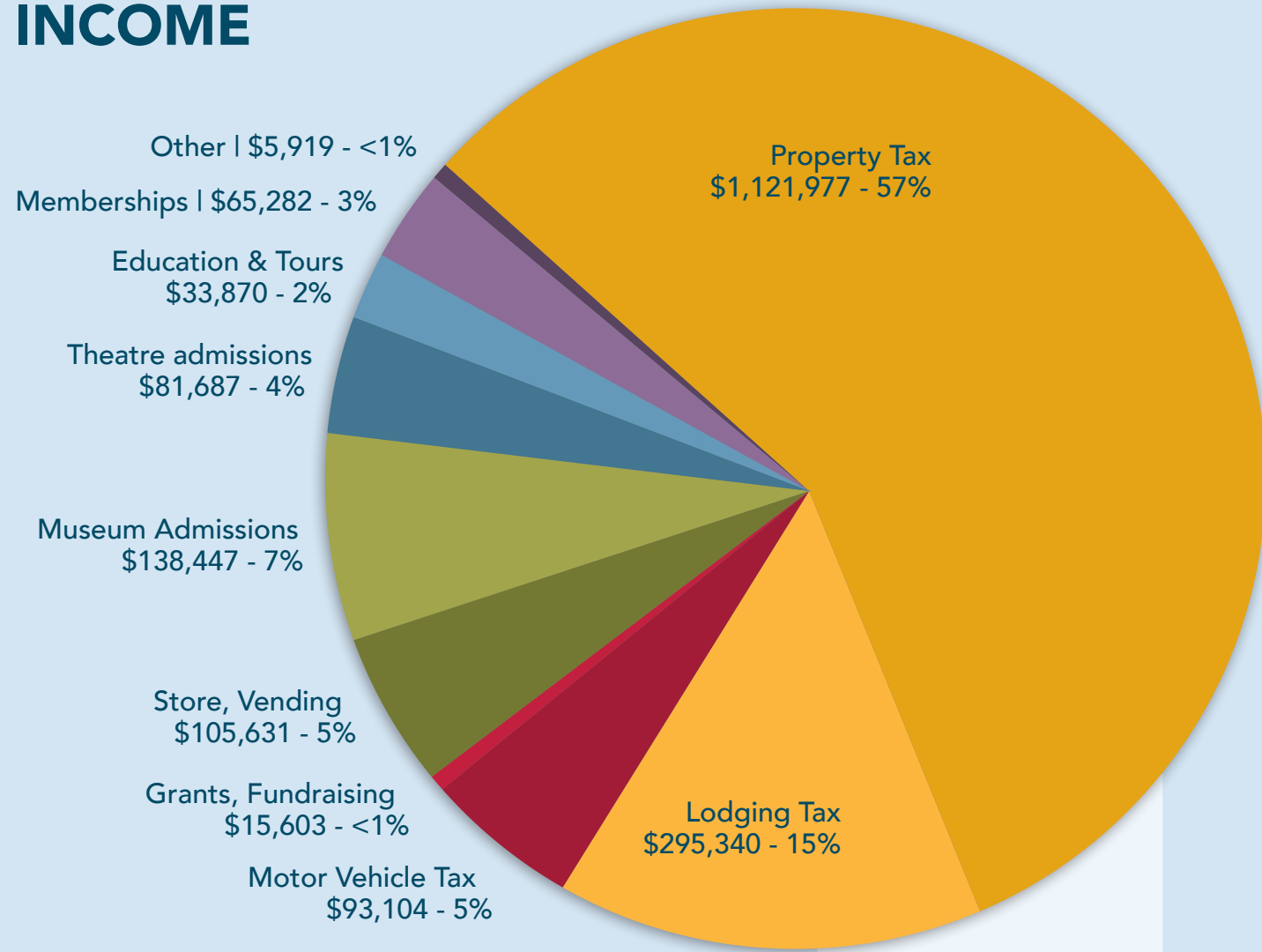


Life up close.

**Hastings
Museum**

Natural & Cultural History
Planetarium • Theatre

INCOME



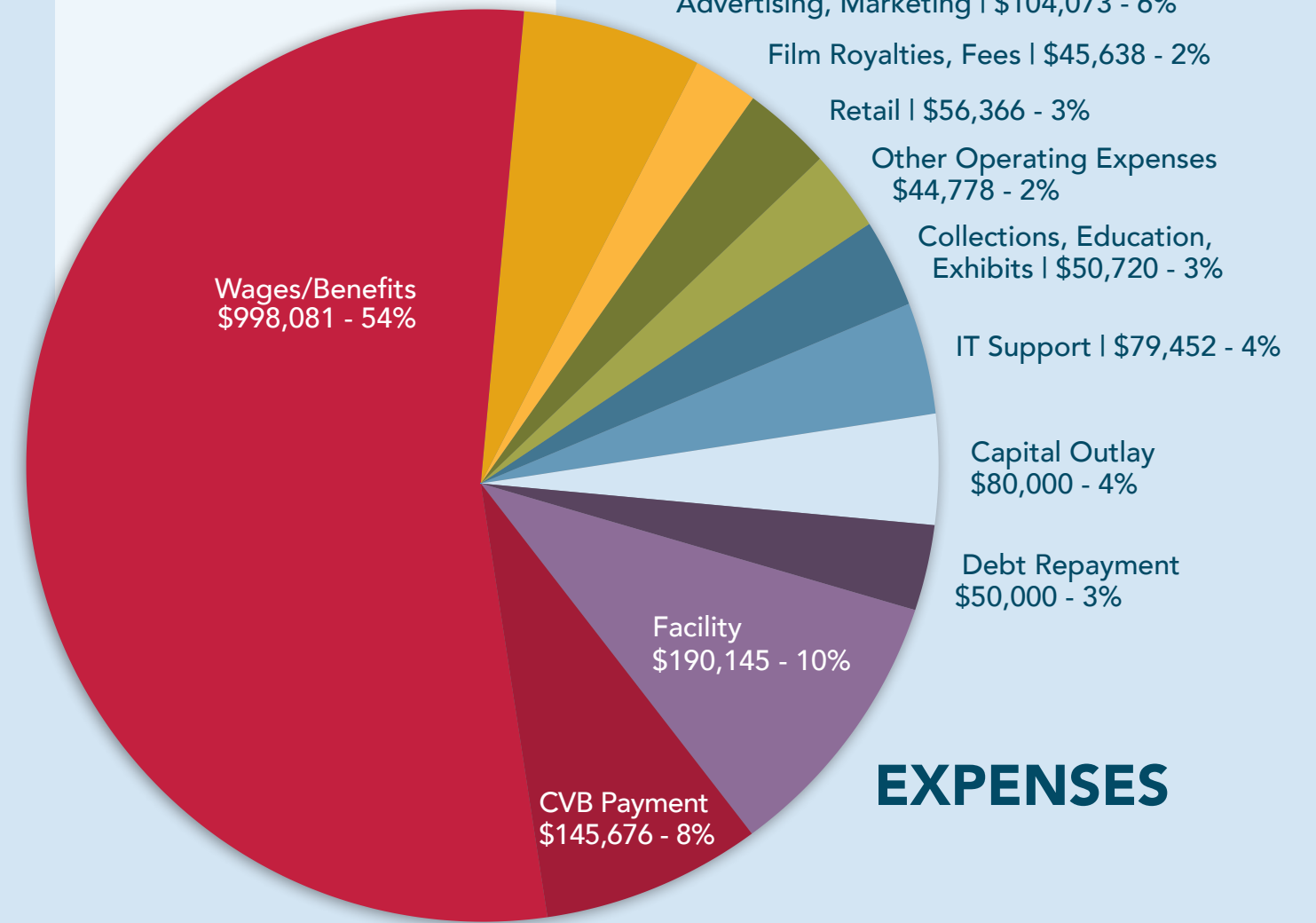
Annual Store sales went from \$58,184 to \$76,096.18. This increase reflects increased sales, increased investment in inventory, and a new relationship with the Kool-Aid Days committee. The Museum now purchases its own Kool-Aid Days merchandise and retains any profit.

\$76,096
Store Sales
NEW RECORD!



TOTAL

INCOME: \$1,956,859
EXPENSES: \$1,844,927



EXPENSES

ATTENDANCE
31,168 Museum patrons
15,053 Theatre patrons

MEMBERSHIPS
891 Memberships
4,377 Members last year

ADDITIONAL FUND 1/2 CENT SALES TAX

	Received	Spent
2023-24	\$323,425	\$1,199
2022-23	\$310,607	\$39,954
2021-22	\$279,223	\$566
2020-21	\$259,215	\$3,234

The 1/2 cent Sales Tax was approved by the voters in 2017. It will be in place for 10 years. A 10% portion of that fund will be used for improving Hastings Museum collections storage, and to create a new Naval Ammunition Depot and 20th Century Local History exhibit.

PROGRAMMING

Records have been tracked with similar programs since 2005.

Kids enrolled in Summer Fun

1	2019	385
2	2022	334
3	2023	323
4	2024	322
5	2018	314

School Program Participants

1	2023-24	5,834
2	2022-23	4,816
3	2012-13	4,779
4	2009-10	4,579
5	2021-22	4,508

KIDS PROGRAMS

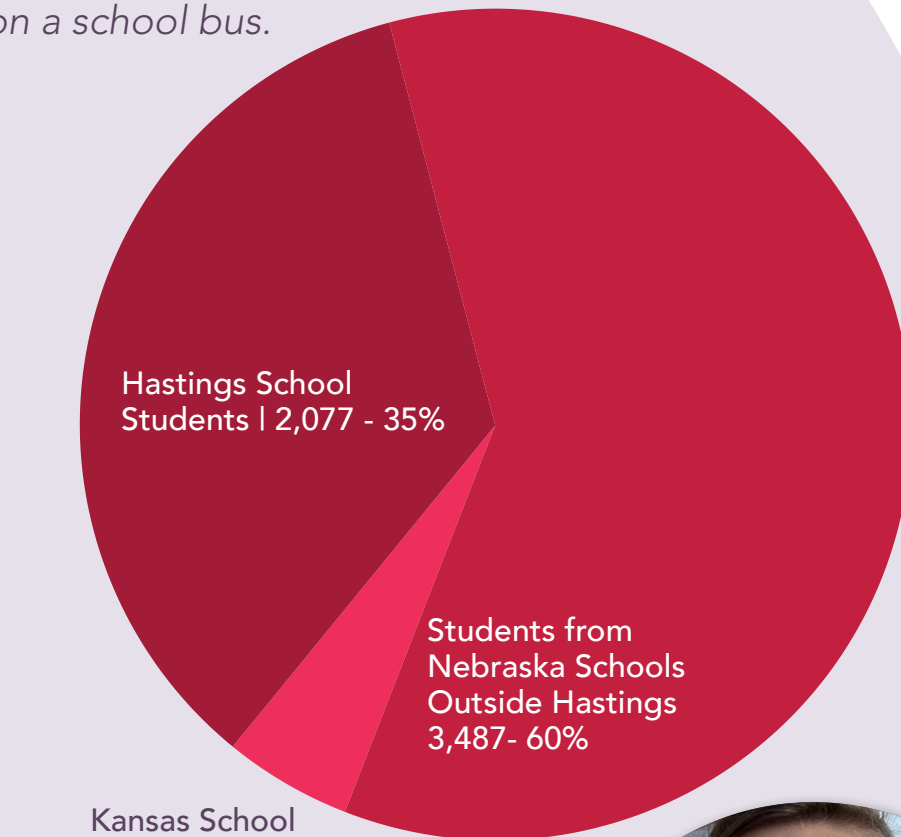
5,834 Participants in School Programs
322 Kids in Summer Fun Classes

PLANETARIUM SHOWS

4,907 People in 180 School Shows
4,629 People in 339 Public Shows
1,094 People in 42 Special Shows

WORTH THE TRIP

Several schools come every year and bring multiple grades on several visits including North Platte; McCook; Logan, Kansas; as well as Stuart and Sutherland—both of which are 148 miles outside of Hastings. That's nearly three hours on a school bus.



Kansas School Students | 270 - 5%

871

Tour Participants

This includes Adams County bus tours, Dirty Things, History on Foot, History on Wheels, Pedal Trolley tours, NAD bus tours, NAD walking tour, and private tours.



VOLUNTEER TREND

1,492
Hours donated by 102 volunteers

Number of volunteers over last fiscal year **↑13%**

Number of volunteer hours over last fiscal year **↑26%**

72 patrons used the Blue Star Museum program to get FREE admission.

158 patrons checked out the FREE Museum Pass from the Hastings Public Library.

259 patrons received FREE admission with Museums for All.

OUR AIM: INCREASED INCLUSIVITY

In January 2023, the Museum officially joined Museums for All. Through this program, people receiving food assistance (SNAP benefits) pay reduced admission to more than 1,300 museums throughout the United States simply by presenting their EBT card and a photo ID.

Families who receive SNAP benefits, now pay just \$1 admission per person when they visit the Hastings Museum (up to a group of 5 people). This offer is available year-round. Teresa Kreutzer-Hodson, Hastings Museum Director, said the Hastings Museum joined the initiative for the same reason so many other top-tier museums do – to provide access to as many people as possible.

“We’re always looking for new ways to serve our community and to provide access to more people,” she said. Museums for All started in 2014 with just 50 participating museums. Today more than 1,300 museums take part nationwide. A full list of museums that participate in this program can be found at Museums4All.org.

This summer the Museum again offered free admission to members of the military through the Blue Star Museums program. This offer extends to the nation’s active-duty military personnel and their families, including National Guard and Reserve, from Armed Forces Day to Labor Day. The National Endowment for the Arts and Blue Star Families collaborate with the Department of Defense and museums across America to give back to our nation’s military.

For local patrons who don’t qualify for either of these newer programs—a free admissions pass can be checked out from the Hastings Public Library. That two-day pass provides free admission for two adults and up to four children. It’s as simple as checking out a library book.



COLLECTIONS

ACCESSION & DEACCESSION:

the processes of accepting items into and removing items from a museum's permanent collection.

A museum holds its objects and artifacts in the public trust for the benefit of all. Both processes are necessary to improve the quality and usefulness of a collection; and both processes require thorough discussion, strict guidelines, and consideration of public reaction.

Questions to Consider when Deaccessioning. Is the object:

- Deteriorating beyond usefulness and repair?
- One of several in the collection?
- Presenting a health hazard to museum staff or patrons?

Questions that can Stop the Deaccessioning Process. Is the object:

- A unique piece of local history and tied directly to the museum's mission?
- Clearly owned by the museum?

If an item is Approved for Deaccessioning, the Museum first looks to:

- Transfer the object to the education collection.
- Exchange the object for an item from another museum.
- Donate the object to another museum.

It is less likely, but if an item is Approved for Deaccessioning, the Museum is also free to:

- Discard the item. This option is only for objects that are completely beyond repair or usefulness.
- Sell the object in a public auction at a auction house with funds directly benefiting the collection.*

*Under no circumstances may a member of the City Administration, City Council, Mayoral Office, Museum Board, Hastings Museum Foundation, staff, volunteers, or immediate family members of persons representing the museum directly or indirectly acquire objects deaccessioned from the collection.

