

HASTINGS PLANNING COMMISSION

A meeting of the Hastings Planning Commission has been scheduled for Tuesday, June 17, 2025 at 4:00 PM Hastings Municipal Airport, 3300 W 12th St, Hastings, NE 68901.

AGENDA:

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Motion to adopt the current agenda for the Planning Commission Meeting
5. Public Notice -Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, June 7, 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. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.
6. Approval of Minutes
 - a. Meeting of May 20, 2025
7. Public Hearings.
 - a. **2025-249.** Public hearing for a change of zoning for properties currently zoned R-3G, Multiple-Family Residential Garden Apartment District to R-3, Multiple-Family Residential District.

Motion to recommend approval for an ordinance and the amendment to the Official Zoning District Map to rezone the properties currently zoned R-3G, Multiple-Family Residential Garden Apartment District to R-3, Multiple-Family Residential District.
8. Subdivisions
 - a. **2025-250.** Final Plat of the Cedar Park Subdivision, generally located southeast of the intersection of East D Street and South Cedar Avenue.

Motion to recommend approval of the Final Plat for the Cedar Park Subdivision.
9. Reports
 - a. Committee Reports
 - b. Chairman Comments
 - c. Staff Reports

Adjourn

CITY OF HASTINGS, NEBRASKA
MINUTES OF PLANNING COMMISSION
TUESDAY, MAY 20, 2025

Pursuant to due call and notice thereof, a meeting of the Hastings Planning Commission was conducted at the Hastings Municipal Airport, 3300 W 12th Street, Hastings, Nebraska, on May 20, 2025

Chair Sinner called the meeting to order at 4:00 p.m. in Regular Session. The following members were present: Greg Sinner, Michelle Lewis, Chuck Rosenberg, Shawn Rossi, Lou Kully, Rakesh Srivastava, and Jody Stutzman. Absent: Joe Kindig.

The following City Officials were present: City Administrator Mark Funkey, Director/City Engineer, Lee Vrooman, City Attorney, Jesse Oswald, Chief Building Official, Danny Graves, City Planner, Ember Batelaan, Community Risk Reduction Officer, Anthony Murphy, Public Information Manager, Tony Herrman, IT Director, Eric Nielsen, and Administrative Assistant, Melissa Woodard.

Chair Sinner led the Commission in the recital of the Pledge of Allegiance to the United States of America.

Chair Sinner called for a motion to adopt the current agenda for the May 20, 2025, meeting. Moved by Kully, seconded by Rosenberg, to adopt the current agenda. Ayes: Stutzman, Sinner, Srivastava, Rosenberg, Lewis, Rossi, and Kully. Nays: None. Motion carried: 7-0.

PUBLIC NOTICE - Official Notice of the Regular Meeting was published in the Hastings Tribune on Saturday, May 10, 2025. Pursuant to Nebraska Revised Statutes 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. Also, a current copy of the Nebraska Open Meetings Act is posted and accessible to members of the public.

APPROVAL OF MINUTES

Meeting of April 15, 2025

First Chair Rosenberg called for a motion to approve April 15, 2025, minutes, with one change: Joe Kindig was listed twice. Moved by Rossi, seconded by Lewis: Roll Call: Ayes: Rosenberg, Lewis, Rossi, Kully, Sinner, Srivastava, and Stutzman. Nays: None. Motion Carried: 7-0.

Unfinished Business

- a. Continued Applications - None
- b. Tabled Applications
 - i. A public hearing to consider an ordinance for updates to the City's Code of

Ordinances for Section 34-309. Sign, Article VI., Nonconformities, and 34-314., Small Wind Energy Systems.

Chair Sinner called for a motion to bring the updates to the City's Code from the Table. Moved by Rosenberg to move from the table, seconded by Kully. Ayes: Stutzman, Sinner, Srivastava, Rosenberg, Lewis, Rossi, and Kully. Nays: None. Motion carried: 7-0.

Rosenberg felt it was tabled to have a work session. As a commission, he felt they needed to go through the sign code as a line-by-line item. Kully agreed with Rosenberg as he had questions on size and locations. Stutzman had some questions at the last meeting for Bunger, but then Bunger moved on. They would like feedback and wondered about the timeline for the director's position, allowing more time for someone to answer their questions. Batelaan told them she had added slides to her presentation and in their packet, red lines showing where changes were made. Batelaan brought up the previous work sessions with the Planning Commission, City Council, and public meetings. Batelaan said that at this time, the staff would recommend approval instead of delaying this process further. She suggested going over the presentation if the Commission would like. The commission agreed to the presentation.

Batelaan gave the Staff Report to consider an ordinance for updates to the City's Code of Ordinances for Section 34-309. Sign, Article VI., Nonconformities, and 34-314, Small Wind Energy Systems. Batelaan explained the changes that were made, explaining that the City's Code of Ordinances needed to be clearer, and the department also looked at other communities to see if what we were proposing aligned with them.

Stutzman thanked Batelaan for all her hard work addressing questions she had from the previous meeting.

Rossi thanked Batelaan for addressing the one projecting sign being questioned by a business owner.

Lewis wanted to make sure that anything already in place would be permitted.

Batelaan said this change was for new signs being put up; if a sign is on the building, they are allowed to maintain it and keep it. We are not requiring it to be taken down. Only if destroyed by natural causes over 60 percent would it have to be replaced.

Kully asked for a copy of the presentation, which Batelaan will provide.

Rosenberg asked what precipitated this change?

Batelaan pointed out that certain segments of the code were unclear and needed consistency. Portions of the sign code may not be legal, so there were certain issues they were trying to correct.

Chair Sinner called for a motion to approve an ordinance for updates to the City's Code of Ordinances for Section 34-309. Moved by Rosenberg, seconded by Srivastava. Ayes: Stutzman, Srivastava, Rosenberg, Lewis, Rossi, and Kully. Nays: Sinner. Motion carried: 6-1.

c. Postponed Applications – None

Chair Sinner read the Public Hearing Rules Statement.

Public Hearings

Chair Sinner opened the Public Hearing.

- a. **2025-218 Public hearing for vacation of the Right-of-way of St. Joseph Avenue from West South Street to the north until the roadway ends at the railroad tracks, Johnson's Addition, City of Hastings, Adams County, Nebraska.** Vrooman gave the Staff Report to consider the request for vacation of the Right-of-way of St. Joseph Avenue from West South Street to the north until the roadway ends at the railroad tracks. Johnson's Addition, City of Hastings, Adams County, Nebraska. Staff recommended that the Planning Commission recommend approval to the City Council for vacation of the Right-of-way of St. Joseph Avenue, Johnson's Addition, based on the findings provided in the staff report.

Kirk Feeney, 101 S. Saint Joseph Ave., Bruckman Rubber-Hastings. Feeney described these changes as necessary to grow their business, as they are landlocked. After conversations with their neighbors, everyone is on board.

Jeff Kully, 6002 Mallard Way, Kully Pipe and Steel. Jeff Kully said they own the property west of the vacated street and attended to show support, having also sent a letter of support.

Tom Harman, 425 Southshore Dr, owns a building in the southwest corner parking lot and would like an easement to St. Joseph Street to get their big boat through, once or twice a year.

Sinner asked if there was an easement talked about?

Vrooman said only the three-way easement with the property owners. Bruckman and Mr. Hartman may have had other conversations.

Chair Sinner closed the Public Hearing.

Chair Sinner called the applicant back up.

Kirk Feeney was asked if he had discussed with Mr. Harman the ability to have access a couple of times a year. Kirk Feeney said he had no problem with that.

Chair Sinner asked for a motion to recommend approval for the vacation of the Right-of-way of St. Joseph Avenue from West South Street to the north until the roadway ends at the railroad tracks. Moved by Rosenberg to recommend approval for 2025-218, seconded by Srivastava. Roll Call: Ayes: Rosenberg, Srivastava, Rossi, Sinner, Stutzman, and Lewis. Nays: None. Abstain: Kully. Motion carried: 6-0-1.

Chair Sinner opened the Public Hearing.

- b. 2025-191 Public Hearing for a request to annex property generally located southeast of the intersection of Fisherman Ln and Outrigger Avenue, in the City of Hastings, Adams County, Nebraska.** Batelaan gave the Staff Report for a request to annex property generally located southeast of the intersection of Fisherman Ln and Outrigger Avenue, in the City of Hastings, Adams County, Nebraska. Staff recommended that the Planning Commission recommend approval to the City Council to annex property generally located southeast of the intersection of Fisherman Ln and Outrigger Avenue, based on the findings provided in the staff report.

Chair Sinner declared the Public Hearing closed.

Chair Sinner asked for a motion to recommend approval to annex property generally located southeast of the intersection of Fisherman Lane and Outrigger Avenue. Moved by Rossi to recommend approval to annex property generally located southeast of the intersection of Fisherman Lane and Outrigger Avenue, to the City Council, seconded by Rosenberg. Roll Call: Ayes: Rosenberg, Rossi, Stutzman, Lewis, Sinner, Srivastava and Kully. Nays: None. Motion carried: 7-0.

Subdivisions

- a. 2025-186 Final Plat of the Cimarron Meadows 13th Addition, generally located southeast of the intersection of Fisherman Ln and Outrigger Ave in the City of Hastings, Adams County, Nebraska.** Batelaan was not called to give the Staff Report.

Chair Sinner called for a motion to approve the Final Plat of the Cimarron Meadows 13th Addition. Moved by Lewis to recommend the approval of Cimarron Meadows 13th Addition to the City Council, seconded by Rossi. Roll Call: Ayes: Rosenberg, Rossi, Stutzman, Lewis, Sinner, Srivastava, and Kully. Nays: None. Motion carried 7-0.

b. 2025-191 Preliminary Plat for Cedar Park Subdivision, generally located southeast of the intersection of East D Street and South Cedar Avenue.

Batelaan gave the Staff Report to consider the Preliminary Plat for Cedar Park Subdivision, generally located southeast of the intersection of East D Street and South Cedar Avenue. Staff recommended that the Planning Commission recommend approval to the City Council to approve the Preliminary Plat for Cedar Park Subdivision, based on the findings provided in the staff report.