WWII HERITAGE CITY DESIGNATION

Dec. 28, 2023, the National Park Service named Hastings, NE, as a World War II Heritage City. The effort to gain this honor was spearheaded by Museum staff. This designation honors communities

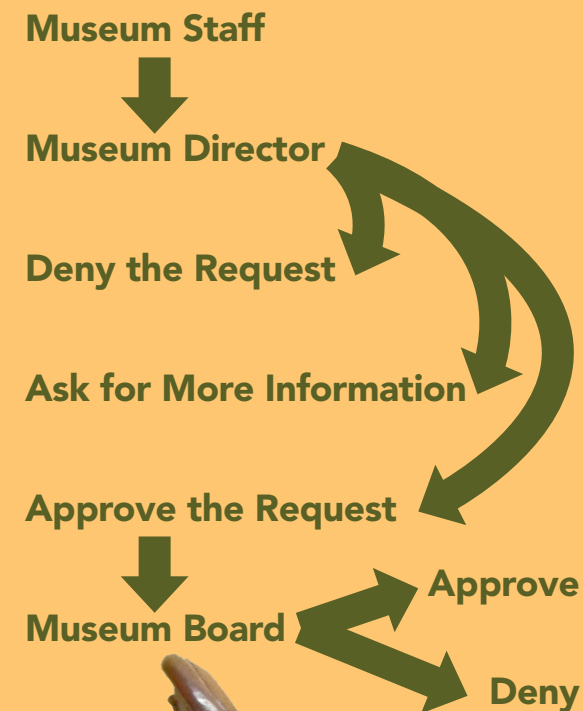
and their citizens who stepped into the workforce to support America's war effort. This recognition draws attention to the ongoing efforts in Hastings to preserve local history including the Museum's WWII in Hastings Bus Tours and its work to capture the history of the Naval Ammunition Depot in an upcoming permanent exhibit. Central Community College's film *Bunker University*—which captured that same history—was also key.

Just one WWII Heritage City is designated in each state. To celebrate this honor, the Museum organized a variety of activities June 6-9 to commemorate the 80th anniversary of D-Day including special film bookings, a presentation on the effects of the war on homefront; and a free walking tour of Central Community College buildings that were once a part of the Naval Ammunition Depot.



In December this saddle transferred into the museum's collection from the Stuhr Museum in Grand Island. It belonged to Idaho Bill who was a rancher, bronco buster, wild animal hunter, and showman. He called Adams County home for most of his life.

WHO DECIDES WHAT GOES?



COLLECTIONS BY THE NUMBERS

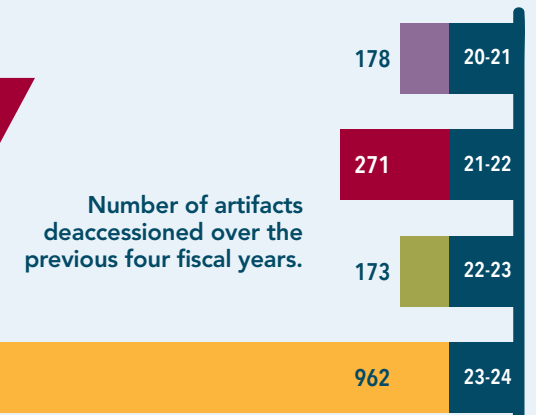
406 Objects accessioned to our permanent collection

5,196 Objects cleaned, photographed, rehousing & catalogued

962 Artifacts deaccessioned

OTHER HIGHLIGHTS

- Key items accessioned: silver serving pieces from the Clarke Hotel, signature quilt from Pauline Methodist Church, WWII era dedication plaques for war housing developments of Spencer Park and Harvard Court, ammunition crates from Naval Ammunition Depot, and dental tools that belonged to Dr. Elmer A. Thomas.
- Staff curated three temporary exhibits **Chew on This**, **Pinned to the Polls**, and **Red**.
- The Museum hosted the exhibit **I Am A Man** to celebrate the 60th anniversary of the Civil Rights Act of 1964 and the 70th anniversary of the Brown v. Board of Education Supreme Court decision.
- Special bookings in the Theatre included **Day by Day The Dynasty**, Huskers football film; **The General** and Harold Lloyd's **Safety Last**, classic silent films; and **Vincent Van Gogh: A New Way of Seeing** from Exhibit on Screen.
- First-ever coverage of the Museum from Telemundo Nebraska and Fiesta 94.5.
- Facebook followers increased 4% to 12,456.





Through the ASTC, Hastings Museum is able to offer its Members free or discounted entry to numerous science centers and museums nationwide.

We are proud to be accredited by the AAM. Less than 4% of museums nationwide meet those professional standards



The Museum is a department of the City of Hastings.

Hastings Public Library

IMPACT REPORT

Oct. 1, 2023 - Sept. 30, 2024

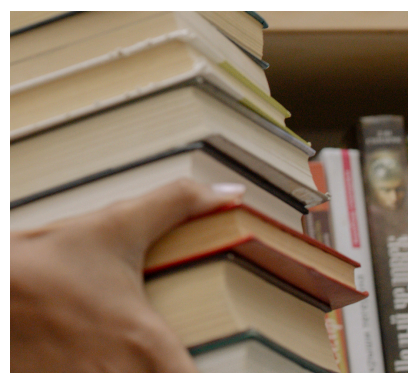
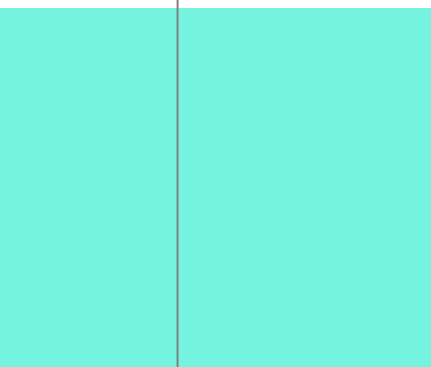


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Message *from the Director*

The goal of the modern public library is to positively impact everyone in our community. That’s why we’ve renamed our annual report the “Impact Report.” In the following pages, you’ll read about how our services are making a difference—from providing technology classes for seniors to offering books for the Adams County Justice Center. We are preserving Nebraska history through our Humanities series and promoting early literacy with programs like 1,000 Books Before Kindergarten and Reading Dragons.

However, what you might not immediately realize is the profound impact we have on individuals and families through these programs and services. Seniors who once relied on others to manage their finances can now handle online banking, thanks to our Senior Planet courses. Families, some traveling from as far as Kearney, came together to complete our geocache hunt, spending quality time exploring our community. Our local Master Gardeners dedicated countless hours to planting and nurturing a special Three Sisters crop on our open space—caring for both the library and the land that belongs to all of us.

I encourage you to read these stories and reflect on what it truly means to have these services in our community—and what the absence of them would mean. How has the library impacted your family or someone you know? The library exists to enhance our quality of life, and I sincerely hope we are making a difference in yours.

Amy Dissmeyer

Director
Hastings Public Library



Guiding *the Library Advisory Board*

As we reflect on the past year at Hastings Public Library, we're thrilled to share some of our most significant accomplishments and initiatives that have enriched our community and enhanced our services.

- **Gold Accreditation Achievement:** We are proud that Hastings Public Library has been awarded the prestigious gold accreditation. This recognition is a testament to our commitment to providing exceptional services and resources to our patrons. It reflects the hard work and dedication of our staff and the unwavering support of our community.
- **Embracing Technology:** This year, we have made significant strides in integrating technology to better serve our patrons. Our new online calendar makes it easier than ever to stay informed about upcoming events and programs. Additionally, we've introduced new printing software to streamline the printing process, and updated 3D printers, further opening up a world of creativity and innovation for our users. A reminder to check out our Makerspace in the lower level the next time you are in - you wouldn't believe what we can help you do!
- **Community Partnerships:** Our library has always been a hub for community collaboration, and this year was no exception. In addition to our outstanding partnerships, this year we have partnered with the Adams County Justice Center to donate and provide weeded paperbacks for their library, ensuring that everyone has access to quality reading materials. Furthermore, our collaboration with the Master Gardeners gave us the honor of being a place to grow sacred Ponca corn in the lot next door. We are excited for the development of the space next door - so keep an eye out for how that continues to progress over this next year.
- **Engaging Programs for All Ages:** We believe in lifelong learning and have expanded our programming to cater to all age groups. Our new Senior Planet program empowers older adults to harness the power of technology, while our weekly S.T.E.A.M. Tweens and Teen Underground programs offer exciting, hands-on learning experiences for younger patrons. These initiatives are designed to inspire curiosity, creativity, and a love for learning.

As we look forward to the coming year, we remain committed to our mission of serving the Hastings community with innovative programs, valuable resources, and a welcoming environment for all. Thank you for your continued support and engagement with Hastings Public Library!

Jessica Brock

President
Library Advisory Board



Board Members

Jessica Brock
President

Ross Struss
Vice President

Nikki Pfeil
Secretary

Matt Fong
City Council Liaison

Tim Reams
County Commissioner Liaison

Phil Boon

Nichole Bryant

Caroline Kemp

Andrew McCarty

Joyce Moore

Supporting

The Hastings Library Foundation

The best libraries don't stop at the front doors. They are anchors to their communities, creating spaces for engagement, learning, and celebration. When the Hastings Library Foundation purchased the 302 N. Denver Ave. property, its goal was to build a place where those who have used the library for decades and those that are visiting for the first time can experience new things and open doors they didn't know existed. A place that allows people of all ages to connect to nature, be messy and noisy, and explore; where local organizations can join programs that are focused on what's important to the community and make long-lasting connections.

Our vision for the property includes natural-looking landscapes that can be used as seating and educational spaces, an unrestrictive, open structure that can provide shade and protection from the elements, and, of course, open green space that can be used for outdoor programs and by library guests.

As we move forward with this exciting venture, we're happy to share that the architect designs are currently being drawn up and will be available by the spring. This marks an important milestone, and we want to extend an open invitation for everyone to take part in upcoming donation opportunities. Together, we can create a vibrant, welcoming space that not only enhances our community but also honors the rich history and future of the library. Thank you for your continued support, and we look forward to the many possibilities that lie ahead.

Shelly Tork

President
Hastings Library Foundation

Board Members

Shelly Tork
President

Jane Bauer
Vice President

Sharon Brooks
Secretary

Lynette Krieger
Treasurer

Jessica Allen-Pickett

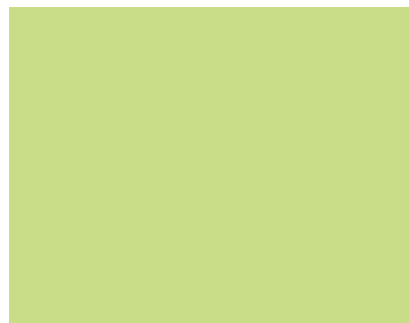
Cindy Glen

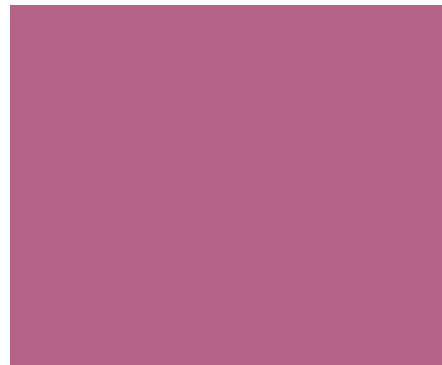
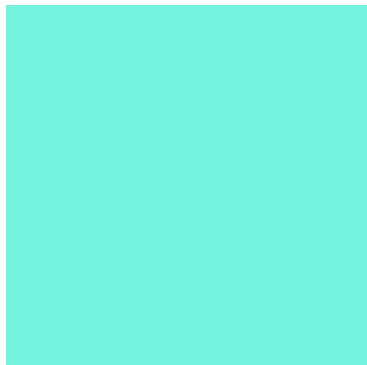
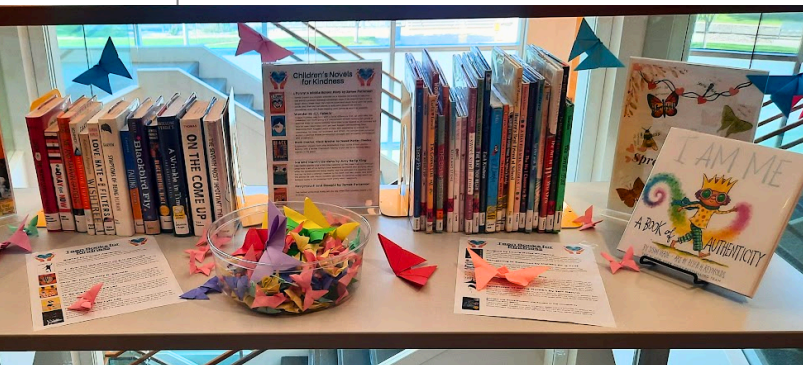
Becky Koopman

Byron Morrow

Phil Nelson

Bruce Rundle





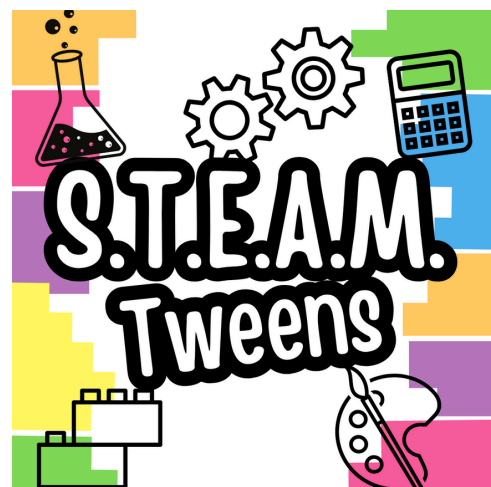
Connecting

All of Our Community

The Hastings Public Library holds three core values: access, equity, and community. We strive to be a welcoming space for learning, connection, and growth for everyone who walks through the doors. By giving equal access to our collection, both physical and digital, and to our creative, educational programs, we cater to the diverse needs and interests of our community. Whether you're browsing the collection, creating in the Makerspace, or using the meeting rooms, our helpful and empathetic staff are always willing and excited to help you find what you need.

S.T.E.A.M. Tweens

Revamped and refreshed from LEGO Club and Mega Brain Kidz Club, S.T.E.A.M. Tweens offers interactive activities, experiments, and creative projects using art, technology, science, and LEGO for kids 8 to 12. While fun and engaging, participants will be able to explore their curiosity, develop problem-solving skills, and ignite a passion for learning. This program provides a supportive environment where kids can think critically, collaborate with peers, and explore the endless possibilities within the world of STEAM.



Teen Underground

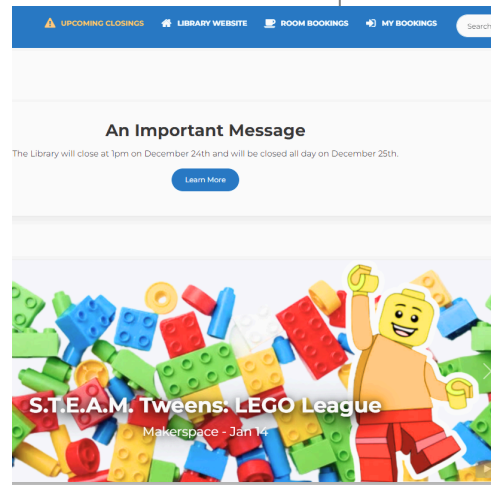
Teen Underground is a dynamic library program designed to provide teens with a safe and welcoming space to be creative, socialize, and express themselves in an unstructured and fun environment. Using games, art, and projects using the Makerspace tools, Teen Underground gives teens the freedom to shape their own experience, offering a refreshing break from the pressures of school and daily life. The program encourages participants to explore their passions, let their creativity flow, and form and grow new friendships.





New Online Calendar

In March, the library implemented a new online calendar that is clean, exciting, and user-friendly. The new calendar allows users to login with their library card and save events they want to attend and reserve rooms or Makerspace tools, keeping all of the bookings under their account in one easy access place. This easy-to-navigate interface makes it simple for all ages and tech levels to access library services, ensuring everyone has the opportunity to engage with everything the library has to offer.



New Printing Software

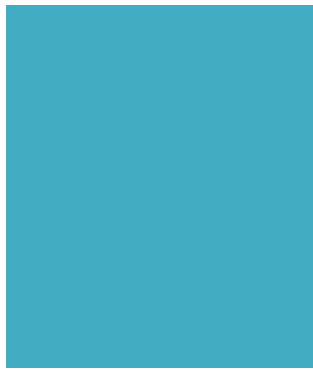
The library integrated a new software for printing. This upgrade allows users to release their own prints at the copier kiosk using their library card or guest pass. It also has wireless printing for users to print from their phones or laptops, as well as being able to send their items to be queued to print from anywhere and can then be printed when they visit the library. All of these options give access to our users that is convenient, quick, and easy to use.



New 3D Printers

Two new 3D printers were added to the Makerspace in January. The Creality K1 printers replaced one 3D printer that had aged out of the space and have worked with little to no issues since they've been installed. Updating these printers allowed users to print their projects and designs with ease and trust that their prints would print quickly and correctly. Their biggest advantage is their closed-frame design, which increases safety by limiting exposure of the heated parts and protecting the print within the chamber.





Partnership with Adams County Justice Center

For a year, the library has partnered with the Adams County Justice Center to provide paperbacks for their library. The books provided had reached the end of the road at the library after being removed to make room for new and relevant titles and were in need of new homes. So far, almost 400 paperbacks have found those homes on the shelves of the Justice Center's library. This partnership has let us continue our mission of giving access to all in the community, whether they can visit the library or not.



Geocache Hunt

During the summer, the library put on an epic adventure with our first-ever geocache hunt. Participants searched for ten 3D printed caches hidden in different locations around Hastings. The interest for this program stretched past the Adams County community, bringing adventurers from Kearney and Grand Island. Over 150 people took part in the hunt, including families, mentoring programs, summer classes, and independent organizations. With so much engagement, the hunt will return in the summer of 2025 with new caches and new adventures.



Senior Planet

After being granted a \$15,800 grant from AARP, the library received 15 iPads and Chromebooks to use in the Senior Planet program that teaches older users how to use digital resources and devices. Library staff took a training course to learn how to empower seniors to connect with the digital world and boost their confidence without feeling like they've been left behind. Two courses have been taught this past year and 18 graduates have completed the program. They were grateful and excited for a program that helps them navigate the digital world safely.





Reading Dragons

In September of 2023, the library started a new reading program for ages 5 to 12 where kids could earn unique dragon cards for hitting reading goals. The program ran through the school year and ended in April of 2024. At the end of the program, over 245,000 minutes had been read by just over 200 readers. We brought it back for the 2024-25 school year because of its popularity and introduced new unicorn cards to the program to be collected. This program is an important step in creating a lifelong love of reading in children.



Winter Reading Program

Every year, we put on a reading challenge over the holiday and winter breaks. The 2023-24 program was 24 days long with the theme Game On! to celebrate the 2024 Summer Olympics. Readers earned badges and chances at grand prize drawings by completing their reading goals based on their age group. With 206 participants reading 63,473 minutes, 40,000 minutes over our 24,000 goal, we are happy the program was so well enjoyed.



Echoes of the Heartland

The much-loved series featuring 12 Humanities Nebraska speakers with presentations about history, culture, music, and more returned for 2024. Some highlighted talks included Mad Queen of the Prairie; Myths of Women’s Madness on the Plains; and Train Songs and Tales. 580 people attended the 2024 series, and the series for 2025 will return in February.



Winning

the Gold



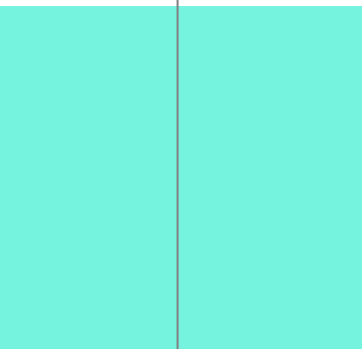
Hastings Public Library was excited to announce that in October of 2024 we earned the Gold rating from the Nebraska Library Commission accreditation process. This process is meant to encourage excellent library service and sets the standards for the offered services. The Gold rating gives HPL the eligibility for State Aid and to apply for various grants and means that HPL meets the highest standard of library service.

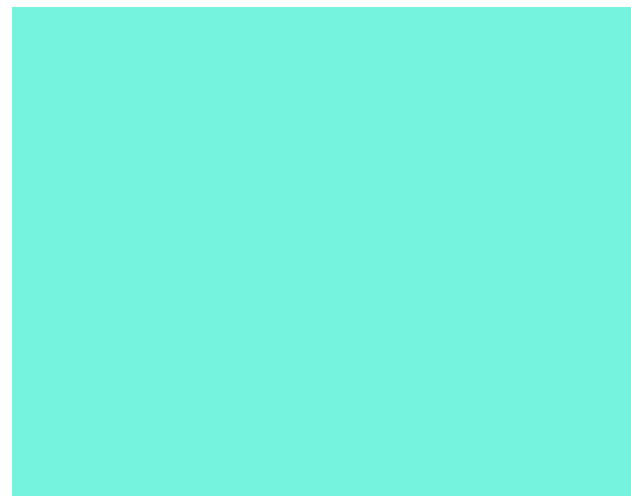
HPL received its first Gold rating in 2014 after NLC revised its accreditation levels from a previous formula. At the time, accreditation was awarded every three years, but HPL was awarded a one-year extension due to its temporary relocation and renovation until 2018 when it was awarded Silver status. Due to COVID in 2020, extra time was granted to all libraries; the accreditation process was reviewed, and it was determined that the application should renew every five years, resulting in 2024 as the renewal year for HPL.

The accreditation application, though due in October, is a long process that involves not only answering application questions but also using community feedback and data to create a community response plan, or strategic plan. This plan will guide the library as it works towards its goals and priorities through the next five years in line with the library's values of access, equity, and community.

"I am very proud of the library staff that have worked hard to achieve this gold rating," said Amy Dissmeyer, library director, "We have an amazing library in central Nebraska with a wide variety of resources. Our staff work very hard to meet the needs of our community, and achieving a gold rating is an acknowledgement that the work they do every day means Hastings has one of the best libraries in the state."

Jessica Brock, president of the Library Advisory Board commented, "We're thrilled and honored with our Gold Status in library accreditation! This rating reflects our Library's dedication to excellence, community enrichment, and exceptional service. The exceptional humans who make up our library commit to its patrons and care deeply about being a community hub for information and learning. Their dedication and hard work made this possible once again. A huge 'THANK YOU' to them all for their continued efforts."





Summer Reading 2024

Adventure Begins at Your Library

To combat the “summer reading slide” where students lose reading skills over summer break, HPL offers an annual Summer Reading Program. Readers of all ages are encouraged to join the program to reach reading goals, earn prizes including a free book, and join in the exciting events held throughout the summer.

The theme of 2024's summer was Adventure Begins at Your Library, focusing on the adventures every story can take you on, whether to real places or fantasy worlds beyond imagination. HPL kicked off the adventure with our annual Community Block Party on June 1st. Community organizations joined us with crafts and activities, including face-painting, pedal rides, a photo booth, and vehicles from the Hastings Fire and Police Departments. Plus, we turned the Bookmobile into an escape room where participants had to solve puzzles and find clues if they wanted to make it out!

Eleven organizations took part and over 500 people attended with 321 registering for the program that day. By the end of one week, readers had already recorded over 34,000 minutes of reading!

HPL also brought adventure to the library with some amazing events. Wildlife Encounters brought six wild animals, including a baby kangaroo and an alligator! Stomp, Chomp, Roar returned to take us on an adventure into the past with fossils, dinosaur models, and a giant volcano experiment. Using an adventure trunk from Nebraska National Parks, kids learned how to 'read the wild' with rubber tracks, molds, and field guides. And to wrap up the summer adventure, The String Beans held a live concert with interactive, silly songs that kept the crowd moving and dancing.

Summer Reading is a popular and favorite program at HPL, and we're excited to announce that the 2025 theme is "Color Our World." We're looking forward to bringing color and excitement to our readers' summer!

The Stats



841
PARTICIPATING
READERS



451,304
MINUTES
READ



455
BOOKS GIVEN
TO READERS



117
PROGRAMS
& EVENTS



2,336
PROGRAM
ATTENDEES



Sponsors

Pediatric Dental Specialists
Mary Lanning Healthcare
Big G Ace Hardware
PTSR of Hastings
Krieger Electric Company
Kiwanis Club of Hastings
Hastings Family Dental
What the Dickens Bakery
Bruce and Jocelyn Rundle
Hastings Federal Credit Union

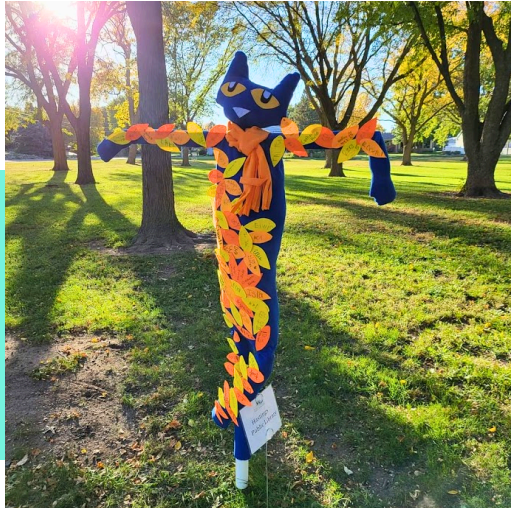


Sponsors

Coach's Corner
Central Dental Group
Dutton Lainson Company
Russ's Market
Core CPAs
Thermo King

Remembering

Moments in 2023 & 2024



Pete the Scarecrow

HPL entered Hastings Park and Recreation's Scarecrow Walk for the third year in October of 2023. We chose Pete the Cat and encouraged kids to sign their names on felt leaves that we plastered all over him. Pete had nearly 100 leaves and was liked on Facebook in the contest 198 times!

1000 BBK Graduation

We hosted two graduation ceremonies for the second and third classes of 1000 Books Before Kindergarten. The graduates took home a completion certificate, recognizing that they had read 1000 books, and had their name-engraved leaf affixed to the 1000 BBK tree. The program continues to grow with 361 readers and nearly 98,000 books read!



Give Hastings Day 2024

The focus of the 2024 Give Hastings Day campaign were four areas of programming: a story stroll exhibit, Makerspace programs, digital literacy programs for seniors, and book clubs and reading challenges. We were able to raise \$12,679 from 98 donors. We are incredibly grateful to everyone who generously gave and continue to support HPL and our programs!



Outdoors Adventure Storytime

Every Friday morning in June and July, the Bookmobile stopped at Lincoln Park for stories and crafts. A total of 112 kids and their families joined in the fun for storytime which included songs and rhymes, and then got creative with a variety of crafts and activities including a nature scavenger hunt.

Master Gardeners

The UN Master Gardeners in Adams County planted winter squash, pole beans, and three kinds of pumpkins along one border of HPL's next door lot, three traditional crops of many indigenous American tribes. Three varieties of sacred Ponca maize were also planted, gifted by a Master Gardener volunteer. We're looking forward to working with the Master Gardeners more with our Seed Library and the coming outdoor space.



National Librarian Day

Our friends from Duet helped us celebrate National Librarian Day in April. They kindly made us baskets filled with candy and handmade flowers. We love to see our Duet friends and are grateful for their visits and their gifts!

Impacting *by the Numbers*



The Stats



253,417

Total items checked out



90,629

Total library visitors



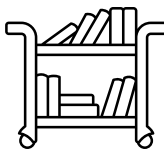
33,000

Total Computer Sessions



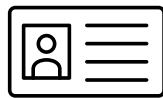
5,994

Social media followers



5,450

New items added



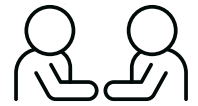
1,306

New card holders



406

Programs & storytimes

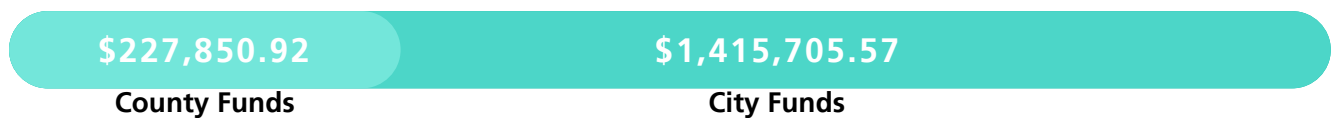


7,940

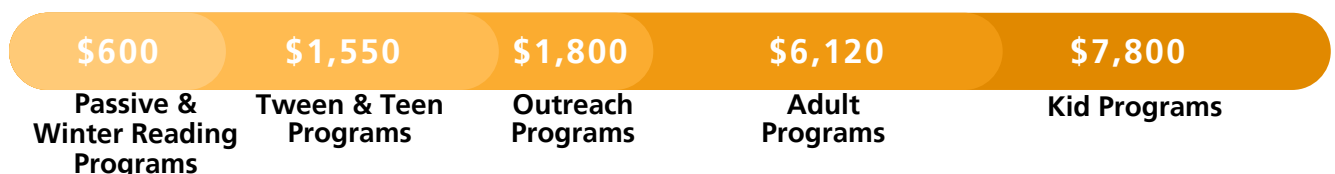
Total program attendance

The Funding

HPL receives funding from the City of Hastings and from Adams County for expenses such as staff wages and benefits, advertising, postage, building maintenance, computer equipment, software, and materials for the collection, including electronic resources and digital library content. In the fiscal year of 2023-2024, HPL had a total budget of \$1,643,556.49.



Additional funding comes from the Hastings Library Foundation and outside grants for programs such as Humanities Nebraska speakers, Summer and Winter Reading Programs, 1000 Books Before Kindergarten, makerspace equipment, and more. The Foundation provided a total of \$17,870 for programming which was divided as:



The Breakdown

What would it cost residents to pay for materials and services if the library wasn't available? The following table shows the breakdown of the cost of digital materials, traditional books, and other materials based on the number of uses, as well as the usage of computers, wifi, and meeting rooms.