Chair Sinner called for a motion to approve the Preliminary Plat for Cedar Park Subdivision. Moved by Rossi to recommend approval of the Preliminary Plat for Cedar Park to the City Council, seconded by Stutzman. Roll Call: Ayes: Rosenberg, Rossi, Stutzman, Lewis, Sinner, Srivastava, and Kully. Nays: None. Motion carried 7-0.

Reports

a. Committee Reports: None

b. Chairman Comments: Chair Sinner told Batelaan the Commission had discussed with Bunger before he left, needing a list of meetings that would be beneficial for the Commission to attend. Batelaan is willing to follow up on that, unless they want to do it internally. The Commission will get a list, nominate representatives, and work out the details with Batelaan.

c. Staff Reports: Murphy spoke on the progress of Heartwell Renewables. He also said they have applications for firework stands, due to the governor's burn ban, they are watching to see how that will affect it. Funkey recognized Vrooman and Batelaan for taking on an extra role since Bunger left; both have stepped up, doing a great job. Graves, only here for a short time, has taken on a leadership role, doing a great job filling the gaps. Sinner asked Vrooman about the railroad's quiet crossings. Vrooman said they were working at Lincoln and Denver Avenue and will start on California, which should wrap up in the next month.

Adjourn

Chair Sinner called for a motion to adjourn at 4:44 p.m. Motioned by Rosenberg, seconded by Srivastava. Roll Call: Ayes: Kully, Rosenberg, Rossi, Stutzman, Sinner, Srivastava and Lewis. Nays: None. Motion carried: 7-0

Chair Greg Sinner

Department: Development Services
Staff Contact: Ember Batelaan
Planning Commission Meeting Date: 6/17/2025
File No: 2025-249
Prepared By: Ember Batelaan, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

The Development Services Department is correcting a mistake in the Zoning District Map, in which properties are shown as R-3G. This zoning district was repealed in 2009.

Names of People/Business affected by this action:

The applicant, surrounding neighborhood, people of Hastings, and the City.

Why Planning Commission action is required:

Neb. Rev. Stat. 19-902 provides the city council shall receive the advice of the planning commission before taking definite action on any contemplated amendment, supplement, change, modification, or repeal, and no such regulation, restriction, or boundary shall become effective until after separate public hearings are held by both the planning commission and the city council in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by publication thereof in a legal newspaper in or of general circulation in such municipality at least one time ten days prior to such hearing.

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

The request to rezone is scheduled to be heard at the City Council Regular Meeting on July 14, 2025.

Department head comments:

Development Services staff have reviewed the application for properties located throughout the City of Hastings. The complete details of the staff review and recommendation are in the attached staff report.

Recommendation:

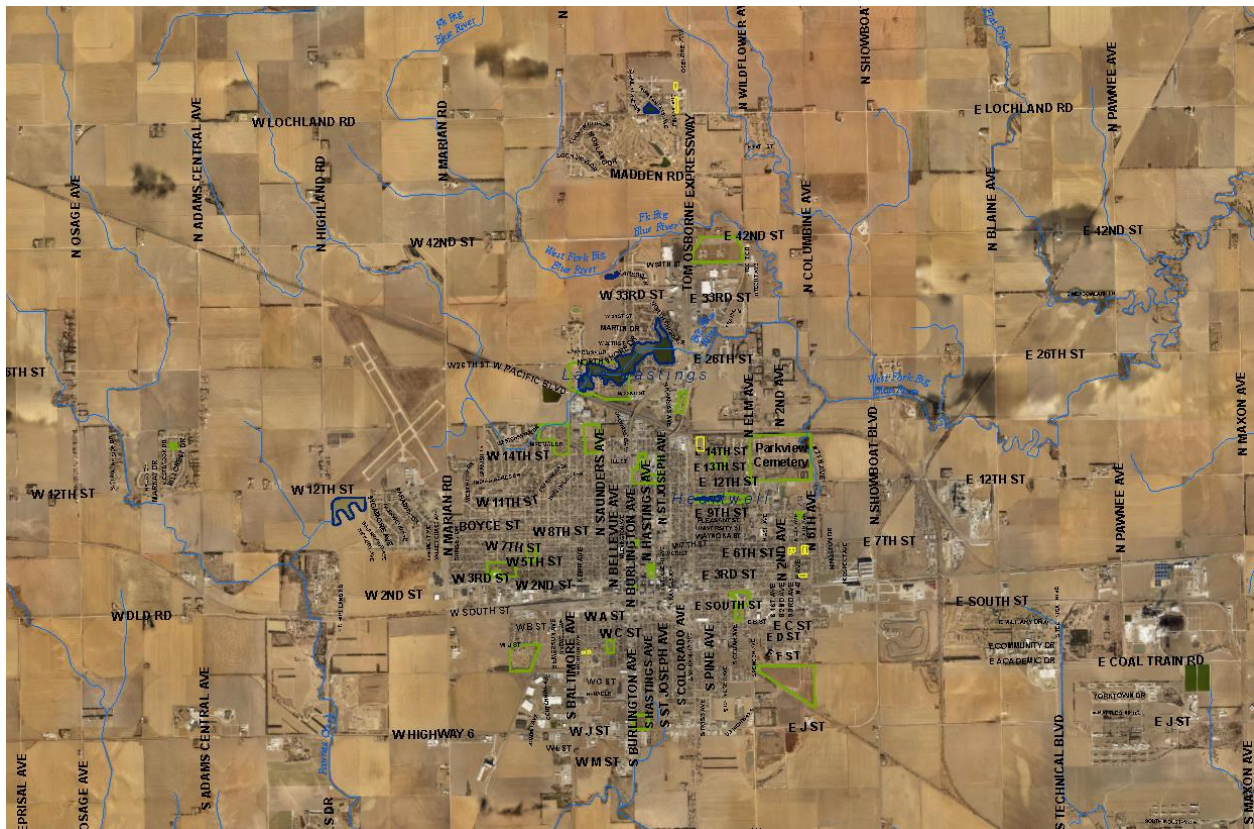
Staff recommends the Planning Commission recommend approval to the City Council for the request to rezone properties located throughout the City of Hastings from R-3G, Multiple-Family Residential Garden Apartment District, to R-3, Multiple-Family Residential District.



City of Hastings Planning Commission

STAFF REPORT

Request to Rezone:	Rezone to R-3, Multiple-Family Residential District
Case No.	2025-249
Applicant	City of Hastings, Development Services
Property Location:	Located throughout the City of Hastings (See attached map)
Lot Size:	Range in size from 0.2 to 1.4 acres
Date of Public Hearing:	June 17, 2025
Current Zoning	R-3G, Multiple-Family Residential Garden Apartment District
Proposed Zoning	R-3, Multiple-Family Residential District
Adjacent Zoning:	Varies



DESCRIPTION OF REZONING REQUEST:

The R-3G District was originally adopted in 1968 with Ordinance No. 2255 and amended in 1977 with Ordinance No. 2609. This district allowed a variety of residential and public buildings including single-family, two-family, and garden apartment buildings. Garden apartments were intended to have a maximum height of 35 feet and were defined as an apartment building with at least 50% of the lot area devoted to lawn area.

The R-3G District was repealed in 2009 with Ordinance No. 4233. Rich Cartier, the Planning Director at that time, stated that the R-3G District was to be eliminated due to its redundancy with the R-3, Multiple-Family Residential District. He also stated that properties zoned R-3G were intended to be rezoned to the R-3 District.

Recently, when Development Services staff worked with the GIS Department to update the public GIS map, it was found that there are still several properties throughout the City of Hastings that are zoned R-3G. This item is being brought to the Planning Commission and City Council to correct this mistake. This rezoning is intended to bring these properties into compliance with current zoning regulations to support any future plans of the property owners.

Property Descriptions:

Lochland Area: Three properties in the Lochland Area are currently zoned R-3G. These properties are generally located north of West Lochland Road to the west of the existing commercial properties. These properties consist of a total of approximately 3.3 acres of undeveloped land that are not in a mapped floodplain.

Crosier Park Area: Three properties in the Crosier Park Area are currently zoned R-3G. These properties are generally located northeast of the intersection of Eastside Boulevard and East 14th Street. These properties consist of a total of approximately 4.1 acres, with two single family homes, one apartment building, and approximately 3.2 acres of undeveloped land. This area is not in a mapped floodplain.

Hastings College Area: The Hastings College Area has 29 properties that are currently zoned R-3G, consisting of four single-family homes, two duplexes, and seven apartments. These properties are generally located north of East 6th Street along Jeffery Lane and Thomas Drive, as well as southeast of the intersection of East 3rd Street and North 4th Avenue. These properties consist of a total of approximately 4.1 acres that are not in a mapped floodplain.

South Hastings Area: The South Hastings Area has two properties that are currently zoned R-3G. These properties are generally located north of West E Street along South New York Avenue. These properties consist of approximately 0.7 acres, with one single-family home and one apartment building. These properties are not in a mapped floodplain.

STANDARDS TO REZONE PROPERTY:

The provisions of [Article VIII](#) regulate the process to rezone property within the City and its extraterritorial jurisdiction.

The City Council, by recommendation from the City Planning Commission, will base its decision on the following:

- a) The existing use of the property, its physical and environmental characteristics, its zoning history, and its suitability for the zoning district it currently is within.**

Lochland Area: The properties are currently undeveloped and not in a mapped floodplain. The properties are currently zoned R-3G, Multiple-Family Residential Garden Apartment District. These properties were rezoned from R-1, Urban Single-Family Residential District (Ord. No. 3258) in 1992. It is unsuitable for the zoning district it is currently in, due to that zoning district having been repealed in 2009.

Crosier Park Area: The properties currently contain two single-family homes, one apartment building, and approximately 3.2 acres of undeveloped land. The properties are not in a mapped floodplain. The properties are currently zoned R-3G, Multiple-Family Residential Garden Apartment District. These properties were rezoned from R-1, Urban Single-Family Residential District (Ord. No. 2731) in 1980. It is unsuitable for the zoning district it is currently in, due to that zoning district having been repealed in 2009.

Hastings College Area: The properties currently contain four single-family homes, two duplexes, and seven apartments. The properties are not in a mapped floodplain. The properties are currently zoned R-3G, Multiple-Family Residential Garden Apartment District. These properties were rezoned from R-1, Urban Single-Family Residential District (Ord. Nos. 2550 and 2603) in 1977. It is unsuitable for the zoning district it is currently in, due to that zoning district having been repealed in 2009.

South Hastings Area: The properties currently have one single-family house and one apartment building. The properties are not in a mapped floodplain. The properties are currently zoned R-3G, Multiple-Family Residential Garden Apartment District. These properties were rezoned from R-1, Urban Single-Family Residential District (Ord. Nos. 2586 and 2725) in 1977 and 1980. It is unsuitable for the zoning district it is currently in, due to that zoning district having been repealed in 2009.

b) Conformity of the proposed change with the Comprehensive Plan.

Lochland Area: The City of Hastings, Nebraska Comprehensive Plan 2025, adopted in March 2025, shows the properties in the Low Density Residential land use category. The policy statement for this use designation is:

Due to the mixture and blending of different residential uses and densities, the Hastings Future Land Use Plan recognizes this blending through a multi-level density approach. The Low Density Residential land use district includes both existing and new residential neighborhoods, including the Missing Middle concept.

The Low Density Residential land use category is intended to have densities of up to seven dwelling units per acre. The Comprehensive Plan does not take into account the fine-grained detail of the existing uses in the area. The proposed rezoning to R-3 would provide a transition from the lower density residential areas, zoned R-1 and R-2, to the west and the commercial properties, zoned C-3, to the east.

Crosier Park, Hastings College, and South Hastings Areas: The City of Hastings, Nebraska Comprehensive Plan 2025, adopted in March 2025, shows the properties in the Medium Density Residential land use category. The policy statement for this use designation is:

The Medium Density Residential land use district includes both existing and new residential neighborhoods with a mix of single-family, two-family, and multi-family dwellings on small to moderately-sized lots with supporting community facilities. It is intended to encourage creative development patterns and adaptive reuse of existing structures. Streets are paved with sidewalks, curb, and gutter.

The Medium Density Residential land use category is intended to have densities ranging between seven and 15 dwelling units per acre. The properties range from 3.0 to 11.1 units per acre. The proposed rezoning to R-3 and existing uses of the properties conform to the Comprehensive Plan.

c) Adequacy of sewer, water, streets, and other needed facilities and services for permitted uses in the proposed zoning district.

Lochland Area: The sanitary sewer, water, streets, and other infrastructure are present adjacent to the properties and will need to be extended into the properties to serve any future uses or development.

Crosier Park Area: The sanitary sewer, water, streets, and other infrastructure are present adjacent to the properties and will need to be extended to serve the undeveloped portion of the properties.

Hastings College Area: The existing structures are served by sanitary sewer, water, streets, and other infrastructure present in the area.

South Hastings Area: The existing structures are served by sanitary sewer, water, streets, and other infrastructure present in the area.

d) The character of the neighborhood, including the zoning and uses of nearby property.

Lochland Area: The surrounding neighborhood is a transitional area with a mix of low-density residential uses, consisting of single-family and duplex houses, and highway commercial uses. To the west are properties zoned R-1, Urban Single-Family Residential District and R-2, Mixed-Density Neighborhood District. To the north is undeveloped land that is zoned R-1, Urban Single-Family Residential District. To the east are properties zoned C-OPD, Commercial Office Non-Retail Planned District and C-3, Commercial Business District. To the south are properties zoned R-1, Urban Single-Family Residential District.

Crosier Park Area: The surrounding neighborhood is a transitional area with a mix of low-density residential uses, consisting of single-family and duplex houses, Crosier Park Professional Center, and industrial uses. To the west are properties zoned R-3, Multiple-Family Residential District and I-2, Heavy Industrial District. To the north are the Union Pacific railroad tracks and undeveloped land zoned R-1, Urban Single-Family Residential District. To the east are properties zoned C-O, Commercial Office Non-Retail District. To the south are properties zoned R-1, Urban Single-Family Residential District.

Hastings College Area: This area is entirely built out. The surrounding neighborhood is a residential neighborhood comprised of a mix of mobile homes, single-family and duplex homes, as well as apartment buildings. Hastings College Campus is a couple blocks to the northwest of these properties. To the west are properties zoned R-1, Urban Single-Family Residential District and R-3, Multiple-Family Residential District. To the north are properties zoned R-1, Urban Single-Family Residential District and R-2, Mixed-Density Neighborhood District. To the east are properties zoned I-1, Light Industrial District consisting of the Kingswood Plaza Mobile Home Park. To the south are properties zoned R-3, Multiple-Family Residential District and I-1, Light Industrial District consisting of the K&K Mobile Home Park.

South Hastings Area: This area is entirely built out. The surrounding neighborhood is a residential neighborhood comprised of a mix of single-family and duplex homes, apartment buildings, and Lincoln Elementary School. To the west and north are properties zoned R-1, Urban Single-Family Residential District. To the east are properties zoned R-1, Urban Single-Family Residential District and R-2, Mixed-Density Neighborhood District. To the south are properties zoned R-1, Urban Single-Family Residential District and R-3, Multiple-Family Residential District.

e) Compatibility of the proposed zoning district with nearby property.

Lochland Area: The proposed rezoning is generally compatible with the nearby properties. Allowed uses in the R-3 District should provide a buffer between the lower density residential uses to the west and the highway commercial uses to the east.

Crosier Park Area: The proposed rezoning is generally compatible with the nearby properties. Allowed uses in the R-3 District should provide a buffer between the lower density residential uses to the southeast and the industrial properties to the west.

Hastings College Area: The proposed rezoning is generally compatible with the nearby properties. This area is entirely built out with a mix of residential uses, such as single-family and duplex homes, as well as apartments. Allowed uses in the R-3 District would fit into the neighborhood.

South Hastings Area: The proposed rezoning is generally compatible with the nearby properties. This area is entirely built out with a mix of residential uses, such as single-family homes and apartment buildings. Allowed uses in the R-3 District would fit into the neighborhood.

f) Additional matters as might apply in individual cases.

As previously stated, the R-3G, Multiple-Family Residential Garden Apartment District was repealed in 2009. However, various properties throughout the City of Hastings still retained that zoning district. The proposed rezoning is intended to fix this mistake to ensure that the properties are in compliance with the current zoning regulations to support any future plans of the property owners.

STAFF COMMENTS: Staff recommends the Planning Commission recommends **APPROVAL** to the City Council for an Ordinance and amendment to the Official Zoning District Map to rezone properties currently zoned R-3G, Multiple-Family Residential Garden Apartment District to R-3, Multiple-Family Residential District.

PREPARED BY: Ember Batelaan, City Planner

DATE: June 8, 2025

ATTACHMENTS:

- | | |
|---|---|
| 1. ORD 2255 – R-3G District Adoption | 11. Lochland Area Maps – Location, Zoning, Future Land Use |
| 2. ORD 2550 – Westland First Add. Rezone | 12. Crosier Park Area Maps – Location, Zoning, Future Land Use |
| 3. ORD 2586 – 1322-1328 West E Rezone | 13. Hastings College Area Maps – Location, Zoning, Future Land Use |
| 4. ORD 2603 – 1202 E 3 rd Rezone | 14. South Hastings Area Maps – Location, Zoning, Future Land Use |
| 5. ORD 2609 – R-3G District Allowed Uses | 15. Low Density Residential Future Land Use Category Description |
| 6. ORD 2725 – 616 New York Rezone | 16. Medium Density Residential Future Land Use Category Description |
| 7. ORD 2731 – 127 E 14 th Rezone | |
| 8. ORD 3258 – Johnson Imperial Rezone | |
| 9. ORD 4233 – R-3G District Repealed | |
| 10. 2009 Worksession – Plan to Rezone Properties zoned R-3G | |

ORDINANCE NO. 2255

1968 REVISED ZONING ORDINANCE
FOR HASTINGS NEBRASKA

AN ORDINANCE TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; TO DIVIDE THE MUNICIPALITY INTO DISTRICTS AND TO DIVIDE THE AREA TWO MILES BEYOND AND ADJACENT TO THE CORPORATE LIMITS INTO DISTRICTS AND ESTABLISH BY REFERENCE TO MAPS THE BOUNDARIES OF SAID DISTRICTS FOR SAID PURPOSES; TO PROVIDE FOR OFF-STREET PARKING AND LOADING; TO PROVIDE FOR ITS ADMINISTRATION AND INTERPRETATION; TO PROVIDE FOR DEFINITIONS AND FOR AMENDMENTS TO THIS ORDINANCE; TO PROVIDE FOR ITS ENDORSEMENT AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; TO PROVIDE FOR PERMITS AND CERTIFICATES OF OCCUPANCY; TO PROVIDE FOR INVALIDITY OF A PART AND FOR REPEAL OF OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA:

SECTION 1. That Article 3, Chapter 4, of the Municipal Code of the City of Hastings, Nebraska, be amended to read as follows; to-wit:

ARTICLE 3. ZONING.

4-301. PURPOSE AND TITLE. Whereas, the City Council of the City of Hastings deems it necessary for the purpose of promoting health, safety, morals or the general welfare of the community, to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; all in accordance with a comprehensive plan;

4-302. DEFINITIONS. For the purpose of This Ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for".

1. (a) ACCESSORY BUILDING. A subordinate building having a use customarily incident to and located on the lot occupied by the main building,

or having a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof, and designed as an integral part of the main building.

(b) ACCESSORY USE. A use of a building or land which is customarily incident to, and located on the same lot or premises as the main use of the premises.

2. ALLEY. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

3. ALTERATION. Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

4. APARTMENT. A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

5. APARTMENT HOUSE. A building arranged, intended, or designed for residence of more than two families.

6. APARTMENT HOTEL. An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

7. BASEMENT. A story below the first story as defined under "Story", counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

8. BLOCK. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Inspector shall determine the outline of the block.

9. BOARDING HOUSE OR LODGING HOUSE. A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

10. BUILDING. An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed as one building.

11. CLUB PRIVATE. A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons, or otherwise listed and enumerated persons.

12. COURT. An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

13. CURB LEVEL. The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

14. DRIVE-IN ESTABLISHMENTS. Any restaurant, financial institution or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building, or where facilities are provided for eating outside a building, shall be included in this definition.