Category	Number of Uses	Average Cost	What Residents Would Spend
Books & Other Materials	193,308	\$20	\$3,866,160
Digital Materials	60,109	\$9.99	\$600,488.91
Computer Sessions	11,685	\$27	\$315,495
Wifi Sessions	21,315	\$5	\$106,575
Meeting Room Uses	1,442	\$50	\$72,100
Programs for All Ages	406	\$10	\$4,060
Total Amount Residents Would Spend Without a Library			\$4,964,878.91
Total Library Cost to Taxpayers			\$1,643,556.49
Total Savings			\$3,321,322.42

Explanation of Calculations & Values

Books and Other Materials	\$20: average price of a new purchase
Digital Materials	\$9.99: average price of a typical download from ebook service
Computer Sessions	\$27: cost for computer use at a supply store @\$0.45 per minute
Wifi Sessions	\$5: use of wifi at a restaurant with an average purchase
Meeting Room Uses	\$50: average charge for similar space at other libraries
Programs for All Ages	\$10: average price of a movie ticket



Hastings Public Library



402-461-2346



314 N. Denver Ave., Hastings, NE 68901



www.hastingslibrary.us

DRAFT

Planning Commission Application and Meeting Schedule

Application Deadline	City Council Meeting	Total Days
Monday, June 16, 2025	Monday, July 14, 2025	28
Monday, July 14, 2025	Monday, August 11, 2025	28
Monday, August 11, 2025	Monday, September 8, 2025	28
Monday, September 15, 2025	Monday, October 13, 2025	28
Monday, October 13, 2025	Monday, November 10, 2025	28
Monday, November 10, 2025	Monday, December 8, 2025	28
Monday, December 15, 2025	Monday, January 12, 2026	28
Monday, January 12, 2026	Monday, February 9, 2026	28
Monday, February 9, 2026	Monday, March 9, 2026	28
Monday, March 16, 2026	Monday, April 13, 2026	28
Monday, April 13, 2026	Monday, May 11, 2026	28
Monday, May 11, 2026	Monday, June 8, 2026	28
Monday, June 15, 2026	Monday, July 13, 2026	28
Monday, July 13, 2026	Monday, August 10, 2026	28
Monday, August 17, 2026	Monday, September 14, 2026	28
Monday, September 14, 2026	Monday, October 12, 2026	28
Monday, October 12, 2026	Monday, November 9, 2026	28
Monday, November 16, 2026	Monday, December 14, 2026	28



What is Micro-TIF?

Micro-TIF, or Expedited Review of Redevelopment Plans, allows smaller redevelopment projects on individual properties to use a simplified Tax Increment Financing process to help offset construction costs for a project. A qualifying redevelopment project can use the difference between the property taxes paid before the project and the property taxes anticipated to be owed as a result of the final redevelopment project and the new assessed value for the property. The Micro-TIF program has a shorter time frame and has fewer approval procedures compared to the traditional TIF program. This process was adopted by the Nebraska Legislature in 2020 and can be found at: <https://nebraskalegislature.gov/laws/statutes.php?statute=18-2155>

Eligible Projects

1. The Redevelopment Plan only includes one redevelopment project.
2. Redevelopment project involves:
 - a. Repair, rehabilitation, or replacement of an existing structure located within a substandard and blighted area.
 - b. Redevelopment of a vacant lot located within a substandard and blighted area.
3. The redevelopment project must have been within the city limits for at least 60 years.
 - a. Vacant lot must have been platted for 60 years.
4. Assessed value when the redevelopment project is complete is estimated to be no more than:
 - a. \$350,000 for a single-family residential structure
 - b. \$1,500,000 for a multi-family residential structure or commercial structure
 - c. \$10,000,000 for the revitalization of a structure included in the National Register of Historic Places

Micro-TIF Application Procedure

1. Applicant has a pre-application meeting with City to discuss the Micro-TIF process (Optional).
2. Meet with the County Assessor's Office to discuss the redevelopment project to determine an estimate of the increase in property value and TIF eligibility.
3. Applicant submits Standard Form, Supplemental Form, & Owner Authorization Form by application deadline.
 - a. Standard Form requires an estimated increase in value from the County Assessor.
 - b. Owner Authorization Form is only needed if the Owner and Applicant are different.
4. The City Council approves or denies the redevelopment plan within 30 days of the application deadline.
5. Development Services notifies the applicant, CRA & County Assessor of the City Council decision.
6. CRA submits notice to divide taxes to the County Assessor.
7. Applicant notifies County Assessor of project completion. The project MUST be completed within two years of the redevelopment plan's approval (step 4).
8. County Assessor submits Standard Certification Form to CRA.
9. CRA uses portion of taxes to pay indebtedness.

For Official Use

Date Received _____

Date of Review _____

___Approved ___Denied

Application for Expedited Review of Community Redevelopment Plan Tax Increment Financing (TIF) Project

County Name	City
Redeveloper (Owner)	
Redevelopment Project Name	
Parcel Number	
Application Date of the Expedited Redevelopment	

1. What are the existing uses and condition of the property within the redevelopment project area?
2. What are the proposed uses of the property within the redevelopment project area?
3a. Has the structure been within the corporate limits of the city for at least sixty years? Yes ___ No ___
3b. If the project includes the redevelopment of a vacant lot that is within the corporate limits of the city, has that lot been platted for at least sixty years? Yes ___ No ___
4. What is the current assessed value of the property within the redevelopment project area?
5. What the increase in the assessed value of the property within the redevelopment project area that is estimated to occur as a result of the redevelopment project?
6. Will the redevelopment project be financed in whole or in part through the division of taxes as provided in section 18-2147? Yes ___ No ___
7 What are the agreed-upon costs of the redevelopment project? \$_____

➔ _____
Redeveloper's Signature Date

**Upon completion of this form, the redeveloper must provide the original
to the City or Community Redevelopment Authority.**

(see form instructions on reverse)

Instructions

Who Must File. If a city or the city's community redevelopment authority (CRA) has elected to allow expedited reviews of redevelopment plans that meet the requirements below, this form must be filed with the city or the CRA in order to receive an expedited review. A redevelopment plan is eligible for expedited review if:

1. The redevelopment plan includes only one project;
2. The project is located within a substandard and blighted area that has been within the corporate limits of the city for at least sixty years and:
 - a. Involves the repair, rehabilitation, or replacement of an existing structure; or
 - b. Involves the redevelopment of a vacant lot that has been platted for at least sixty years;
3. The project is located in a county with a population of less than 100,000 inhabitants; and
4. The assessed value of the property within the project area when the project is complete is estimated to be no more than:
 - a. \$350,000 for a project involving a single-family residential structure;
 - b. \$1.5 million for a project involving a multi-family residential or commercial structure;
 - c. \$10 million for a project involving the revitalization of a structure included in the National Register of Historic Places.

The redeveloper shall submit the redevelopment plan directly to the city or CRA, along with an application fee in an amount set by the governing body, not to exceed fifty dollars. The governing body shall determine whether to approve or deny the redevelopment plan within 30 days after submission of the plan. If approved, the authority incurs indebtedness related to the redevelopment project, and the project begins.

The county assessor shall then determine: (1) If the redevelopment project was fully completed within two years after the approval of the development plan and (2) the assessed value of the property within the redevelopment project area. Once completion has been determined, the county assessor shall certify the completion of the expedited redevelopment plan to the city or community redevelopment authority (CRA). Once the county assessor has certified this form as required in Neb. Rev. Stat. § 18-2155, the city or CRA may begin to use the portion of taxes as indicated in Neb. Rev. Stat. § 18-2147 to pay the indebtedness incurred by the city or CRA pursuant to Neb. Rev. Stat. § 18-2155. Payments shall be remitted to the holder of the indebtedness.

City of Hastings Proposed Supplemental Form for Micro-TIF Projects

Please fill out the following information as a supplement to the application for the expedited review of a community redevelopment plan for a tax increment financing (TIF) project. Both applications are required when submitting a Micro-TIF Project application.

1. Please provide your contact information.
 - a. Property Owner Name: _____
 - b. Applicant Name: _____
 - c. Applicant Phone Number: _____
 - d. Applicant Email Address: _____
 - e. Applicant Mailing Address: _____
 - f. Preferred Method of Communication: _____
2. Is the Project located within a designated blight & substandard area?
 - Yes
 - No
3. What is the purpose of this project?
 - House renovation
 - New house
 - Other _____
4. What is the age of the structure? _____

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34-901. Definitions

Abandoned sign: A sign, including sign face and supporting structure, which contains no sign copy on all sign faces or is located on a site where a business, profession, or service is no longer operating.

Art: Any painting, picture, drawing, sculpture, or graphic engraving that is not a commercial sign.

Building Façade: The exterior wall of a building exposed to public view from the building's exterior, facing a street or parking lot, and measuring the entire width of the building and height from grade to parapet.

Clearance: The distance from the bottom of a sign face to the grade below.

Eave: The part of a roof that meets or overhangs the walls of a building.

Footcandle: A unit of measurement for the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. Vertical footcandle is the measurement on a vertical surface. Horizontal footcandle is a measurement on a horizontal surface.

Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

Halo Lit: Lit from behind, which gives the impression of a glowing halo effect.

Illuminance: The amount of luminous flux per unit area in the English system, equal to one lumen per square foot, and measured in foot candles. The metric system uses the lux. One footcandle equals approximately 0.1 (0.093) lux.

Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.

Lumen: A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

Luminance: The intensity of light emitted from a surface per unit area in a given direction.

Maximum permitted sign area: The maximum permitted area of a single sign or sign type allowed on a specific property.

Nits: A measure of luminance, measuring how much light an object emits.

Parapet: A low protective wall along the edge of a roof.

Permanent Signs: A sign that is intended to remain in its location for a permanent or indefinite time period. These signs are typically attached to a building, structure, or the ground not easily

removed or relocated, and are constructed of durable materials to withstand environmental factors, such as wind.

Premises: A tract of one or more lots or sites that are contiguous and under common ownership or control.

Reverse Channel Lit: Illumination from the back face of a sign that projects onto the wall. In other words, backlit.

Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information.

Sign type: A functional description of the use of an individual sign. Specific sign types are described below:

1. Animated signs: Signs that consist of beacons, strobe lights, or searchlights; are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted electronic copy signs.
2. Banner sign: A temporary sign composed of lightweight material; often used in a non-permanent setting such as to announce a grand opening, sale, or special event.
3. Billboard sign: A typical type of off-site advertising sign that is a larger than normal pole sign to direct attention to services, products, or information, whether or not related to a use or occupant on the same property.
4. Blade sign: A temporary sign available in numerous shapes and sizes but typically in the shape of a feather, teardrop, or rectangular flag.
5. Building marker sign: A plaque or signboard attached to, carved into, or painted on a building face identifying the building, commemorating an event, or providing information to pedestrians on the property.
6. Canopy/Awning sign: A sign painted on, woven in, or attached to a canopy or awning. Canopies and awnings are roof-like covers that project from the wall of a building providing cover over a door, window, or patio or, in the case of canopies, are freestanding for the purposes of shielding from the elements, such as over a service station island or sidewalk. Canopies and awnings may be made of fabric, plastic, or metal. The terms "canopy and awning " do not include marquee signs.
7. Double-faced sign: A sign consisting of no more than two parallel or near parallel faces supported by a single structure. Typically, double-faced signs are meant to be viewed from two opposite directions of travel.
8. Drive-thru sign: A permanent sign, whether attached or freestanding, that provides information on products or services or facilitates a business transaction at a drive-through service location.
9. Electronic Copy sign: A sign that uses computer-generated messages or some other means of changing the words or message. These signs also include lamps, LEDs, LCDs, or flipper matrices.
10. Emitting signs: Signs that emit audible sound, odor, or matter, except as specifically approved for Electronic Copy Signs.

11. Flag sign: Signs emblazoned on any type of flag intended to be displayed in a free-flowing manner.
12. Flashing sign: A sign that has a lighting source or lighting element that periodically illuminates or is not maintained stationary or constant in intensity or color at all times when the sign is in use, usually in a manner intended to draw attention to the viewer.
13. Ground sign: A sign created or painted directly on the ground, including rocks, without a man-made support structure.
14. Island Canopy sign: A sign mounted permanently on or under a gasoline island canopy.
 - a. Canopy Fascia sign: A sign mounted flush against the vertical plane of a canopy fascia. In no case may the sign project beyond the perimeter of the fascia to which it is attached.
 - b. Spanner Board sign: Signs mounted flush against the vertical plane of a spanner board and in no case projecting beyond the perimeter of the spanner board. A spanner board is a structural member extending between two vertical support poles of the gasoline island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the gasoline island canopy.
 - c. Sign Board sign: Signage located on sign boards that are permanently mounted on the canopy support poles at a height above the gasoline pumps and below the gasoline island canopy.
15. Manual Changeable Copy sign: A permanent sign, or portion of the sign, that has letters or numbers that are manually changed or rearranged without altering the sign's surface or face. This includes reader boards with letters that can be physically moved.
16. Marquee sign: A permanent canopy or roofed structure attached to and supported by a building that projects over an entrance. The sign type is often illuminated and ornate and incorporates a permanent, large, changeable message center.
17. Monument sign: Any permanent freestanding sign that is detached from a building or structure and sits on the ground on a solid appearing base with no exposed structural supports.
18. Moving sign: A sign that conveys its message through rotating, changing, or animated elements.
19. Nonconforming sign, legal: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
20. Off-Site Advertising sign: A sign directing attention to a specific business, product, service, organization, person, entertainment, event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property where the sign is located. It is also known as a billboard, off-site advertising, or outdoor advertising sign.
21. Pedestrian sign: A pedestrian sign is wholly dependent upon a canopy, awning, or building projection located above a pedestrian walkway to which it is attached.
22. Pole sign: A freestanding sign visibly supported by one or more poles that are placed on or anchored permanently in the ground or other surface independent from any building or other structure.
23. Portable sign: A freestanding and self-supporting moveable sign normally placed near a public street.
24. Poster sign: A type of portable sign mounted on stakes or spikes intended to be stuck into the ground and used as a freestanding temporary sign.

25. Projecting sign: A sign that is wholly or partly dependent upon a building for support and that projects at an angle away from the building so that the leading edge extends more than six inches beyond the building wall.
26. Roof sign: A building-mounted sign erected upon or completely over the roof of a building or extending above a parapet or cornice.
27. Sidewalk sign: A freestanding and self-supporting moveable sign designed to be displayed on a sidewalk or area outside of and adjacent to a place of business and oriented toward pedestrians and slow-moving traffic.
28. Snipe signs: Signs that are attached to a tree or utility pole.
29. Street Banner sign: A temporary banner sign installed by the city over a public street.
30. Vehicular sign: A sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits and the sign is not otherwise incidental to the vehicle's primary purpose.
31. Unipole: An advertising sign (usually a billboard) with a frame structure that is mounted atop a single steel pole or column.
32. Wall sign: A building-mounted sign attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, which does not project more than 16 inches from the wall surface.
33. Wayfinding sign: A type of sign that allows users to find their way, using information provided along the travel path.
34. Window sign: A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Sign Category Definitions:

1. Attached sign: A sign that is physically attached to a building.
2. Freestanding sign: A sign that is detached from a building and that has a support structure made of permanent material.
3. Portable sign: A freestanding and self-supporting moveable sign normally placed near a public street.
4. Temporary sign: Any sign not permanently affixed or attached to a building, structure, or ground that can be moved or removed without special handling. Examples include banner signs, blade signs, and others.

Street façade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, a private street, or a court (excluding alleys).

Window Area: Window panels separated by muntins or mullions shall be considered as one (1) continuous window. Separation of window panels by more than six inches shall be determined to be separate windows.

34-902. Purpose and Applicability

A. **Purpose.** The purpose of this article is to promote the public health, safety, and welfare of the city and its extraterritorial jurisdiction through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements that are narrowly drawn to:

1. Ensure that all signs installed in the city are compatible with the character and visual environment of the community and promote the goals, objectives, and policies of the comprehensive plan;
2. Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
3. Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, unsecured, cluttered, distracting, and/or illegible signage;
4. Protect the aesthetic appearance of the city's natural and built environment for its citizens and visitors;
5. Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;
6. Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape;
7. Provide for the placement of temporary signs in limited circumstances, without regard to the communicative content of the sign;
8. Provide consistent design standards that enable the fair and consistent enforcement of these sign regulations; and
9. Enhance the city's ability to maintain its public rights-of-way.