15. DWELLING. A building or portion thereof, designed exclusively for residential occupancy, including one family, two family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels or trailers.

16. DWELLING, ONE-FAMILY. A detached building arranged, intended, or designed for occupancy by one family.

17. DWELLING, TWO-FAMILY. A building arranged, intended, or designed for occupancy by two families.

18. DWELLING, MULTIPLE. A building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartment houses, row houses, tenements and apartment hotels.

19. FAMILY. One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

20. GARAGE, COMMUNITY. A building or portion thereof, other than a public, private, or storage garage providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of block.

21. GARAGE, PRIVATE. An accessory building or portion of a main building for storage only of motor vehicles.

22. GARAGE, REPAIR. A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

23. GARAGE, STORAGE. A building or portion thereof, except those defined as a private, a repair, or a community garage providing storage for more than four (4) motor vehicles, with facilities for washing but no other services.

24. GARDEN APARTMENT BUILDING OR PROJECT. An apartment building located on a lot either singly or together with other similar buildings, and having not less than fifty (50%) per cent of the lot area devoted to lawn area including landscaping to the extent required by the Planning Commission.

25. GROSS LEASABLE FLOOR AREA. The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, but excluding stairways, common hallways and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

26. HEIGHT OF BUILDINGS. The verticle distance measured from the highest of the following three levels:

- (a) From the street curb level
- (b) From the established or mean street grade in case the curb has not been constructed.
- (c) From the average finished ground level adjoining the building if it sets back from the street line;

to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch (1-in.) to the foot, or to the mean height level of the top of the main plates and highest ridge for other roofs.

27. HEIGHT OF YARD OR COURT. The verticle distance from the lowest level of such yard or court to the highest point of any boundary wall.

28. HOTEL. A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms, and no provisions for cooking in individual rooms.

29. LOT. A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed, or parts thereof.

30. LOT, CORNER. A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector.

31. LOT, INTERIOR. A lot whose side lines do not abut upon any street.

32. LOT, THROUGH. An interior lot having frontage on two streets.

33. LOT IN SEPARATE OWNERSHIP AT THE TIME OF THE PASSAGE OF THIS ORDINANCE. A lot whose boundary lines, of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of Adams County on or before the date of the adoption of this Ordinance. See Section 4-334, Saving Clause.

34. LOT LINES. The lines bounding a lot as defined herein.

35. LOT LINE, FRONT. The boundary between a lot and the street on which it fronts.

36. LOT LINE, REAR. The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.

37. LOT LINE, SIDE. Any lot boundary not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

38. LOT DEPTH. The mean horizontal distance from the front street line to the rear line.

39. LOT WIDTH. The horizontal distance between side lines, measured at the front building line.

40. NURSING HOME. Any structure used or occupied by persons recovering from illness or suffering from infirmities of old age.

41. NON-CONFORMING USE, BUILDING OR YARD. A use, building or yard, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. It is a legal non-conforming use if established prior to the passage of this Ordinance.

42. PLACE. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

43. SIGNS. Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building, and including, but not limited to the following:

(a) INDIRECTLY ILLUMINATED SIGN: Any sign which is partially or completely illuminated at any time by a light source which is also shielded as to not be visible at eye level.

(b) SEMI-ILLUMINATED SIGN: Any sign located on a building, which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.

(c) DETACHED SIGN: Any sign located on the ground or on a structure located on the ground and not attached to a building.

(d) WALL SIGN: Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of the buildings.

(e) ROOF SIGN: Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.

(f) PROJECTING SIGN: Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.

(g) SNIBE SIGN: Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building, or firmly anchored to the ground.

(h) MARQUEE SIGN: Any sign attached flat against the marquee or permanent sidewalk canopy of a building, or suspended under a marquee or sidewalk canopy, and extending downward not more than twelve inches therefrom.

(i) POSTER PANEL OR BILL BOARD: An illustration of approximate dimension of 12' x 24' or multiples thereof, mounted on a semi-permanent structure, and depicting information not directly related to the property upon which it is placed.

(j) ATTENTION ATTRACTING DEVICE: Any flasher, blinker, animation, banner, clock, or other object designed or intended to attract the attention of the public to an establishment or to a sign.

44. STABLE, PRIVATE. An accessory building for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

45. STABLE, PUBLIC. A stable other than a private or riding stable as defined herein.

46. STABLE, RIDING. A structure in which horses, or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.

47. STORY. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic in a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its exterior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "Height of Buildings" of this section.

48. STREET. A thoroughfare which affords principal means of access to property abutting thereon.

49. STREET LINE. The dividing line between the street and the abutting property.

50. STRUCTURE. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to signs, and excepting utility poles, fences and retaining walls.

51. STRUCTURAL ALTERATIONS. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

52. TRAILER OR MOBILE HOME. Any structure used for living or sleeping purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place.

53. TRAILER OR MOBILE HOMES COURT. Land used, or to be used for the parking of one or more house trailers or mobile homes, either in a temporary, semi-permanent, or permanent fashion, the purpose of which trailers or mobile homes to be residential. The parking or storage of a single individual house trailer or mobile home shall constitute a trailer or mobile homes park.

54. MOTEL. A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with parking area, recreation space, vending machines, but not including restaurants, clubs, or other retail sales.

55. MOTOR HOTEL. A building containing twenty-five (25) or more sleeping rooms for the traveling public, and including restaurant, facilities, and one or more accessory uses as listed in Section 4-319.

56. VARIANCE. Relief from or variation of the provisions of these regulations, other than Use Regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Powers and Duties of the Board of Adjustment.

57. YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. Where lots abut a street that is designed a major street on the Major Street Plan, all yards abutting said major street shall be measured from a line one half the proposed right of way width from the centerline, or from the lot line, whichever provides the greater setback. On other lots all yards abutting a street shall be measured from a line twenty five (25) feet from the centerline, or from the lot line, whichever provides the greater setback.

58. YARD, FRONT. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

59. YARD, REAR. A yard between the rear lot line and the rear line of the main building and the side lot lines.

60. YARD, SIDE. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

AMEND THE RECENTLY ADOPTED ORDINANCE #2255

Council 10/29/1968

CHAPTER 4-302. add a definition #61 to read:

FEED LOT:

- A. Any tract of land or structure wherein any type of fowl or the by products thereof are raised for sale at wholesale or retail;
- B. Any structure, pen, or corral wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

4-303. SHORT TITLE. These regulations shall be known and may be cited as the Zoning Ordinance of Hastings, Nebraska.

4-304. DISTRICTS. For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures or land, all lands within, and all lands one mile beyond and adjacent to, the corporate limits of Hastings, are hereby divided into eleven (11) districts as follows:

1. District A. Agricultural District.
2. District R-1. First Dwelling House District.
3. District R-2. Second Dwelling House District.
4. District R-3G. Garden Apartment District.
5. District R-3. Apartment House District.
6. District C-0. Non-Retail District.
7. District C-1. Local Business District.
8. District C-2. General Business District.
9. District C-3. Commercial District.
10. District M-1. Light Industrial District.
11. District M-2. Heavy Industrial District.

Any of the above enumerated districts except District A may be supplemented by the addition of the letter "P" after the existing prefix "R", "C", or "M", such letter "P" denoting a planned district under procedures set out in Section 4-317 of this Ordinance. Any use not listed herein may be placed in a suitable District Classification by the Council after recommendation of the Planning Commission.

4-305. DISTRICT MAP ADOPTED. Boundaries of the districts, as enumerated in Section 4-304 of these regulations, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map, and all the notations, references and information shown thereon is hereby made as much a part of these Regulations as if the same were set forth in full herein. The City Planning Commission shall keep on file in their offices an authentic copy of said map, and all changes, amendments, or additions thereto.

in which map reflects the zoning upon passage of Ordinance 225 of August 26, 1968

When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such lines is not clear, it shall be determined by the Building Inspector, due consideration being given to location as indicated by the scale of the Zoning District Map.

When streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Map, the Building Inspector may apply the district designations on the map to the streets or alleys on the ground in such a manner as to conform to the intent and purposes of this Ordinance.

Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to the center line of any such street or alley.

4-306. REQUIREMENTS MUST BE OBSERVED. Except as hereinafter provided:

1. No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose other than is permitted in the district in which such building, structure or land is situated.

2. No building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limit or the yard or parking requirements herein established for the district in which such building or structure is located.

3. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by these requirements, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

4. Every building hereafter erected or altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as provided herein.

4-307. DISTRICT A. AGRICULTURAL DISTRICT USE REGULATIONS. In District A no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses: (For exceptions see Section 4-320, Non Conforming Uses; and Section 4-318, Special Use Permits).

November 11, 1968

AMEND ORDINANCE NO. 2255 TO READ AS FOLLOWS:

CHAPTER 4. ARTICLE 307.

~~1.000~~ 1. Farming, dairy farming, grazing and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses, and with no restrictions as to sale or marketing of products raised on the premises, provided that no building, structure or feedlot used for raising, feeding, housing or sale of livestock or poultry shall contain or accomodate more than two hundred fifty (250) head of livestock or more than twenty-five hundred (2,500) head of poultry. Such building, structure or feedlot shall be located at least one thousand (1,000) feet from a dwelling in a District R-1 to R-3, inclusive, and at least seventy-five (75) feet from a public roadway or property line. There shall be no feeding or disposal of garbage, rubbish or offal within five hundred (500) feet of a District R-1 to R-3, inclusive. Any building, structure or feedlot containing or accomodating more than two hundred fifty (250) head of livestock or twenty-five hundred (2,500) head of poultry shall be prohibited except by Special Use Permit.

1.000 1.000 1.000.