B. **Applicability.**

1. *Where Allowed.* Signs are allowed in the City and the extraterritorial jurisdiction in accordance with this Section, which applies to all signs that are visible from public property, a public right-of-way, or public travel/access easement. Signs that are not allowed by the Section are prohibited.
2. *Sign Permit Requirement.* No sign, except for normal repair, and signs listed in subsections 34-902(B)(9), Exemptions and 34-902(B)(10), Signs Exempt from Sign Permit Requirements, shall be painted, constructed, installed, expanded, erected, remodeled, or relocated until a sign permit for such sign has been obtained pursuant to the procedures described in this section.
3. *Sign Permit Application and Fee.* Each application for a sign permit shall be on the written or digital form provided by the City and accompanied by the sign permit fee.

4. *Sign Permit Review Standards.* A sign permit shall be issued for a complete application that complies with all applicable provisions of *Sec. 34-902, Purpose and Applicability.*
5. *Denial or Revocation.* The Director of Development Services, or designee, may deny or revoke a sign permit for any of the following reasons.
 - a. Failure to submit a complete application and/or the required application fee.
 - b. Failure of the sign to comply with this code or the terms of the permit.
 - c. Failure to permit the City access to inspect the sign for compliance.
 - d. Fraud, misrepresentation, or a false statement in the sign permit application.
6. *Notice of Denial or Revocation of a Sign Permit.*
 - a. *Notice.* Any notice shall, at a minimum, state the reason(s) for the denial or revocation and notify the addressee of the right to appeal the denial or revocation according to *Article VII. – Administration, Enforcement, and Appeals.*
 - b. *Denial.* The Director of Development Services, or designee, shall send the applicant written notice of denial to the applicant at the address provided on the application form.
 - c. *Revocation.* The Director of Development Services shall send a written notice of the revocation of a sign permit to the sign permit holder at the address provided on the application and to the property owner's address according to the records of the county in which the sign is located.
7. *Expiration.* A sign permit expires under any of the following conditions.
 - a. The sign has not been completely attached, changed, constructed, installed, placed, or relocated within 180 days from the date of the issuance of the sign permit.
 - b. The use associated with the sign is abandoned.
 - c. The sign is removed or abandoned, as described in *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment.*
8. *Sign Permit Fee Refund.* The sign permit application fee will not be refunded if a sign permit expires or is denied or revoked.
9. *Exemptions.* This Section does not apply to the following signs, except for the traffic and maintenance requirements described in *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment,* and *Sec. 34-906, General Provisions.*
 - a. Art, as defined by the City's Code of Ordinance.
 - b. Address numerals and other signs, required to be maintained by law or governmental order, rule, or regulations, provided the size of the sign does not exceed the requirements of such law, order, rule, or regulation.
 - c. Noncommercial flags or emblems displayed on public or private property, as applicable.

- d. Holiday or seasonal decorations.
 - e. Signs placed or authorized by the city, county, state, or federal government for the protection of public health, safety, and general welfare.
 - f. Scoreboards in athletic stadiums.
 - g. Letters, logos, and/or graphics located on the bottom six inches of an awning, provided they are not more than six inches in height and consist of no more than one line.
 - h. Small permanent signs not exceeding five square feet in area that are permanently displayed on private property for the convenience of the public, including signs to identify entrances and exit drives, freight entrances, parking areas, one-way drives, restrooms, and the like.
 - i. Any sign displayed within a building. This includes signs affixed to the interior of a window.
 - j. Temporary seed or crop identification signs.
 - k. Tablet and monument signs.
 - l. Messages displayed on equipment, such as fuel pumps, vending machines, or collection boxes that do not display off-premise commercial messages, are located entirely on the equipment and do not extend from the surface of the equipment.
10. *Signs Exempt from Sign Permit Requirements.* The following signs shall be exempt from the sign permit requirements of *Subsection 34-907, Specific Sign Type Standards* but shall comply with all other requirements of this article and the applicable district regulations.
- a. Temporary Signs.
 - b. Permanent Signs under five square feet.
 - c. Signs located on a property used for agricultural purposes and pertaining to the sale of agricultural products produced on the property.
11. *Substitution of Messages.*
- a. Subject to the consent of the party responsible for the sign, a non-commercial message of any type may be substituted, in whole or in part, in place of any commercial message or non-commercial message, provided that the sign and sign structure otherwise meet the requirements of this Division without consideration of message content. Such a substitution may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Division.
 - b. This provision does not create a right to increase the total amount of signage on a parcel; does not affect the requirement that a sign structure, mounting device, and method or type of display of the message are properly permitted; does not allow a change in the physical structure of a sign, its mounting device, or the method or type of display of the message; and does not allow the substitution of any off-site commercial message in place of an on-site commercial message or a non-commercial message.

12. *Prohibited Signs.*

- a. *Animated Signs*. Signs which consist of beacons, strobe lights, or searchlights; or are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted Electronic Copy signs.
 - b. *Misleading Signs or Signs Impacting Traffic Safety*. Signs, including signs located inside a building, which, because of position, size, shape, illumination, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, or device, or which may interfere with, distract, mislead, or confuse traffic. No sign may be installed in a way that obstructs a clear vision of persons using the streets or may be confused with any authorized traffic sign, signal, or device. No sign, other than a governmental sign, which makes use of the words “Stop”, “Look”, “Danger”, or any other word, phrase, symbol, or character which may interfere with, distract, mislead, or confuse persons, may be visible from a public street, travel easement or private drive.
 - c. *Vehicles and Trailers used as Signs*. Signs that are placed on or painted on a vehicle or trailer whose primary function is to serve as a sign rather than as a vehicle or trailer used in the day-to-day operation of a business. Such vehicles or trailers may not be driven on the city streets and must not be parked to be visible from any public street or private drive in the city.
 - d. *Signs in Rights-of-Way*. Signs in the public rights-of-way and/or public travel easements unless otherwise specifically permitted by this Subsection. No sign exempt from this Division may be permitted within the public rights-of-way and/or public travel easements.
 - 1. Street Banner Signs are prohibited, except when erected by the City or authorized by an agreement entered into between the City and the sign owner.
 - 2. Sidewalk Signs are only allowed upon the public streets and rights-of-way according to and in compliance with the terms and conditions of a currently valid permit for the temporary use of a municipal sidewalk or public plaza issued by the City pursuant to Sec. 34-907(C)(13).
 - e. *Emitting Signs*. Signs that emit audible sound, odor, or matter, except as specifically approved for digital animated signs.
 - f. *Snipe Signs*. Signs that are attached to a tree or utility pole.
 - g. *Prohibited Signs*. Signs that are prohibited or not specifically allowed by or exempted from these regulations.
13. Appeals of Decisions for a Proposed Sign. Any decision made by the Director of Development Services regarding the denial of a sign permit or requirements to address maintenance, repair, or abandonment of a sign can be appealed to the Board of Adjustment following the procedures outlined in *Art. VII – Administration, Enforcement, and Appeals*.

34-903. Enforcement

- A. **Unlawful Signs.** No person may erect, construct, install, place, change, relocate, maintain, or attach, on any premises, any sign in violation of the provisions of this Division, Chapter, or the Code of Ordinances. All signs that do not comply with this Division, and all other codes, ordinances, and regulations of the City, are unlawful and must be immediately removed.
- B. **Inspections.** All signs located within the City are subject to inspection by the City for compliance with this Division and other applicable City codes, ordinances, and regulations.

34-904. Maintenance, Repair, Removal, and Abandonment

- A. **Maintenance and Repair.** All signs shall be maintained in a good state of repair, including, but not limited to, the structural components, the lighting, if any, the portion attaching the sign to the ground or structure, and the surface features.
- B. **Removal for Repair.** Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, re-lettering, or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - 1. There is no alteration or remodeling to the structure or the mounting of the sign itself.
 - 2. There is no increase in any of the dimensions of the sign or its structure.
 - 3. There is no alteration to the type of illumination or operational characteristics of the sign.
 - 4. The sign is an accessory to a legally permitted, conditional, or nonconforming use.
- C. **Removal Due to Damage or Disrepair.** Signs that are deemed unsafe or dangerous as defined in the adopted property maintenance code shall be remedied by the City's procedures.
- D. **Abandoned Signs.** Except as otherwise provided in this Chapter, any sign located on property that becomes vacant and unoccupied for six months or more, or any sign that pertains to a time, event, or purpose that no longer applies, shall be deemed to be abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign must be removed, including its support structure and base.

34-905. Measurements and Calculations

A. Method of Measurement.

1. *Maximum Permitted Sign Area.* The maximum permitted sign area is set forth as a numerical limit on the size of an individual sign face.
2. *Sign Area.* The sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, excluding any structure essential for support or service of the sign and architectural elements of the building.
3. *Height.* The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or structure.
4. *Sign Face.*
 - a. For the purpose of this Section, separate building faces oriented in the same direction or within 45 degrees of one another are considered part of the same street façade.

34-906. General Standards

A. Illumination.

1. *External Illumination.* When installed, the light source must be positioned in such a manner that light does not trespass onto an adjoining property or onto a public street or highway following the lighting provisions of *Section 34-305(5), Lighting.*
2. *Internal Illumination.* The average surface illumination of any sign face from dawn to dusk shall not exceed 3.0-foot candles.
3. *Illumination Curfew.* Illuminated signs shall be equipped with a sensor, timer, or other device to automatically adjust the day/night light intensity levels per these standards. Night time illumination shall not exceed 0.3-foot candles over ambient lighting conditions.

- B. Vision Triangle.** No sign or sign structure shall be built to a height of more than two feet above the established curb grade on the part of the lot within a vision clearance zone. The vision clearance zone shall be defined in Hastings City Code *Section 34-305 (4)(d), Visibility at intersections.*

34-907. Specific Sign Type Standards

A. Temporary Signs.

1. Temporary signs are intended to be removed or replaced within a period of six consecutive months or less.
2. All temporary signs shall be maintained in sound condition. Any sign that exhibits deterioration of structure or materials may be removed subject to the provisions of this section.
3. The Director of Development Services and his/her authorized officers shall order the correction or removal of any sign in violation of the provisions of this section following the notice of violation process established in these regulations.
4. Any sign placed on, in, or over any public property, including public right-of-way and easements, without the written consent of the public authority having jurisdiction over the property, shall be subject to removal and forfeit without notice.

B. Electronic Copy Signs

1. *Location.* Electronic Copy signs are subject to the following location restrictions:
 - a. The sign may be located on a principal building façade.
 - b. The sign may be part of a monument or pole sign for which the electronic copy portion is part of the continuous display of the monument or pole sign.
 - c. The sign cannot be located within 150 linear feet of property in the A, Agriculture District; R-1, Single-Family Residential District, R-1A, Single-Family Large Lot Residential District, or R-1S, Single-Family Suburban Acreage Residential District.
2. *Duration of Message, Transition, and Animation.*
 - a. The electronic copy must be programmed in a way that no sign shall flash or blink. The image, message, or lighting pattern must hold for a minimum of ten seconds between transitions.
 - b. The transition from one image or display to the next must be accomplished in two seconds or less; fading, scrolling, or dissolving effects may be used.
 - c. Animation of the message, like a TV screen, is not permitted with the following exception: with administrative approval, animation of up to five seconds per minute for a maximum of 50 percent of the sign face may be permitted when the primary use on a subject property/parcel is one of the following:
 1. Indoor entertainment or recreation facility;
 2. Performing arts or cultural arts facilities;
 3. Public museums;
 4. Entertainment venues.
3. *Image Characteristics.* The Electronic copy sign may have a pitch of no greater than 20 millimeters between each pixel.
4. *Luminance.* Between sunrise and sunset, the maximum luminance may be 464.5 foot-candles; between sunset and sunrise, the maximum luminance may be 46.45 foot-candles. All signs with a digital display illuminated by sources other than natural light must be equipped with an automatic dimmer control or other mechanisms that automatically control the sign's brightness to comply with this requirement.

C. Sidewalk Signs

1. A Sidewalk Sign is a temporary sign located on a public sidewalk, public plaza, or other pedestrian walkway.
2. A Permit To Occupy Or Use City Street Right-of-Way must be issued before erecting the sign.
3. The sign shall not be more than nine square feet in area.
4. The sign shall be no more than six feet tall, as measured from the sidewalk surface.
5. The sidewalk sign can only be located in front of the adjoining establishment holding the permit, and must not extend into abutting or adjacent properties.
6. The sidewalk sign cannot be placed in or protrude into any street or alley. The sign must be movable, supported by its own frame, and not secured or attached to the ground or the surface upon which it is located. The sign must be designed to prevent being blown over or knocked over.

7. The sidewalk sign must not create a fire hazard or interfere with ingress or egress from any building.
8. The sidewalk sign must not interfere with the area's compliance with the Americans with Disabilities Act, as amended. At a minimum, the sidewalk sign must allow five feet of clear and unobstructed passageway on the sidewalk or public plaza between the outermost edge of the permitted sidewalk signs or other objects and the curb, streetlamps, lamp posts, sign posts, or other fixtures or obstructions. The City's Director of Engineering may impose additional requirements to ensure compliance with the Americans with Disabilities Act or to protect traffic safety, or pedestrian safety or passage.
9. The sidewalk sign must be located a minimum of five feet from driveways and alleys, and 10 feet from intersections of public streets, except the City's Director of Engineering, may modify these requirements where the only public entrance to the establishment is on the corner of the building adjoining such intersections and the modification(s) maintain traffic safety, pedestrian safety and passage. The Director of Engineering may impose additional requirements to protect traffic safety, pedestrian safety, or passage.
10. The sidewalk sign must be limited to referencing or advertising food, beverages, services, or merchandise that is sold, displayed, or provided inside the permit holder's adjoining establishment.
11. The sidewalk sign may only be placed within the permit area during the normal business hours of the permit holder's establishment, but in no case will items be located in the permit area between 11:00 p.m. and 6:00 a.m.
12. Use of the permitted area must conform to applicable laws, city ordinances, and zoning regulations.
13. The city and the permit holder shall execute a temporary use of city property agreement for the use of the sidewalk or public plaza that shall include all conditions of this article and other conditions based upon the particular location and/or use. The agreement shall provide that the temporary use is subordinate to the city's use of the sidewalk or public plaza. The agreement shall provide that the permit holder agrees to at all times save and hold harmless the city from all liability, costs, damages, and expenses of any kind, for the payment of which the city may become liable to any person, firm, or corporation because of any claim, or damages arising from the failure of the permit holder, its employees, agents, servants, invitees, and patrons to exercise due care and diligence in the use of the sidewalk or public plaza.

D. **Portable Signs.** Portable signs are considered temporary signs, but due to their unique physical and aesthetic characteristics, they are subject to the following restrictions:

1. Time limits for the display of portable signs must be specifically stated on the sign permit.
2. Portable signs are permitted in the C-1, C-3, and I-1 Districts.
3. Portable signs may be displayed for a period of up to 30 consecutive days and a total of 60 days per lot in any calendar year.
4. There may be no more than one Portable Sign per lot.

34-908. Signs in the A, Agricultural District

A. **Permitted On-Premises Signs:** Awning, canopy, electronic copy, monument, pole, temporary, wall, and window signs.

B. **Permitted Off-Premises Signs:** See *Sec. 34-919, Off-Premises Advertising Signs*.

C. **Number of Signs Permitted:**

1. *Lots under five acres:* No more than two permanent signs.
2. *Lots of five acres or more:* No more than three permanent signs.
3. *Temporary signs:* Two temporary signs per lot.

D. **Maximum Sign Area:**

1. *Awning, Canopy, and Wall Signs:* The total surface area of all signs of these types may not exceed 20 percent of the total surface area of the building façade the signs are attached to, provided that no sign may exceed 260 square feet in area.
2. *Electronic Sign:* 32 square feet.
3. *Monument Sign:* 96 square feet.
4. *Pole Sign:* 150 square feet.
5. *Temporary Sign:* 32 square feet.
6. *Window Sign:* 30 percent of the window area that the sign is attached to.

E. **Height Standards:**

1. *Awning and canopy signs:* Shall not extend above, below, or beyond the awning or canopy it is attached to.
2. *Electronic copy sign:* Must follow the sign height requirements for the most similar sign type (i.e., wall sign or pole sign).
3. *Monument sign and Temporary sign:* Maximum height of six feet.
4. *Pole sign:* Maximum height of 15 feet.
5. *Wall sign:* Shall not project above the building façade it is attached to.
6. *Window sign:* Window signs may only be displayed on the ground floor of the building.

F. **Required Sign Setback:** Five feet from any property line.

G. **Illumination:** All permanent signs may be internally or externally illuminated. Temporary signs cannot be illuminated.

34-909. Signs for Institutional and Conditional Uses in Residential Districts.

A. **Permitted On-Premises Signs:** Electronic copy, manual changeable copy, monument, pole, temporary, and wall signs.

B. **Number of Signs Permitted:**

1. *Electronic Copy Sign:* One sign per lot.
2. *Monument or Pole Signs:* One sign per street frontage.
3. *Temporary Sign Affixed to a Wall:* One sign per street frontage.
4. *Temporary Sign Affixed to the Ground:* Two signs per street frontage.
5. *Wall Sign:* Two signs per street frontage.

C. **Maximum Sign Area:**

1. *Electronic Copy or Manual Changeable Copy Signs:* 16 square feet, which must be included in the calculations of the total sign area.
2. *Monument or Pole Signs:* 40 square feet, except that a Bed and Breakfast is limited to a maximum of a 12 square foot sign.
3. *Temporary Sign Affixed to a Wall:* 32 square feet.
4. *Temporary Sign Affixed to the Ground:* Two signs per street frontage.
5. *Wall Sign:* 40 square feet, except that a Bed and Breakfast is limited to a maximum of a 12 square foot sign.

D. **Height Standards:**

1. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign height requirements for the most similar sign type (i.e., wall sign or monument sign).
1. *Monument Sign and Temporary Sign Affixed to the Ground:* Maximum height of six feet.
2. *Pole Sign:* Maximum height of 15 feet.
3. *Wall Sign or Temporary Sign Affixed to a Wall:*
 - a. Residential uses: Maximum height of 10 feet.
 - b. All other uses: Below the roof eave overhang.

E. **Required Sign Setback:**

1. *Electronic Copy or Manual Changeable Copy Signs:* 15 feet from any property line.
2. *Monument or Pole Signs:* 15 feet from any property line.
3. *Temporary Sign Affixed to the Ground:*
 - a. Front Yard: Zero feet.
 - b. Side and Rear Yard: 15 feet.
4. *Wall Sign or Temporary Sign Affixed to a Wall:* Shall follow the established setbacks of the principal structure.

F. **Illumination:**

1. All permanent signs associated with residential uses may be externally illuminated.
2. A monument sign associated with all other uses may be internally or externally illuminated.
3. A wall sign associated with all other uses may be externally illuminated, or internally illuminated utilizing halo lit or reverse channel lit signs.
4. A manual changeable copy sign may be internally or externally illuminated.
5. Temporary signs cannot be illuminated.

34-910. Signs in the Residential Districts R-1, R-1A, R-1S, R-2

- A. **Permitted On-Premises Signs:** Monument, wall, and temporary signs.
- B. **Maximum # of Signs:** Four.
- C. **Maximum Sign Area:**
 - 1. *Wall Signs:* Four square feet.
 - 2. *Monument Sign:* 24 square feet.
 - 3. *Temporary Sign:* Six square feet.
- D. **Height Standards**
 - 1. *Monument and Temporary Signs:* Maximum height of six feet.
 - 2. *Wall Signs:* Shall not project above the building façade it is attached to.
- E. **Required Sign Setback:** Five feet from any property line.
- F. **Illumination:** All permanent signs may be externally illuminated. Temporary signs cannot be illuminated.

34-911. Signs in the R-3 Residential District

A. **Permitted On-Premises Signs:** Awning, canopy, monument, temporary, and wall signs.

B. Number of Signs Permitted:

1. *Awning and Canopy Signs*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
- b. *Multiple-family dwellings within one structure:* One sign per street frontage.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* One sign per street frontage.

2. *Monument Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
- b. *Multiple-family dwellings within one structure:* One sign per street frontage.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* One sign per street frontage and one sign per driveway entrance, not to exceed two signs per street frontage.

3. *Temporary Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
- b. *Multiple-family dwellings:* One sign per street frontage.

4. *Wall Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* One sign per dwelling unit.
- b. *Multiple-family dwellings:* One sign per street frontage.

C. Maximum Sign Area:

1. *Awning and Canopy Signs*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
- b. *Multiple-family dwellings:* 10 square feet per building.

2. *Monument Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Six square feet.
- b. *Multiple-family dwellings within one structure:* 20 square feet.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* 40 square feet.

3. *Temporary Sign*

- a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Six square feet.
- b. *Multiple-family dwellings within one structure:* 24 square feet.
- c. *Multiple-family dwellings complex consisting of multiple buildings:* 32 square feet.

4. *Wall Sign*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Two square feet.
 - b. *Multiple-family dwellings:* Six square feet per building.

D. Height Standards:

1. *Awning and Canopy Signs.*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
 - b. *Multiple-family dwellings:* Minimum height of eight feet.
2. *Monument and Temporary Signs:* Maximum height of six feet.
3. *Wall Sign:* Below the roof eave overhang.

E. Required Sign Setback

1. *Awning and Canopy Signs.*
 - a. *Single-family dwellings; detached, semi-attached, attached, and manufactured homes:* Not permitted.
 - b. *Multiple-family dwellings:* Shall follow the established setbacks of the principal structure.
2. *Monument Sign:* Five feet from all property lines.
3. *Temporary Sign:*
 - a. *Front yard:* Zero feet.
 - b. *Side yard:* Zero feet.
 - c. *Rear yard:* 15 feet.
4. *Wall Sign:* Must follow the established setbacks of the principal structure.

- F. Illumination:** Permanent signs may be externally illuminated. Temporary signs cannot be illuminated.

34-912. Signs in the CO, Commercial Office Non-Retail District

A. **Permitted On-Premises Signs:** Awning, canopy, manual changeable copy, monument, pedestrian, pole, projecting, sidewalk, temporary, wall, and window signs.

B. **Number of Signs Permitted**

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Temporary, Wall, and Window Signs:* One sign per business per street frontage.
2. *Manual Changeable Copy Sign:* One per lot or parcel, which shall be included in the total number of signs permitted.
3. *Monument or Pole Signs:* One per lot and per street frontage.
4. *Temporary Sign:* Two per lot.

C. **Maximum Sign Area:**

1. The total area of all permanent signs on a lot may not exceed one square foot for each one foot of frontage for each separate street frontage. Total allowed sign areas may not be combined and applied in whole or in part to one street frontage on lots or parcels with more than one street frontage. No sign may exceed 200 square feet in area.
2. *Manual Changeable Copy Sign:* No more than 16 square feet.
3. *Temporary Sign:* 32 square feet.
4. *Window Sign:* 25 percent of the window area the sign is attached to.

D. **Height Standards:**

1. *Manual Changeable Copy Sign:* Must follow sign height requirements for the most similar sign type (i.e., wall sign or monument sign).
Monument and Temporary Signs: Maximum height of six feet.
2. *Pole Sign:* Maximum height of 15 feet.
3. *Window Sign:* Window signs may be displayed on the ground floor of the building.
4. *All Other Permitted Signs:* Maximum height of 30 feet, provided no portion of any sign structure may extend above the roof peak or parapet of the principal structure.

E. **Required Sign Setback:** All signs must have a minimum setback of 10 feet from any property line.

F. **Illumination:**

1. A permanent sign may be internally or externally illuminated.
2. A temporary sign may be externally illuminated.

34-913. Signs in the C-1, Local Business District

A. **Permitted On-Premises Signs:** Awning, canopy, monument, pedestrian, projecting, sidewalk, wall, window, and temporary signs.

B. **Number of Signs Permitted:**

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Wall, and Window Signs:* One sign per business per street frontage.
2. *Monument Sign:* One per lot per street frontage.
3. *Temporary Sign:* Two per lot.

C. **Maximum Sign Area:**

- a. *Awning and Canopy Signs:* The total surface area of a sign on an awning or canopy may not exceed 20 percent of the face of the awning or canopy that the sign is attached to.
- b. *Monument Sign:* 48 square feet.
- c. *Pedestrian Sign:* 10 square feet.
- d. *Projecting Sign:* 50 square feet .
- e. *Sidewalk Sign:* Nine square feet.
- f. *Wall Sign:* The total surface area of a sign may not exceed 10 percent of the total surface area of the building façade the signs are attached to, provided no sign may be larger than 100 square feet in area.
- g. *Window Sign:* 30 percent of window area.
- h. *Temporary Sign:* 32 square feet.

D. **Height Standards:**

- a. *Awning and Canopy Signs:* Minimum height of eight feet.
- b. *Monument Sign and Temporary Sign:* Maximum height of six feet.
- c. *Pedestrian Sign:* Minimum height of eight feet.
- d. *Projecting Sign:* Minimum height of eight feet.
- e. *Sidewalk Sign:* Maximum height of five feet.
- f. *Wall Sign:* Shall not extend above the eave or parapet of the building.
- g. *Window Sign:* N/A

E. **Required Sign Setback:** Five feet from any property line.

F. **Illumination:** May be externally or internally illuminated.

34-914. Signs in the C-2, Central Business District

A. **Permitted On-Premises Signs:** Awning, canopy, monument, pedestrian, projecting, sidewalk, wall, window, and temporary signs.

B. **Number of Signs Permitted:**

1. *Awning, Canopy, Pedestrian, Sidewalk, Wall, and Window Signs:* One sign per business per street frontage.
2. *Projecting Sign:* Corner lots may have one projecting sign. Mid-block businesses must have a minimum street frontage of 60 feet to have one projecting sign.
3. *Monument Sign:* One per lot and per street frontage.
4. *Temporary Sign:* Two per lot.

C. **Maximum Sign Area:**

1. *Awning and Canopy Signs:* The total surface area of a sign on an awning or canopy may not exceed 20 percent of the face of the awning or canopy that the sign is attached to.
2. *Monument Sign:* 48 square feet.
3. *Pedestrian Sign:* 10 square feet.
4. *Projecting Sign:* 50 square feet.
5. *Sidewalk Sign:* Nine square feet.
6. *Wall Sign:* The total surface area of a sign may not exceed 10 percent of the total surface area of the building façade the signs are attached to, provided no sign may be larger than 120 square feet in area.
7. *Window Sign:* 30 percent of the total window area.
8. *Temporary Sign:* 32 square feet.

D. **Height Standards:**

1. *Awning and Canopy Signs:* Minimum height of eight feet.
2. *Monument and Temporary Signs:* Maximum height of six feet.
3. *Pedestrian Sign:* Minimum height of eight feet.
4. *Projecting Sign:* Minimum height of eight feet.
5. *Sidewalk Sign:* Maximum height of five feet.
6. *Wall Sign:* Shall not extend above the eave or parapet of the building.
7. *Window Sign:* N/A

E. **Required Sign Setback:**

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Wall, and Window Signs:* Zero setbacks, and may extend four feet into the public right-of-way.
2. *Monument Sign:* Five feet from any property line.

F. **Illumination:** May be externally or internally illuminated.

G. **Misc. Use Limitation:**

1. **Historic marquee:** Existing marquee signs refer to *Section 34-920(E), Standards for Historic Signs.*

34-915. Signs in the C-3, Commercial Business District

A. Permitted On-Premise Signs: Awning, canopy, electronic copy, island canopy, manual changeable copy, monument, pole, sidewalk, temporary, wall, and window signs.

B. Permitted Off-Premise Signs: See *Sec. 34-919*, Off-Premise Advertising Signs.

C. Number of Signs Permitted: No limitation, except:

1. *Awning, Canopy, and Marquee Signs:* No more than three per building façade.
2. *Electronic Copy or Manual Changeable Copy Signs:* One per lot.
3. *Island Canopy Sign:*
 - i. *Canopy Fascia:* No more than two signs per canopy fascia.
 - ii. *Spanner Board Signs:* No limit. Must be permanently mounted on or between the canopy support poles and in all cases below the canopy.
4. *Monument or Pole Sign:* One per lot or parcel per street frontage.
5. *Sidewalk Sign:* One per business.
6. *Temporary Sign:* Three per lot.

D. Maximum Sign Area: The total surface area of all signs on street frontage may not exceed four square feet for each linear foot of street frontage, provided no single sign may be greater than 260 square feet in surface area. The total allowed sign areas may not be combined and applied, in whole or in part, to one street frontage on lots or parcels with more than one street frontage. The following individual sign standards are included in the calculation of the total surface area of all signs:

1. *Awning, Canopy, and Wall Signs:* The total surface area of all signs on a building façade may not exceed 20 percent of the building façade the signs are attached to.
2. *Electronic Copy and Manual Changeable Copy Signs:* 32 square feet.
3. *Island Canopy Sign:*
 - i. *Canopy Fascia Sign:* The total surface area of all signs on a single common canopy fascia may not exceed 30 percent of the area the canopy fascia signs are attached to.
 - ii. *Spanner Board Sign:* The total surface area may not exceed a total of 50 square feet of signage per island canopy.
4. *Monument Sign:* 96 square feet.
5. *Pole Sign:* 150 square feet.
6. *Window Sign:* 30 percent of the window area the sign is attached to.

E. Height Standards:

1. *Awning and Canopy Signs:* May not extend above, below, or beyond the awning, canopy, or marquee structure, or above the highest point of the wall the sign is attached to.
2. *Electronic Copy and Manual Changeable Copy Signs:*
 - a. Attached to a building façade: Maximum height of 14 feet, or the top of the façade, whichever is less.
 - b. Attached to a pole sign: Maximum height of 35 feet.
 - c. Attached to an island canopy: May not project above, below, or beyond the canopy fascia.

3. *Island Canopy Sign*: May not extend above, below, or beyond the perimeter of the island canopy.
4. *Spanner Board Sign*: Permanently mounted on or between the canopy support poles and in all cases below the canopy.
5. *Monument and Temporary Signs*: Maximum height of six feet.
6. *Pole Sign*: Maximum height of 35 feet.
7. *Wall Sign*: May not project above the building façade to which the sign is attached to.
8. *Window Sign*: Window signs may only be displayed on the ground floor of the building.