9. Kennels, provided the buildings and pens shall be located not less than two hundred (200) feet from any District R-1 to R-3 inclusive.
10. Mushroom barns and caves.
11. Nurseries, greenhouses and truck gardens.
12. Such philanthropic or eleemosynary institutions as YMCA, YWCA, Salvation Army, Boy and Girl Scouts, and other similar organizations that are not-for-profit; and penal institutions.

13. Picnic groves.
14. Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
15. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
16. Railroad right-of-ways not including railroad yards.
17. Restaurants of a character commonly known as "chicken dinner farms", provided:
 - a. That the meals are served in a building of residential character.
 - b. That no beer or liquor be served on the premises.
 - c. That there be no floor show or other form of entertainment.
18. Riding stables and riding tracks.
19. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. One sign as provided in Section 4-325 shall be considered an accessory use.
20. Residential area (Plats less than two and one-half acres shall be subject to Section 4-322-3a.)

The term accessory use shall include customary home occupations such as the office of physician, dentist, surgeon, dressmaker, day nursery, musician or artist, (but not including barbers or beauticians) under the following restrictions:

1. That such uses are located in the dwelling used by a person as his or her private residence.
2. That no assistant other than a member of the family household is employed, and no window display or sign, either illuminated or more than two square feet in area is used to advertise the same.
3. That no power other than electric and of not more than one-half horsepower is used in any one machine, and not more than two horsepower total is used in such activities.

A hobby shop may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed are not sold for profit, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

HEIGHT AND AREA REGULATIONS

In District A the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Section 4-322, Height and Area Exceptions).

- HEIGHT: Buildings or structures shall not exceed thirty-five (35) feet, and shall not exceed two and one half (2½) stories in height. — *add below*
- FRONT YARDS. There shall be a front yard the minimum depth of which shall be fifty (50) feet.
- SIDE YARDS. There shall be a side yard on each side of a building not less than fifteen (15) percent of the width of the lot; except that such side yard shall be not less than fifteen (15) feet and need not be more than twenty-five (25) feet.
- REAR YARDS. There shall be a rear yard the minimum depth of which shall be fifty (50) feet.
- LOT WIDTH. The minimum width of a lot shall be one hundred (100) feet, provided that where a lot has less width than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one family dwelling.
- LOT AREA PER FAMILY. Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a lot area of not less than fifteen thousand (15,000) square feet per family, provided that where a lot has less area than herein required in separate ownership at the time of the adoption of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling.
- MINIMUM DWELLING SIZE. Six hundred and fifty (650) sq. ft. of living floor area.
- PARKING REGULATIONS. See Section 4-324, Off Street Parking and Loading.

AMEND THE RECENTLY ADOPTED ORDINANCE #2255

CHAPTER 4-307. . . HEIGHT REGULATIONS. . by adding after the phrase "two and one half (2½) stories in height", the following:

"excepting that structures for the storage and handling of feed and grain shall not exceed eighty (80) feet in height."

4-308. DISTRICT R-1. FIRST DWELLING HOUSE DISTRICT USE REGULATIONS. In District R-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses: (For exceptions see Section 4-318, Special Use Permits; and Section 4-320, Non-Conforming Uses.

1. Dwellings, one family.
2. Publicly owned, and operated community buildings, public museums, public libraries.
3. Public parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations.
4. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located on the campus.
5. Golf courses and clubhouses, appurtenant thereto, (except miniature golf courses, driving ranges and other similar activities operated as a business.)
6. Railroad right - of - ways, not including railroad yards.
7. Agriculture.
8. Nurseries, and truck gardens limited to the propagation and cultivation of plants; provided no retail or wholesale business shall be conducted upon the premises, and provided that no obnoxious fertilizer is stored upon the premises, and no obnoxious soil or fertilizer renovation is conducted thereon.
Greenhouses may be constructed by Special Use Permit.
9. Accessory uses, including automobile parking areas, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business or industry.

HEIGHT AND AREA REGULATIONS

In District R-1 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows: (For exceptions see Section 4-322. Height and Area Exceptions).

HEIGHT. Buildings or structures shall not exceed thirty-five (35) feet, and shall not exceed two and one-half (2½) stories in height.

FRONT YARDS. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least twenty-five (25) feet.

SIDE YARDS. There shall be a side yard on each side of a building not less than ten (10) percent of the width of the lot; except that such side yard shall not be less than seven (7) feet, and need not be more than twenty-five (25) feet.

Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet, provided this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership at the time of the passage of this Ordinance to less than thirty-five (35) feet.

REAR YARDS. The depth of the rear yard shall be at least twenty (20) percent of the depth of the lot, but such depth need not be more than thirty (30) feet.

LOT AREA PER FAMILY. Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than seven thousand (7,000) square feet per family, provided that where a lot had less area than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than fifteen thousand (15,000) sq. ft. per family.

LOT WIDTH. The minimum width of a lot shall be seventy (70) feet, provided that where a lot has less width than herein required in separate ownership at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one family dwelling.

MINIMUM DWELLING SIZE. Same as District A.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading.)

4-309. DISTRICT R-2. SECOND DWELLING HOUSE DISTRICT USE REGULATIONS. In District R-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses: (For exceptions see Section 4-318, Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District R-1.
2. Dwellings, two family.

HEIGHT AND AREA REGULATIONS

In District R-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows: (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Same as District R-1.

FRONT YARDS. Same as District R-1.

SIDE YARDS. Same as District R-1, including regulations for corner lots.

REAR YARDS. Same as District R-1.

LOT AREA PER FAMILY. Every dwelling hereafter erected, moved, or altered shall provide a lot area of not less than seven thousand (7,000) square feet per family for one family dwellings, or three thousand five hundred (3,500) square feet per family for two family dwellings, provided that where a lot has less area than herein required, in separate ownership, at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than fifteen thousand (15,000) square feet per family.

LOT WIDTH. Same as District R-1.

MINIMUM DWELLING SIZE. Same as District A for one family dwellings. No minimum for other dwellings.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading).

4-309(1) DISTRICT R-3G. GARDEN APARTMENT DISTRICT
USE REGULATIONS. In District R-3G no building, structure,
land, or premises shall be used, and no building or
structure shall be hereafter erected, constructed, re-
constructed, moved, or altered except for one or more of
the following uses:

1. Any use permitted in District R-2.
2. Garden Apartment Buildings.

HEIGHT AND AREA REGULATIONS

In District R-3G the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows (for exceptions see Section 4-322, Height and Area Exceptions):

- HEIGHT. Buildings or structures shall not exceed two stories, or thirty-five (35) feet in height.
- FRONT YARDS. A front yard of not less than twenty-five (25) feet shall be provided.
- SIDE YARDS. A side yard of not less than ten (10) feet shall be provided on each side of the lot except that not less than fifteen (15) feet shall be provided on the street side of a corner lot.
- REAR YARD. A rear yard of not less than twenty-five (25) feet shall be provided.
- MINIMUM LOT WIDTH. One hundred fifty (150) feet.
- LOT AREA PER FAMILY. The minimum lot area for garden apartments shall be two thousand five hundred (2,500) square feet of lot area per dwelling unit. Single and two family dwellings in this district shall provide the lot area and yards required in Districts R-1 and R-2, respectively.
- PARKING REGULATIONS. Not less than two off-street parking spaces shall be provided for each dwelling unit. Such Parking shall not be located in the required front yard or in the required side yard on the street side of a corner lot.

4-310. DISTRICT R-3. APARTMENT HOUSE DISTRICT
USE REGULATIONS. In District R-3, no building, structure,
land or premises shall be used, and no building or
structure shall be hereafter erected, constructed, re-
constructed, moved, or altered, except for one or more
of the following uses: (For exceptions see Section 4-318,
Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District R-2.
2. Apartment houses, or multiple dwellings.
3. Boarding and Lodging houses.
4. Fraternity or sorority houses and dormitories.
5. Hotels or Apartment Hotels.
6. Hospitals and sanitariums, other than for the
insane or feeble minded or alcoholics or drug addicts.
7. Nursing homes or homes for convalescents or aged.
8. Private clubs or fraternal orders, except those
whose chief activity is carried on as a business.
9. Philanthropic or eleemosynary institutions, other
than penal institutions.

HEIGHT AND AREA REGULATIONS

In District R-3 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows, provided that one and two family dwellings in this district shall conform to the regulations of District R-2: (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Buildings or structures shall not exceed forty-five (45) feet or three (3) stories in height.

FRONT YARDS. Same as District R-1.

SIDE YARDS. Same as District R-1, including regulations for corner lots.

REAR YARDS. Same as District R-1.

LOT AREA PER FAMILY. Every building or portion of a building hereafter erected, moved, or altered shall provide a lot area for one and two-family dwellings, the same as in District R-2. The lot area for multiple family dwellings shall be one thousand (1,000) square feet per family; provided that where a lot has less area than herein required in single ownership, at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than fifteen thousand (15,000) square feet per family.

LOT WIDTH. Same as District R-1.

MINIMUM DWELLING SIZE. Same as District R-2.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading.)

4-311. DISTRICT C-0. NON-RETAIL DISTRICT USE REGULATIONS. In District C-0 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses: (For exceptions see Section 4-318, Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District R-3.
2. Office buildings to be used only for the administrative functions of companies, corporations, social or philanthropic organization or societies.
3. Other offices, limited to the following:
 - a. Accountants
 - b. Architects
 - c. Brokers
 - d. Engineers
 - e. Dentists
 - f. Lawyers
 - g. Physicians, Osteopaths, Chiropractors
 - h. Real estate and Insurance
4. Mortuaries.
5. Customary accessory uses, including signs as provided in Section 4-325.

No merchandise shall be handled or displayed except at mortuaries, and no equipment, material or vehicle other than motor passenger cars shall be stored outside a building in this district.

HEIGHT AND AREA REGULATIONS

In District C-0 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows; provided that buildings erected exclusively for dwelling purposes shall comply with all the requirements of District R-3. (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Same as District R-3.

FRONT YARDS. Same as District R-1.

SIDE YARDS. There shall be a side yard on each side of a building not less than twenty (20) percent of the width of the lot; except that such side yard shall not be less than fifteen (15) feet and need not be more than fifty (50) feet.

REAR YARDS. Same as District R-1.

LOT AREA PER FAMILY. Same as District R-3.

LOT WIDTH. No Minimum.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading).

4-312. DISTRICT C-1. LOCAL BUSINESS DISTRICT USE REGULATIONS. In District C-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses: (For exceptions see Section 4-318, Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District C-0.
2. Antique Shop.
3. Art gallery.
4. Art shop.
5. Automobile parking lots (patron parking only).
6. Bank.
7. Barber shop.
8. Beauty shop.
9. Book store.
10. Cafe.
11. Cafeteria.
12. Candy store.
13. Camera shop.
14. Catering Service.
15. Cigar store.
16. Clinic (dental or medical, allowing overnight patients only in emergency cases.)
17. Clothing store.
18. Club (private).
19. Cocktail lounge.
20. Confectionnery.
21. Dancing school.
22. Delicatessen.
23. Dental laboratory (accessory to dental clinic only).
24. Department store.
25. Dress or millinery shop.
26. Dressmaking shop.
27. Drug store.
28. Dry cleaning and laundry pickup station, or coin operated.
29. Dry goods store.
30. Embroidery shop.

31. Flower shop.
32. Food market.
33. Frozen food lockers for individual or family use.
34. Furs store.
35. Furniture store.
36. Gift shop.
37. Glass shop.
38. Hardware store.
39. Hat shop.
40. Hemstitching and pleating shop.
41. Household merchandise and furnishings.
42. Ice cream parlor where persons are served inside the building only.
43. Insurance office.
44. Interior decorator.
45. Jewelry store.
46. Juice bar or shop.
47. Leather goods store.
48. Library.
49. Luggage shpp.
50. Music store.
51. Newspaper and magazine store (not second hand).
52. Notions store.
53. Novelty store.
54. Office building.
55. Pastry shop.
56. Photographic studio.
57. Portrait studio.
58. Pottery shop and ceramics (no baking or kiln operations permitted).
59. Radio and television store and service.
60. Real estate office.
61. Reducing salon.
62. Restaurant.
63. Schools and colleges.
64. Shoe repair shops.
65. Shoe shine service.
66. Shoe store.
67. Signs as provided in Section 4-325.
68. Sporting goods store.
69. Stationery store.
70. Tailor shop.
71. Tea room.
72. Telegraph offices.
73. Toy shop.

PERFORMANCE STANDARDS: The following standards shall not be exceeded by any use in this district.

1. No wholesale sales shall be conducted.
2. No merchandise or equipment shall be stored or displayed outside a building, except that Christmas trees and living trees and shrubs for sale may be displayed outside a building.
3. All products shall be sold and all services rendered inside a building, except that banks and savings and loan establishments may have drive-up or walk-up service.
4. No noises, smoke, radiation, vibration, or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic, or obviously injurious to humans or property shall be produced.
5. Alcoholic beverages shall not be sold for consumption on the premises.

HEIGHT AND AREA REGULATIONS.

In District C-1 the height of the buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows: provided that buildings erected exclusively for dwelling purposes shall comply with front, side and rear yard requirements of District R-3. (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Buildings or structures shall not exceed forty-five (45) feet and shall not exceed three stories.

FRONT YARDS. Same as District R-1.

SIDE YARDS. No side yard is required except that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-0 inclusive, a side yard of not less than seven (7) feet shall be provided, and a side yard of fifteen (15) feet shall be provided on the street side of a corner lot.

REAR YARDS. No rear yard shall be required except not less than ten (10) feet shall be provided adjacent to an existing alley, and not less than fifteen (15) feet shall be provided adjacent to any abutting property in a District R-1 to C-0, inclusive.

LOT AREA PER FAMILY. Same as District R-3.

LOT WIDTH. No minimum.

PARKING REGULATIONS. See Section 4-324, Off-Street Parking and Loading).

4-313. DISTRICT C-2. GENERAL BUSINESS DISTRICT
USE REGULATIONS. In District C-2 no building, structure,
land or premises shall be used, and no building or
structure shall be hereafter erected, constructed, re-
constructed, moved, or altered, except for one or more
of the following uses: (For exceptions see Section 4-318,
Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District C-1.
2. Armories, assemblyhalls, fraternal orders, and philanthropic or eleemosynary institutions.
3. Automobile parking lots (for a fee).
4. Auto, truck or boat sales rooms or yard, including repair shops, provided no dismantled vehicles or parts are stored outside of building.
5. Bakeries. Employing not more than five (5) persons on premises.
6. Bowling alleys, dance halls, shooting galleries, skating rinks, taverns, night clubs, and similar commercial recreation buildings or activities; provided that such use shall be not less than two hundred (200) feet from any existing clinic, hospital, school or church; and shall be not less than two hundred (200) feet from a District R-1 to R-3 inclusive.
7. Bicycle repair shops, electric appliance and "fix-it" shops.
8. Bus passenger stations.
9. Dry cleaning establishments employing not more than ten (10) persons on the premises and using non-explosive cleaning fluids.
10. Filling stations, provided that all gasoline storage tanks are located below the surface of the ground.
11. Greenhouses (commercial).
12. Hospitals for small animals if within an enclosed building.
13. Ice delivery stations for storage and sale of ice at retail only.
14. Laundries employing not more than five (5) persons on the premises.
15. News stands.
16. Package beer and liquor sales.
17. Printing and publishing plants, including bookbinding.
18. Radio and television broadcasting stations and studios, except towers.
19. Shops for custom work, or manufacture of articles to be sold at retail only, on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided that the space occupied by the manufacturing permitted herein shall not exceed fifty (50) per cent of the total floor area of the entire building, and further provided that such manufacturing use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
20. Storage garages for automobiles.
21. Storage in bulk of, or warehouse for, such materials as are incidental to sale at retail on the premises.
22. Stores, shops and markets for retail trades, provided merchandise is not displayed, stored, or offered for sale on the premises outside of a building within the required front yard.
23. Swimming pools (commercial).
24. Theaters.
25. Accessory uses customarily incident to any of the above uses.

HEIGHT AND AREA REGULATIONS

In District C-2 the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows, provided that buildings erected for dwelling purposes exclusively, shall comply with front, side and rear yard requirements of District R-3. (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Buildings or structures shall not exceed one hundred twenty (120) feet and shall not exceed ten (10) stories in height.

FRONT YARDS. No front yard is required except that where a lot in District C-2 lies within the same block and fronts upon the same street with a portion of a District R-1 to C-1 inclusive, and no lot within said District C-2 is occupied by a building with a front yard of less depth than required in that portion of a District R-1 to C-1 inclusive adjoining, then in such case the front yard requirements of such adjoining District R-1 to C-1 inclusive shall likewise apply to such lot in District C-2.

SIDE YARDS. Same as District C-1 except that on a corner lot no side yard need be provided.

REAR YARDS. No rear yard required.

LOT AREA PER FAMILY. Same as District C-1.

LOT WIDTH. No minimum.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading).

4-314. DISTRICT C-3. COMMERCIAL DISTRICT USE REGULATIONS. In District C-3 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses: (For exceptions see Section 4-318, Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District C-2.
2. Automobile, boat, truck, or trailer sales rooms or yards, provided no dismantled vehicles or parts are displayed or stored outside the building.
3. Drive-in restaurants, refreshment stands, ice cream shops, etc., where persons are served in automobiles.
4. Frozen food lockers for individual or family use.
5. Gymnasiums.
6. Miniature golf courses, provided all lights shall be directed away from any adjoining or adjacent residence districts.
7. Ornamental iron sales rooms, but not forging, stamping or casting.
8. Plumbing and heating and air conditioning shops, provided no equipment or material is stored on the premises in front or side yard.
9. Non-Alcoholic Beverage Plant.
10. Sale or maintenance of farm equipment including irrigation equipment.
11. Storage in bulk of, or warehouse for, such materials as are incidental to sale on the premises as permitted above.
12. Wholesale sales offices or samples rooms.
13. Accessory uses customarily incident to any of the above uses.

HEIGHT AND AREA REGULATIONS

In District C-3 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with front, side and rear yard requirements of District R-3: (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT: Same as District C-1.

FRONT YARDS. Any building hereafter constructed shall provide a front yard the minimum depth of which shall be fifteen (15) feet.

SIDE YARDS. Same as District C-1.

REAR YARDS. No rear yard required.

LOT AREA PER FAMILY. Same as District R-3.

LOT WIDTH. No minimum.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading).

4-315. DISTRICT M-1R. RESTRICTED INDUSTRIAL DISTRICT
USE REGULATIONS. In District M-1R no building, structure,
land, or premises shall be used, and no building or structure
shall be hereafter erected, constructed, reconstructed, moved,
or altered, except for one or more of the following uses.

1. Manufacturing, processing, fabrication, or assembling of any commodity except junk or salvage.
2. Warehousing, wholesaling and storage of any commodity except junk or salvage.
3. Freight terminals and parcel services.
4. Offices.
5. Public utility facilities.
6. Restaurants and automatic food and beverage vending machines.
7. Educational and research activities including dwellings in connection therewith.

PERFORMANCE STANDARDS.

1. All operations shall be conducted within a fully enclosed building.
2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that said materials, products or equipment are not visible at human eye level within three hundred (300) feet of the property line.
3. No use shall be permitted or so operated as to produce or emit:
 - a. Smoke or particulate matter of a number 1 or darker on the Ringleman Chart.
 - b. Dust, fly ash, radiation, gases, heat, glare, or other effects which are obviously injurious to humans or property at the property line.
 - c. Vibration or concussion perceptible without instruments at the property line.
 - d. The noises level shall not exceed the following levels at any point along the property line:

Octave Band	Sound Level
0 - 75 CPS	55 db
75 - 1200 CPS	40 db
1200 - 4800 CPS	25 db
above 4800 CPS	22 db

- e. Industrial wastes shall be of such quantity and nature as to not over-burden the public sewage disposal facilities, or to raise odor and unsanitary effects beyond the property line.

HEIGHT AND AREA REGULATIONS

In District M-1R the height of buildings and structures and the minimum dimension of lots and yards shall be as follows: (For exceptions see Section 4-322).