F. Required Sign Setback:

1. No sign may project over the public right-of-way.
2. Signs greater than 200 square feet in area must be set back the required distance for the principal structure.
3. Island canopy sign: At least six feet from the front property line.
4. Temporary sign: Zero feet from all property lines.
5. Wall signs must follow the minimum setback of the principal structure.
6. All other permanent signs must be set back a minimum of 10 feet from any property line.

G. Illumination:

1. All permanent signs may be externally or internally illuminated.
2. *Temporary Signs*: May be externally illuminated.

34-916. Signs in the I-1, Light Industrial District, and I-2, Heavy Industrial District

A. Permitted On-Premises Signs: Awning, canopy, electronic copy, manual changeable copy, monument, off-site advertising, pole, temporary, and wall signs.

B. Permitted Off-Premises Signs: See *Sec. 919, Off-Premises Advertising Signs*.

C. Number of Signs Permitted:

1. *Awning, Canopy, and Wall Sign:* No more than three per building façade.
2. *Electronic Copy or Manual Changeable Copy Signs:* One per lot.
3. *Monument or Pole Signs:* One per lot or parcel per street frontage.
4. *Temporary Sign:* Two per lot.

D. Maximum Sign Area:

1. *Awning Canopy, Electronic Copy, Manual Changeable Copy, and Wall Signs:* The total surface area of all signs of these types may not exceed 20 percent of the total surface area of the building façade the signs are attached to, provided no sign may be larger than 200 square feet in area.
2. *Monument or Pole Signs:* 200 square feet.
3. *Temporary Sign:* 32 square feet.

E. Height Standards:

1. *Awning, Canopy, and Wall Sign:* May not project above the highest point of the wall they are attached to.
2. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign height requirements for the most similar sign type (i.e. wall sign or monument sign).
3. *Monument and Temporary Signs:* Maximum height of six feet.
4. *Pole Sign:* Maximum height of 12 feet.

F. Required Sign Setback:

1. *Awning or Canopy Signs:* Maximum four feet from the building façade.
2. *Electronic Copy or Manual Changeable Copy Signs:* Must follow sign setback requirements for the most similar sign type (i.e., wall sign or monument sign).
3. *Monument or Pole Signs:* Five feet.
4. *Temporary Sign:* Zero feet.
5. *Wall Sign:* Must follow the established setback of the principal structure.

G. Illumination: All permanent signs may be internally or externally illuminated. Temporary signs may only be externally illuminated.

34-917. Signs in the CMP, Campus Institutional District

This Section intends to regulate signs on educational and research campuses associated with institutions when such signs are located along, and are intended to be visible and read from, abutting or nearby public street rights-of-way or travel easements that generally form the perimeter or boundary of such campus, or are along an arterial or collector street corridor passing through such campus. All other signs located in the interior of a campus setting are exempt from this Division.

A. Permitted On-Premises Signs: Awning, canopy, manual changeable copy, electronic copy, monument, pedestrian, pole, projecting, sidewalk, temporary, wall, and window signs.

B. Number of Signs Permitted:

1. *Awning, Canopy, Pedestrian, Projecting, Sidewalk, Temporary, Wall, and Window Signs:* No limit.
2. *Electronic Copy or Manual Changeable Copy Signs:* One per campus building.
3. *Monument Sign:* One sign per entrance onto a public street.
4. *Pole Sign:* One per 600 feet of frontage along a single street.
5. *Temporary Sign:* One per lot street frontage.

C. Maximum Sign Area:

1. *Temporary Sign:* 32 square feet.
2. *Monument and Pole Signs:* The total surface area may not exceed one square foot for each linear foot of frontage that the sign abuts. Such signs may not exceed 260 square feet.
3. *All Other Permitted Signs:* The total surface area of signs located on a street-facing building façade may not exceed 20 percent of the building façade's surface area.

D. Height Standards:

1. *Electronic Copy or Manual Changeable Copy Sign:* Must follow sign height requirements for the most similar sign type (i.e., wall sign or monument sign).
2. *Monument and Temporary Signs:* Maximum height of six feet.
3. *Pole Sign:* Maximum height of 20 feet
4. *Window Sign:* Window signs may be displayed on the ground floor of the building.
5. *All Other Permitted Signs:* May extend above the roof peak or parapet of the principal structure.

E. Required Sign Setback:

1. *Permanent Sign:* 15 feet from any public right-of-way.
2. *Temporary Sign:*
 - a. Front yard: Zero feet.
 - b. Side Yard and Rear Yard: 15 feet.

F. Illumination:

1. A permanent sign may be internally or externally illuminated.
2. A temporary sign may be externally illuminated.

34-918. Signs in the PD, Planned District

- A. **Established by Ordinance:** The regulations pertaining to signage located in a planned development district shall be set forth in the ordinance establishing the PD.
- B. **Sign Types:** The applicant shall identify permitted, temporary, and prohibited signs as a part of the detailed development plan application documents. In establishing such regulations, the Planning Board shall, as a general rule, consider:
1. *Residential PDs:* The restrictions apply as set out in the most applicable of:
 - a. *Sec. 34-910, Signs in the Residential Districts R-1, R-1A, R-1S, R-2, or*
 - b. *Sec. 34-911, Signs in the R-3 District.*
 2. *Commercial PDs:* The restrictions apply as set out in the sign provisions of the C-O, C-1, C-2, or C-3 districts that are most similar in nature and character to the proposed PD; or
 3. *Industrial PDs:* The restrictions apply as set out in *Sec. 34-916. Signs in the I-1, Light Industrial District, and I-2, Heavy Industrial District.*
- C. **Amendments:** Signs in a PD may be amended by the City Council, as recommended by the Planning Commission, through the processes set out in *Sec. 34-215, P.D. Planned District.*

34-919. Off-Site Advertising

- A. **Permitted Districts:** A, C-3, I-1, I-2, PD.
- B. **Permitted Off-Premises Advertising Signs:** Electronic copy, monument, pole, and wall signs.
- C. **Sign Separation Distances:** The following distances are measured from one sign's extremity to another:
 - 1. The minimum separation distance between two electronic copies of off-site advertising signs is 5,000 feet.
 - 2. The minimum separation distance between an electronic copy, off-site advertising sign, and all other off-site advertising signs is 800 feet.
 - 3. The minimum separation distance between all off-site advertising signs that are not electronic copy signs is 800 feet.
- D. **Separation from Residential Districts:** Off-site advertising signs may be no closer than 200 feet to a residential district.
- E. **Required Sign Setback:**
 - 1. *Front Yard and Rear Yard:* 25 feet
 - 2. *Side Yard:* Must follow the applicable minimum side yard setback requirements, as cited in Article II. – *District Regulations.*
- F. **Maximum Surface Area:** 378 square feet.
- G. **Height Standards for All Off-Premises Advertising Signs:**
 - 1. *Wall sign:* Must not project above the building façade it is attached to.
 - 2. *Monument sign:* Maximum height of six feet.
 - 3. *Pole sign:* Maximum height of 30 feet.
- H. **Illumination:** Except for electronic copy of the off-premises advertising signs, the off-premises advertising signs must be externally illuminated.
 - 1. The external illumination must be directed upward.
- I. **Use Limitations:**
 - 1. Off-premises advertising signs must be:
 - a. Located on a parcel, tract, or lot that conforms to the minimum lot size requirements of the zoning district in which the sign is located.
 - b. Oriented towards the abutting street.
 - c. Constructed using an unipole design, except for wall signs.
 - 2. The surface area of the off-premises advertising pole sign does not count toward the permitted maximum surface area for all signs associated with a separate principal use located on the same property.
 - 3. The surface area of off-premises advertising monument signs and wall signs shall count toward the total permitted surface area for all signs associated with a separate principal use located on the same property.

4. Off-premises advertising sign faces must not be placed side by side or stacked vertically.
5. Double-faced off-premises advertising signs having nonparallel faces must be constructed so that the angle between the sign faces does not exceed 24 degrees and the total distance between the open ends of the faces does not exceed 10 feet.
6. Off-premises advertising signs must not incorporate digital animated signs.
7. Any trim surrounding an off-premises advertising sign face and any extension(s) of the display surface must be included in the maximum allowed surface area. The sign base, structural members, and supports shall be excluded from the maximum surface area, provided they are not part of the display message.
8. *Digital Graphic Off-Premises Advertising Sign:*
 - a. *Duration of Message and Transition.* The sign message must remain static for at least 20 seconds. The transition from one message to the next must be direct and immediate, without special effects, including dissolving, fading, scrolling, starbursts, and wiping.
 - b. *Image Characteristics.* Signs must have a pitch no greater than 20 millimeters between each pixel.
 - c. *Luminance.* During daylight hours (i.e., between sunrise and sunset), luminance cannot exceed 5,000 nits. During nighttime hours (i.e., between sunset and sunrise) luminance cannot exceed 500 nits. All signs with a digital display having illumination by means other than natural light must have an automatic dimmer or other mechanism that automatically controls the sign's brightness to comply with these requirements.
 - d. *Conversion of Billboards.* The conversion of an existing off-premises advertising sign to a digital graphic off-premises advertising sign is not considered "maintenance" for purposes of *Sec. 904 Maintenance, Repair, Removal, and Abandonment*. Such conversions are subject to the permitting and requirements of this Section.
 - e. *Permitting.* A sign permit is required to install a new digital graphic off-premises advertising sign or convert an existing static off-premises advertising sign to a digital graphic off-premises advertising sign. The sign permit applicant must provide the following information in writing or through site or elevation drawings, as applicable:
 1. The location and size in square feet of the sign to be installed or converted.
 2. The location and size, in square feet, of the existing off-premises advertising sign to be removed.
 3. Stamped drawings from a professional engineer licensed in the State of Nebraska showing required structural improvements, upgrades, or alterations to support the weight of the added digital technology necessary for a new or converted digital graphic off-premises advertising sign.
 4. A statement that the sign(s) being removed meet the removal criteria of *subparagraph 34-919-I-8f*, below.
 - f. *Removal Criteria for Digital Graphic Off-Premises Advertising Sign:* The permit applicant must, at their sole expense, conform to the following:

1. Remove at least three off-premises advertising signs, either conforming or nonconforming, in the city limits of Hastings, Nebraska, at the same time as the digital graphic off-premises advertising sign is installed or erected. The conversion of an existing off-premises advertising sign to a digital graphic off-premises advertising sign does not count as removal.
2. Removal of nonconforming off-premises advertising signs in a zoning district where these signs are no longer permitted is preferred.
3. If the owner/applicant fails to remove the required off-premises advertising signs within 30 days of completion of the new or converted digital graphic off-premises advertising sign, such failure shall result in a violation of this section and grounds for revocation of the applicant's sign permit. For this Paragraph, construction or conversion of a digital graphic off-premises advertising sign shall be deemed complete when all supporting structures, cabinets, and electronic fixtures are installed, even if messages have not yet begun displaying on the digital graphic off-premises advertising sign.

34-920. Nonconforming Signs

- A. **Continuation of Nonconforming Signs:** A nonconforming sign may continue to exist as a nonconforming sign, except as provided in this Section. A sign that does not comply with these regulations, and is not a nonconforming sign as defined, shall be considered unlawful.
- B. **Alteration or Repair of Nonconforming Signs:** A nonconforming sign may not be altered or repaired unless the nonconforming sign is brought into compliance with all applicable regulations, except as follows:
1. *Change of copy.* The alteration or change of the copy of a nonconforming sign by replacing sign panels shall be permitted, as long as such alterations or changes do not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
 2. *Repair or replacement.* The repair or replacement of a nonconforming sign, which is necessary due to non-criminal activity or due to actions or inactions that are not attributed to the sign owner or property owner, shall be permitted, as long as the repair or replacement does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area. In the case of replacement, a sign permit shall be required.
 3. The normal maintenance and repair of a nonconforming sign, as required by *Sec. 34-904 Maintenance, Repair, Removal, and Abandonment*, shall be permitted, as long as the normal maintenance and repair do not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
- C. **Loss of Nonconforming Status:** Notwithstanding any other provision of this Section, a nonconforming sign shall lose its nonconforming status and must thereafter comply with all applicable requirements in either of the following circumstances:
1. If the nonconforming sign is removed due to actions or inactions that are attributed to the sign owner or property owner, pursuant to *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment*; or
 2. If the nonconforming sign is abandoned, pursuant to *Sec. 34-904, Maintenance, Repair, Removal, and Abandonment*.
- D. **Signs for Legal Nonconforming Uses:** Any new or additional sign for a nonconforming use must comply with this Section, for the zoning district that the nonconforming use is located within. Provided that any new or additional sign to be installed for a nonconforming use that would not comply with this Division may be approved through a conditional use permit.
- E. **Standards for Historic Signs:** Signs that contribute to the historical significance of a registered historic building or a designated historic district that does not meet the minimum standards of this Chapter shall be treated as nonconforming signs.
1. The nonconforming historic sign is allowed to continue and be in accordance with this section.

2. If the sign is damaged for any reason, the sign may be repaired or replaced, so long as the sign does not change in type, size, illumination, or other characteristics. Essentially, the historic sign must be replaced exactly as it historically appeared.
 - a. The internal workings of the sign, such as electrical systems, may use modern technology. However, the appearance of the sign must be identical to its historical appearance.
3. If verifiable historical evidence can be provided that a sign, which would be considered nonconforming by these regulations, was permitted on a building in the C-2, Central Business District. A replica of that sign, including sign type, size, and other characteristics, shall be permitted, as a historic sign. The Development Services Director may prohibit this type of sign if it is deemed unsafe.

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Sec. 34-314. Small wind energy systems.

Small wind energy systems are allowed as a restricted use in all zoning districts. The following specific conditions shall apply:

1. Minimum setbacks
 - a. The base of the tower shall be setback a minimum of 50 feet from the front property line. The furthest extent of a turbine blade shall not extend across the front property line.
 - b. The furthest extent of the turbine blade shall be set back a minimum of 10 feet from the side and rear property lines.
 - c. Any facility-mounted small wind energy system shall meet the minimum setbacks required for a principal structure in the zoning district.
 - d. The base of the tower shall not encroach into a dedicated public utility easement.
2. Maximum tower height, measured to the highest point of the turbine blades:
 - a. In all Residential districts, C-O, C-1, and C-2 Districts: 60 feet;
 - b. In Agricultural districts: 100 feet;
 - c. In all Industrial districts and the C-3 District: 150 feet.
3. Noise. Small wind energy systems shall not exceed 60 dba measured at the closest neighboring residential structure. The level may be exceeded during short-term events such as utility outages or severe wind events greater than 50 mph.
4. All small wind energy systems shall be designed and approved by a listing agency such as the American Wind Energy Association, UL, Factory Mutual, or other listing agency, or be designed by a licensed engineer.
5. If a tower is designed with a hinge for maintenance or another engineered failure point(s), the installation of the tower shall ensure that the hinge or failure point is not towards adjacent property, utility easements, or right-of-way that is within a distance equal to the height of the support tower.
6. All building permit applications shall be accompanied by engineered drawings and specifications for the tower, base, footings, and other facilities from the manufacturer or designer.
7. All small wind energy systems shall be located, constructed, and operated to comply with any applicable FAA Regulations or Guidelines.
8. All small wind energy systems shall comply with the National Electric Code.
9. Utility notification. No small wind energy system shall be installed without prior notification and approval of the Board of Public Works of the intent to construct, install, and operate an interconnected customer-owned generator and must meet all the requirements of the Board for interconnection. Off-grid systems shall be exempt from this requirement.
10. All small wind energy systems shall have utility company approved metering transfer switches.
11. If a wind generator is inoperable for more than one year, the owner shall be notified that they must, within three months of receiving notice, restore to working order or remove the system.
12. No signs other than manufacturer, safety, and warning labeling shall be placed on the tower of the turbine. For systems that exceed 12 volts, "High Voltage" warning signs shall be posted on or near the system.
13. The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.