HEIGHT. Buildings shall not exceed three stories, or forty-five (45) feet in height. A structure other than a building may be erected to a height not to exceed one hundred (100) feet, provided such structure does not encroach into the airport hazard area or approach zones, and provided such structure is set back from all property lines a distance equal to or greater than its height.

FRONT YARDS. A front yard of not less than fifty (50) feet shall be provided.

SIDE YARDS. A side yard shall be provided on each side of a building or unit group of buildings, the total of which side yards shall be not less than forty (40) feet, and no side yard shall be less than ten (10) feet. A side yard abutting a street in the case of a corner lot, or a side yard abutting a zoned residential lot shall be not less than twenty (20) feet.

REAR YARDS. A rear yard of not less than fifteen (15) feet shall be provided.

PARKING AND LOADING REGULATIONS. Each establishment shall provide sufficient off-street parking space for all employees, customers, visitors, and others who may spend time at said establishment during working hours. The amount of parking to be provided shall be approved by the Planning Commission prior to the issuance of a building permit.

4-316. DISTRICT M-1. LIGHT INDUSTRIAL DISTRICT
USE REGULATIONS. In District M-1 no building, structure,
land, or premises shall be used, and no building or
structure shall be hereafter erected, constructed, re-
constructed, moved, or altered, except for one or more
of the following uses: (For exceptions see Section 4-318,
Special Use Permits; and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District C-3., except dwellings.
2. Bakeries.
3. Bottling works.
4. Bus barns or lots.
5. Canning or preserving factories.
6. Carpenter, cabinet, or pattern shops.
7. Carpet cleaning establishments.
8. Chemical laboratories not producing noxious fumes or odors.
9. Cleaning, pressing and dyeing plants.
10. Cold storage plants.
11. Creameries.
12. Dog pounds if within an enclosed building.
13. Electro-plating works.
14. Fabrication or assembling of irrigation pipe and equipment.
15. Flour mills, feed mills and grain processing.
16. Freight terminals (rail or truck).
17. Galvanizing works.
18. Garages (public).
19. Grain elevators.
20. Ice plants.
21. Laundries and dry cleaners.
22. Lumber yards and concrete mixing plants.
23. Machine shops.
24. Manufacture of products such as: Artificial flowers, feathers, plumes, awnings, bags, blacking, small boats, bone products, brooms and brushes, buttons and novelties, candy, canvas products, cement products, concrete blocks, chemicals (non-offensive), cigars, cleaning and polishing preparations, clothing, coffee (roasting), cosmetics, cotton seed, peanut or similar products, drugs or medicines, electrical signs, extracts, food products, fruit juices, gas or electric fixtures, ice cream, leather products, sausage, shell products, shoes and boots, syrup, terra cotta or tile handcraft products, textiles, toys, wooden ware.
25. Milk bottling or distribution plants.
26. Monument or marble works, finishing and carving only, excluding stone cutting.
27. Moving, transfer or storage plants.
28. Photo engraving plants.
29. Planing mills.
30. Plumbing and sheet metal shops (allowing punching of material of 1/8-in. or less in thickness).
31. Produce markets (wholesale).
32. Railroad freight yards.
33. Sales rooms, yards and service for contractors' equipment, and oil well supplies.
34. Sign painting plants.
35. Storage in bulk of, or warehouse for, such materials as: Asphalt, brick, building materials, cement, coal, contractors' equipment, cotton, feed, fertilizer, grain, gravel, grease, hay, ice, lead, lime, machinery, metals, oil, plaster, poultry, roofing, rope, sand, stone, tar, tarred or cresoted products, terra cotta, timber, wood, wool.

36. Stables (public) or wagon sheds.
37. Tracks (team, loading, or storage)/
38. Veterinary hospitals.

PERFORMANCE STANDARDS.

1. Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line.

HEIGHT AND AREA REGULATIONS

In District M-1 the height of buildings, minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot, shall be as follows; provided that buildings erected for dwelling purposes exclusively shall comply with the front, side and rear yard requirements of District R-3: (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Buildings or structures shall not exceed forty-five (45) feet, and shall not exceed three (3) stories in height.

FRONT YARDS. Same as District C-2, except that a setback of not less than fifty (50) feet shall be provided along all federal and state highways.

SIDE YARDS. Same as District C-1.

REAR YARDS. Same as District C-1.

LOT AREA PER FAMILY. Same as District R-3.

LOT WIDTH. No minimum.

PARKING REGULATIONS. (See section 4-324, Off-Street Parking and Loading).

4-317. DISTRICT M-2, HEAVY INDUSTRIAL DISTRICT
USE REGULATIONS. In District M-2 no building, structure,
land or premises shall be used and no building or structure
shall be hereafter erected, constructed, reconstructed,
moved, or altered except for one or more of the following
uses: (For exceptions see Section 4-318, Special Use Permits;
and Section 4-320, Non-Conforming Uses).

1. Any use permitted in District M-1.
2. Ammonia, Bleaching powder, chemical plants.
3. Asphalt mixing plants.
4. Assaying works (other than gold or silver).
5. Blooming or rolling mills.
6. Breweries or distilleries.
7. Carpenter, cabinet or pattern shops.
8. Chemical laboratories.
9. Cider mills.
10. Coal car dumps.
11. Coal distillation and by-products plants.
12. Coal hoists, pockets or trestles.
13. Coke ovens.
14. Cooperage works.
15. Cotton ginning or bailing works.
16. Dog kennels (commercial).
17. Dog pounds.
18. Enameling works.
19. Electric power plants.
20. Forges.
21. Foundries (iron, brass, bronze, aluminum).
22. Hides and skins (storage, curing or tanning).
23. Japanning works.
24. Lumber mills.
25. Machine shops.
26. Manufacturing of such products as adding machines,
cash registers, typewriters, alcohol, asphalt, basket
material, boats, boilers, boxes, bronze, cans, carbon
batteries, electric lamps, carbon or lamp black,
carriage or wagon parts, celluloid or similar materials,
clay, shale and glass products, creosote, cutlery or
tools, disinfectants, insecticides, dyes, electrical
machinery, engines, furniture, glass, iron and steel,
locomotives, motor cars, bicycles, airplanes, pumps,
nuts, bolts, screws, etc., oil cloth, linoleum, paint,
japan, lacquer, oil, turpentine, varnish, enamel, etc.,
railway cars, rubber, synthetic rubber, rubber products,
shoddy, soap, starch, glucose, dextrin, tar products,
tobacco (chewing), tools, vinegar, wine.
27. Metal stamping, shearing, punching works, etc.
28. Monument or marble works.
29. Oil compounding and barreling plants.
30. Planing Mills.
31. Plumbing and sheet metal shops.
32. Railroad round houses or shops.
33. Salt works.
34. Steel furnaces.
35. Stone cutting.
36. Structural iron or pipe works.
37. Sugar refineries.
38. Tar distillation or manufacture.
39. Wire or rod mills.
40. Wood distillation plants (charcoal, tar, turpentine, etc.).
41. Wool scouring works.
42. Accessory uses customarily incident to any of the above
uses.

The following additional uses may be permitted after the location of such use shall have been approved by the Mayor and City Council, after report by the Chief of the Fire Department and Planning Commission:

- a. Acid manufacture.
- b. Cement, lime gypsum, or plaster of paris manufacture.
- c. Distillation of bones.
- d. Explosives manufacture or storage.
- e. Fat rendering.
- f. Fertilizer manufacture and storage.
- g. Garbage, offal, or dead animals, reduction or dumping.
- h. Glue manufacture.
- i. Petroleum, or its products, refining of.
- j. Smelting of tin, copper, zinc, or iron ores.
- k. Stockyards or slaughter of animals.
- l. Wholesale storage of gasoline.
- m. Storage or use of oxygen, hydrogen, acetylene, or anhydrous ammonia.

PERFORMANCE STANDARDS.

1. Smoke, dust, particulate matter, odor, heat, or other effects shall not be produced which will be obviously harmful or injurious to humans or property beyond the property line.
2. Vibration or concussion shall not be perceptible without instruments at the property line.
3. The noise level shall not exceed the following levels at any point along the property line:

Octave Band	Sound Level
0 - 75 CPS	55 db
75 - 1200 CPS	40 db
1200 - 4800 CPS	25 db
above 4800 CPS	22 db

HEIGHT AND AREA REGULATIONS

In District M-2 the height of buildings and the minimum dimensions of lots and yards shall be as follows: (For exceptions see Section 4-322, Height and Area Exceptions).

HEIGHT. Same as District M-1.

FRONT YARDS. Same as District M-1.

SIDE YARDS. Same as District C-1.

REAR YARDS. Same as District C-1.

WIDTH OF LOT. No minimum.

PARKING REGULATIONS. (See Section 4-324, Off-Street Parking and Loading).

4-318. SPECIAL USE PERMITS. Any of the following uses may be located in any district by Special Use Permit of the City Council, after public hearing, and after recommendation of the Planning Commission, under such conditions as to operation, site development, parking, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of neighboring property, and will conform to the general intent and purpose of this Ordinance. Such uses shall comply with the height and area regulations of the district in which they may be located, except that radio, television and microwave towers, and drive-in theater screens may exceed said height regulations.

1. Amusement parks, commercial baseball or athletic fields, race tracks, circuses, carnivals or fair-grounds.
2. Auto salvage and junk yards, provided that no burning of waste material shall be permitted within the city limits, and the entire storage or salvage yard shall be so screened with a solid fence or wall that the materials within are not visible at human eye level within a distance of five hundred (500) feet of the fence or screen wall.
3. Aviation Fields or Airports, under such restrictions as the Council, after report from the Planning Commission, may impose on land, buildings or structures within an approach or transition plane or turning zone, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards.
4. Cemeteries, mausoleums, or crematories for the disposal of the human dead.
5. Churches.
6. Clubs, private.
7. Drive-in Theaters.
8. Golf driving ranges, commercial or illuminated.
9. Gun clubs, skeet shoots or target ranges.
10. Hospitals for the insane or feeble minded, or alcoholic or drug addicts, or penal or correctional institutions.
11. Picnic Groves and Fishing Lakes, including minor and incidental concession facilities for patrons only.
12. Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials; provided, however, that no special use permit shall be issued until and unless the location, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the Council after report from the Planning Commission, which permit shall be a for a limited period of time not to exceed five (5) years.
13. Nursery sales office, building, greenhouse, or area (Wholesale or retail).
14. Radio, television and microwave towers.
15. Refuse dumps.
16. Reservoirs, wells, towers, filter beds, or water supply plants.
17. Riding stables and tracks.
18. Sewage, refuse, garbage disposal plants or sanitary fills.
19. Storage or sales of E. P. gas.
20. Swimming pool, commercial.
21. Tourist courts, motels, trailer or mobile homes, subject to the following:
 - a. The number of trailers or tourist units, or both shall not exceed the number obtained by dividing the total square foot area of the site by 1,200.