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14. Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
 15. The tower shall be freestanding without the aid of guy wiring.
 16. Turbine blades, whether horizontal or vertical shall be a minimum of 12 feet above the adjacent grade.
 17. All communications and connector lines associated with the installation shall be buried. If obstacles prevent an underground installation, the applicant shall receive a waiver from the Board of Public Works.

Art. VI. Nonconformities

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Sec. 34-601, Purpose, Policy, and Applicability

- A. **Purpose.** The purpose of this Article is to enable development that is consistent with the Hastings Comprehensive Plan by regulating uses, structures, lots, and site development that do not conform to one or more standards of this Chapter, but meet the definition of nonconformity.
- B. **Policy.** This Article is intended to allow property owners the reasonable use of their nonconforming property or use. The general policy of the City for nonconformities is to :
1. Allow them to continue to exist and be used productively, but to bring as many aspects of the nonconformity into compliance with this Article, and other applicable standards and codes, as is reasonably practicable.
 2. Allow them to be maintained to be made safe, comfortable, and habitable while restricting their expansion and the re-establishment of abandoned or substantially damaged nonconformities.
 3. Not penalize uses, structures, lots, and site development features that became noncompliant as a result of a governmental acquisition of property.
 4. In certain instances, encourage redevelopment of a nonconforming use that shall decrease its degree of nonconformity.
 5. Address any uses, structures, lots, and site developments that were established contrary to the zoning regulations that applied at the time of their establishment and are considered illegal under the applicable measures in **Article X, Enforcement**.
- C. **Applicability.** The provisions of this Article apply to the use, structure, lot, and site development standards and regulations in Article II, District Regulations, Article III, Supplemental District Regulations, and Article V – Mobile Home Park Regulations, except for Divisions specifically exempted below. The provisions of this Article do not apply to:
1. Public rights-of-way or public improvements in the rights-of-way.
 2. Wireless telecommunication facilities, as defined in *Sec. 34-315, Communication towers*.
 3. Sexually oriented businesses and uses, as defined in *Chapter 41 – Sexually Oriented Businesses*.
 4. Illegal uses.

Sec. 34-602, Determination of Nonconforming Status

It is the property owner's responsibility to prove by a preponderance of the evidence that a use, structure, lot, or site development meets the definition of a nonconformity.

Sec. 34-603, Nonconforming Uses

- A. **Rights of a Registered Nonconforming Use.** The rights to continue, expand, or alter a nonconforming use are specifically conditioned upon the registration of the nonconforming use with the Director of Development Services. Only nonconforming uses

that were lawful at the time of their establishment and have been continued since such time may be registered. The Director of Development Services and Building Official shall not permit the expansion, continuance, repair, maintenance, or other continuation of nonconforming status for a nonconformity not registered under this Article.

B. Registration of Nonconforming Use

1. **Registration Process.** The Director of Development Services shall establish a process for the registration of nonconforming uses and shall develop and provide the required registration forms.
 2. **Registration Determination and Appeal.** The Director of Development Services shall determine the qualification of a use for registration under this Division and render a decision to the applicant as an Administrative decision.
 3. **Revocation.** The Director of Development Services may revoke an approved registration if a nonconforming use is discontinued pursuant to Sec. 34-608, *Discontinuance*, or if it is later discovered that the evidence submitted to support the registration was false, or upon the discovery of additional information.
 4. **Evidentiary Considerations.** In determining the qualification of a use for registration under this Article, the Director of Development Services shall consider all relevant and material evidence, whether submitted by the applicant, by any other person supporting or opposing the registration application or registration determination, or otherwise available to the Director of Development Services. Relevant evidence is materials that tend to show the lawful or unlawful establishment of the use and whether the use has been continued since such time. Relevant evidence may include, but is not limited to, the following examples:
 - a. Building permits, certificates of occupancy, licenses, or other permits issued by a governmental entity,
 - b. County appraisal information,
 - c. Photographs, video, or other visual types of evidence that can be verified as predating the effective date of the code provisions involved,
 - d. Contracts, deeds, or other legal instruments that are dated, whether or not recorded or filed in any public office,
 - e. Books, magazine articles, or newspaper clippings that are dated,
 - f. Tax returns, receipts, or other financial records that are dated, or
 - g. Statements made by witnesses, in the form of affidavits, that are made based upon personal knowledge.
- C. Nonconforming Use within a Zoning District.** A registered nonconforming use shall be regulated as a conditional use within the zoning district where it is located.

D. Maintenance and Repair

1. The registered nonconforming use must discontinue if the structure it is located within is damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity. A registered nonconforming use that is primarily conducted outside of a building must discontinue if its inventory and equipment are damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity.
2. The owner of any structure devoted to a registered nonconforming use protected under this Division may conduct repairs and maintenance to keep a structure in sound condition provided they do not increase the degree of nonconformity as determined by the **Director of Development Services**.
3. Renovation or remodeling of a registered nonconforming use is permitted provided it does not increase the degree of nonconformity as determined by the Director of Development Services. Renovations or remodels may include, but not limited to, repairing, updating, or replacing the following:
 - a. Fixtures
 - b. Finishes
 - c. Utility systems
 - d. Non-structural cladding
 - e. Windows and doors
 - f. Roofing
 - g. Non-structural features to increase energy efficiency.

E. Expansion of a Registered Nonconforming Use. Any expansion of a nonconforming use is prohibited unless approved through a conditional use permit as set forth in **X, Conditional Use for Registered Nonconforming Use**.

1. Expansion shall include:
 - a. Changes of nonresidential use categories.
 - b. Changing to a more intensive nonresidential use within the use category.
 - c. An increase in the number of dwelling units.
 - d. An increase in the number of bedrooms and/or bathrooms.
 - e. An increase in the gross floor area of the structure.
2. An expansion shall not include modifications to walls or arrangement of spaces that do not result in a net gain of bedrooms, kitchens, or floor space.

F. Adjustment of a Registered Nonconforming Use. An applicant may request that the Director of Development Services amend the registration of a registered nonconforming use, and the Director of Development Services shall grant such request and amend the registration for the following types of changes:

1. A registered nonconforming nonresidential use may be changed to another similar or less intensive use within the same use category as determined and approved by the Director of Development Services. The Director of Development Services may

use the following factors to determine if the proposed use is similar or less intensive:

- a. If the required parking for the proposed use complies with Sec. 34-308, *Parking and loading*.
 - b. The proposed use shall employ a similar or fewer number of employees.
 - c. The proposed use shall have similar business hours.
2. A registered nonconforming residential use may be changed to a less intensive nonconforming residential use as determined and approved by the Director of Development Services. Changing a nonconforming residential use to a less intensive use precludes subsequent reversion to a more intensive use not permitted by zoning.
 3. A commercial use in a residential district that does not permit commercial uses as a standard development may be changed to another similar or less intensive use within the same use category as determined and approved by the Director of Development Services.
 4. If the Director of Development Services cannot reasonably determine whether the requested change in use meets the requirements of this paragraph, then the Director of Development Services may defer the decision to the Planning Board pursuant to *Subsec. E. Expansion of a Registered Nonconforming Use*, above.
- G. **Parking.** Improvements related to parking devoted to a nonconforming residential use, including surfacing and number of spaces, may be made at any time without constituting an enlargement or expansion of the use, provided it results in a more conforming state as determined by this chapter. Parking may be required to come into full conformance in concert with other improvements pursuant to *Sec. 34-606, Nonconforming Site Development*.
- H. **Expansion of an Outdoor Nonconforming Use.** A nonconforming use of premises for which the principal use is a land use conducted primarily outside of a building, including a wrecking/salvage yard, storage yard, or vehicle and equipment sales lot, shall not be expanded except in conformance with all requirements of this Chapter.

Sec. 34-604, Nonconforming Structures

- A. **Rights of a Nonconforming Structure.** The rights to continue, expand, or alter a nonconforming structure are specifically outlined in this Section.
- B. **Maintenance and Repair**
 1. Remodeling of a nonconforming structure devoted to a conforming use may occur within the existing footprint of the structure.
 2. Any nonconforming structure damaged to the extent of less than 60 percent of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity, not including the willful act of the property owner, may be rebuilt, provided such rebuilding does not increase the degree of nonconformity.

3. With the exception of historic structures as set forth in Subsec. 34-604.B.4, any nonconforming structure damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity shall not be rebuilt, repaired, or used, unless the structure and use(s) conforms to all requirements of this Chapter. This standard shall apply to both the use and the structure.
 4. When a nonconforming historic structure is damaged or destroyed to any extent, and by any means, other than the willful act of the owner, such structure may be restored and its use at the time of damage may continue if a building permit is issued and restoration/reconstruction is begun within three years of the damage, is diligently pursued to completion, and no greater nonconformity exists than existed prior to the damage.
 5. The rebuilding or repair of a structure in a flood fringe overlay district area must comply with the requirements of Sec. 34-216, F.D. *Flood Hazard District regulations*.
- C. **Enlargement, Expansion, and Relocation.** An enlargement or expansion that does not increase the degree of nonconformity is permitted. If a nonconforming structure is relocated within the City limits, it must be placed in a location and manner that conforms to the requirements of this Chapter.
- D. **Unsafe Structures.** Nothing in this Section shall be construed to permit the continuing occupation of a structure that is found to be uninhabitable due to violations of applicable City codes.

Sec. 34-605, Nonconforming Lots

- A. **Rights of the Nonconforming Lot.** The rights to continue, expand, or alter a nonconforming lot are specifically outlined in this Section. The Board of Adjustment may hear requests for variances to bring a lot into conformance, where applicable.
- B. **Vacant Lot.** New development on a nonconforming lot must comply with the dimensional standards of the base district and any applicable overlay district, except as expressly stated in this Section. These provisions shall not be interpreted as requiring a greater lot area or setback than specified by the base district or applicable overlay district.
- C. **Lot area.** A lot that does not conform to the required minimum lot area for the zoning district may be developed to the extent that the development can be accomplished with the following limitations:
1. Where the area of a nonconforming lot conforms to some uses permitted in the base district or applicable overlay district, but not for other permitted uses, then that lot shall be used for the permitted use or uses it conforms to.
 2. If a lot fails to conform to the applicable requirements of the zoning district or the applicable overlay district, then the lot may be used only for those permitted uses in that zoning district requiring the smallest minimum lot area.

- D. **Lot width.** A lot that does not conform to the required minimum lot width for the base district or applicable overlay district may be developed to the extent that the development can be accomplished in accordance with the other standards set out in this Division.
- E. **Bulk.** New development, redevelopment, or additions must follow the required bulk regulations as defined by the specific zoning district standards the property is in, found in Art. II – District Regulations, with the following allowances:
 - 1. *Front-Yard Setback.* No reduction allowance.
 - 2. *Side yard Setback.* The minimum side yard setback for the principal structure proposed on a nonconforming lot must be at least five feet, or 10 percent of the lot width, whichever is greater, up to the minimum setback required by the zoning district or applicable overlay district. This provision does not require a setback when none is required by the district standards.
 - 3. *Rear-Yard Setbacks.* The minimum rear yard setback for the principal structure proposed on a nonconforming lot must be at least 15 feet, or 20 percent of the lot depth, whichever is greater, up to the minimum setback required by the zoning district or applicable overlay district. This provision does not require a setback when none is required by the district standards.
 - 4. *Height and Building Coverage.* Development must comply with the height and building coverage requirements of the base district and any applicable overlay district.
- F. **Lot Merger by Zoning Lot Status.** If the lot is smaller than would otherwise be required by this Chapter and such lot is, at any time on or after the effective date of this Chapter, under common control with a contiguous lot, then the two lots shall be consolidated into one lot for the purposes of this Chapter and shall be considered together for purposes of determining conformance.
 - 1. If the consolidated lots contain sufficient area and lot width for the actual or proposed use, then they shall be deemed fully conforming.
 - 2. If the lots together do not provide sufficient lot area and/or lot width for the actual or proposed use, they shall nonetheless be consolidated for purposes of reducing the degree of nonconformity.
 - 3. When a nonconforming lot has been consolidated with the adjacent lot, such lots shall not again be used as separate lots unless they are lawfully subdivided.

Sec. 34-606, Nonconforming Site Development

- A. **Policy.** Because site development features, such as landscaping and screening, generally involve less investment and are relatively more easily corrected than nonconforming lots, buildings or structures, and uses, it is the policy of the City to eliminate such site development nonconformities as quickly as is practical. See also Sec. 34-308, *Parking and loading*, for parking conformity requirements.

- B. **Timely Conformance.** A site development nonconformity must be brought into conformance upon the occurrence of any of the following:
1. Any increase to the gross floor area exceeding 30 percent;
 2. Construction, remodeling, or other alterations that exceed 50 percent of the fair market value of the structure; or
 3. For non-residential uses only, any change in use to a more intensive permitted use that requires a building permit or certificate of occupancy.

Sec. 34-607, Nonconformities Created by Public Acquisition

When the governmental acquisition of a portion of a property for right-of-way, easement, or other governmental use results in noncompliant lot area, lot width, setbacks, or site development features, the resulting failure to comply does not constitute a nonconformity.

Sec. 34-608, Discontinuance

- A. **Nonconforming Use.** When a nonconforming use has been abandoned, as defined in this Section, such nonconforming use shall not be renewed, and any registration pursuant to *Sec. 34-603, Nonconforming Use*, shall be revoked.
- B. **Abandonment.** A nonconforming use shall be presumed abandoned when any one or more of the following has occurred:
1. The owner's intent to abandon the use is apparent.
 2. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures.
 3. The owner has physically changed the building or structure or its permanent equipment in such a way as to indicate clearly a change in use or activity to something other than the nonconforming use.
 4. The lot has been vacant or the use discontinued for six consecutive months where the nonconforming use is one that is conducted primarily outside of a building.
 5. The use has been discontinued for 24 consecutive months where the nonconforming use is one that is conducted primarily inside of a building.
 6. The building or structure has been damaged to the extent of 60 percent or more of its fair market value by fire, wind, tornado, earthquake, or other non-criminal calamity.
- C. **Nonconforming Mobile Home or Manufactured Home Lots**
1. The failure to license a nonconforming mobile or manufactured home park lot pursuant to *Sec. 34-503, Mobile home park annual permit required*, of the Code of Ordinances, for a period of 12 consecutive months shall constitute abandonment of the nonconforming use for that lot. Such a lot may not be

subsequently licensed by *Article V, Mobile Home Park Regulations*, and has lost its allowed nonconforming use.

2. The failure to occupy a nonconforming mobile or manufactured home park lot for a period of 24 consecutive months shall constitute an abandonment of the nonconforming use for that particular lot. A lot shall be considered occupied if the manufactured or mobile home meets the minimum requirements for a residential occupancy permit and utilities have not been disconnected.

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