- b. A distance of at least ten (10) feet to be maintained between buildings, between trailers, and between trailers and buildings.
 - c. Each tourist cabin unit have a minimum enclosed area of two hundred (200) square feet, and be provided with heating facilities, a lavatory, toilet and tub or shower with hot and cold running water. Sanitary and water supply facilities installed shall be subject to approval of the City Health Officer, City Engineer, Gas, Plumbing and Electrical Inspector.
 - d. Each trailer camp shall provide sanitary facilities and water supply in accordance with the standards of and meeting the approval of the City Health Officer, City Engineer, Gas, Plumbing and Electrical Inspector. No special use permit for a trailer camp shall be granted until the plans have been approved by the City Health Officer, City Engineer, Gas, Plumbing and Electrical Inspector. No certificate of occupancy shall be granted until after certification of compliance with the requirements of the City Health Officer, City Engineer, Gas, Plumbing and Electrical Inspector. All special use permits for trailer camps shall be temporary and shall be valid only during the period that the camp complies with the requirements of the City Health Officer, City Engineer, Gas, Plumbing and Electrical Inspector.
22. Buildings, structures, and premises for public utility services, or public service corporations, which buildings or uses the Council, after report of the Planning Commission, deems reasonably necessary for public convenience or welfare.
23. Horses, ponies, or chickens on tracts where available land area is less than the three acres required in Section 4-319.

AMEND THE RECENTLY ADOPTED ORDINANCE #2255

CHAPTER 4-318. . . .Add a Special Use Permit #24, to-wit:

24. "Raising or feeding of livestock or poultry in any feedlot in numbers in excess of those indicated in Chapter 4-307, provided that pollution control measures be enforced in compliance with State Law."

4-319. ACCESSORY USES. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use.

The following uses shall be permitted as accessory to main uses permitted in this Ordinance:

District A - Accessory uses are permitted as listed in Section 4-307.

Districts R-1 and R-2.

1. Home occupations limited to the following:

- Accountant
- Architect
- Artist
- Author or Writer
- Chiropractor
- Clergyman
- Contractor
- Day Nursery with maximum at any one time of five (5) patron children who are not members of the resident family.
- Dentist
- Engineer
- Knit Shop
- Lawyer
- Osteopath
- Physician
- Real Estate, Insurance and Investment sales
- Salesman
- Seamstress-Dressmaker
- Teaching or Instruction, provided not more than three (3) students are taught at any one time, nor more than twelve (12) students per day.

The following conditions and restrictions shall apply to such customary home occupations:

- A. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his or her private residence.
 - B. No assistant other than an immediate member of the family household shall be employed, and signs and displays shall be limited to one nonilluminated sign not exceeding one square foot in area.
 - C. No equipment or machinery shall be used in such activities that is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.
 - D. No Product shall be sold at wholesale or retail on the premises.
2. For any dwelling house there shall be permitted one private garage or covered garport. Not more than one garage or

carport space shall be permitted for each two thousand (2,000) square feet of lot area, and the total ground coverage of all buildings on the lot shall not exceed forty (40) percent of the area of the lot. A detached garage shall be located not less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line, except that when the rear lot line is common to a side or rear lot line of another lot, such out-building must be located a minimum of three (3) feet from said lot line, and in the case of corner lots, not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, but shall not occupy more than thirty (30) percent of the required rear yard. No part of a detached accessory building shall be closer than ten (10) feet to the main building.

3. Horses, ponies, cows, or chickens may be kept, except that on a lot or tract of less than three (3) acres in size, a Special Use Permit shall be required.
4. Temporary real estate sales office, located on property being sold, and limited to period of sale.
5. A hobby activity may be conducted as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation; provided that any articles produced or constructed are not sold either on or off the premises.
6. Such additional uses as private swimming pools, gardens, customary pets, television and radio receiving antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, tool sheds not exceeding one hundred (100) square feet, play equipment, storage of one tenant owned boat, camping trailer or pickup camper, but not in the front yard, the overnight parking of a truck of one ton rating or less, and other similar uses. Any accessory use other than a residential building or garage, which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third its height.
7. A beauty shop or hairdresser may be permitted in a District R-2, provided that no person other than a member of the resident family household is employed, and further provided that such operation is not noxious or offensive by reason of noise, odor, or electrical interference.

Districts R-3G and R-3: Parking area, signs as permitted by ordinance, recreation areas, including tenant used swimming pools, and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use, and other similar uses.

District C-0 and C-1: Parking areas, signs as permitted by ordinance, food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or micro-wave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers, and other similar uses.

Districts M-1R, M-1, and M-2: Parking and loading areas, railroad trackage, signs as permitted by ordinance, security and screen fencing, radio and micro-wave towers to heights as set out in this ordinance, gate house, loading equipment, dwellings incidental to industrial activities, and other similar uses.

Special Uses:

1. Motor Hotels: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, clubs, flower and gifts shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.
2. Hospitals: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food and prescription service, and vending machines, laundry and other similar services for hospital personnel and patients.
3. Utility Buildings: Outside storage of materials and equipment, provided all outside storage is screened from view from off the premises.

A private drive or walk, other than a platted street, for purposes of access to premises in a District C-1 to M-2, inclusive shall not be permitted in a District R-1 to C-0 inclusive.

The determination of the eligibility of a proposed use as an accessory use shall be made by the Building Inspector, and appeal can be made from his decision as set out in Section 4-238 Powers and Duties of the Board of Adjustment.

4-319(1). PLANNED DISTRICTS. Each of the residential, commercial or industrial districts (~~R~~-1 to M-2 inclusive) hereinbefore set forth shall have a separate and distinct counterpart, known, and herein referred to as a Planned Residential, Planned Business, or Planned Industrial District. A planned district shall be for the purpose of permitting and regulating the uses heretofore permitted in the equivalent district, and further provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces subsequent to the approval of the plan by the Planning Commission and City Council. The intent is to allow development of tracts of land to their fullest extent, and at the same time observe the general intent and spirit of these regulations.

PLANNED RESIDENTIAL DISTRICTS. Planned residential districts may be permitted as follows:

Planned District	Equivalent District
RP-1	R-1
RP-2	R-2
RP-3G	R-3G
RP-3	R-3

In general the height and bulk of buildings, the amount of open space, light and air, the concentration of population, the parking and loading requirements shall be equal to those in the equivalent district. The uses permitted shall be the same as in the equivalent district.

Variations and departures from normal practice may, however, be permitted. Each building need not face on a public street, and more than one building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining buildings and property. Any building or portion thereof may be owned in condominium under applicable state laws governing the same.

PLANNED COMMERCIAL AND INDUSTRIAL DISTRICTS. Planned commercial and industrial districts may be permitted as follows:

Planned District	Equivalent District
CP-0	C-0
CP-1	C-1
CP-2	C-2
CP-3	C-3
MP-1	MM -1R
MP-1R	M-1
MP-2	M-2

In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the equivalent district, except that off-street parking and set-back requirements in District CP-2 shall be the same as in C-3. The uses permitted and the performance standards shall be the same as in the equivalent district. This district may be used to provide for and encourage the grouping of business or residential buildings into centers in keeping with modern concepts of office center, service center, shopping center, or industrial park design. The further intent and purpose shall be to reduce the need for strips of commercial development along thoroughfares, and to encourage centers and clusters offering the equivalent in goods and services.

PROCEDURE FOR REZONING PROPERTY TO A PLANNED DISTRICT.

A tract of land may be zoned to a District RP-1 through MP-2 inclusive only upon application by the owner or his agent, and only upon approval of a development plan for the tract. The proponents of a planned development shall prepare and submit to the Planning Commission a preliminary development plan containing the following elements:

1. The boundaries of the tract to be developed, and the area adjacent for a distance of not less than three hundred (300) feet.
2. The existing topography of the tract.
3. The proposed location and arrangement of buildings, structures, parking areas, existing and proposed streets, drives, and other public ways, public property, drainage, screening, landscaping, and other features of the proposed development.
4. Sufficient approximate dimensions to indicate the relationship between buildings, streets, drives and property lines.
5. Preliminary elevations and plan drawings of proposed buildings.
6. In the case of rezoning applications for purposes of constructing centers having an ultimate floor area of sixty thousand (60,000) square feet or more, a market analysis of the Hastings trade area, prepared by competent and experienced analysts, shall be submitted in support of the application. Such analysis shall show plainly and accurately the role that the proposed center will play in the Hastings retail economy.
7. The Planning Commission shall advertise and hold a public hearing on the application and plan, as provided in Section 4-331, for changes and amendments. If the development plan is found to be in the best interests of the City of Hastings, and is acceptable to the Planning Commission, in plan and supporting data, the plan shall be approved, properly endorsed and identified, and sent on to the Council for action.
8. Upon final approval of the Preliminary development plan, and rezoning of the land, construction may proceed, and conformance with the plan and all supporting documentation is mandatory. All final plans shall be submitted to the Planning Commission, and approved as to compliance with the preliminary development plan prior to the issuance of a building permit. All decisions of the Planning Commission may be appealed to the Council, who may reverse or affirm the same.

4-320. NON-CONFORMING USES.

1. Non-CONFORMING USES DISCONTINUED. The lawful use of a lot of record for storage purposes or advertising signs, and which contains no buildings, and which use for storage ~~or~~ signs is not permitted by this Ordinance or by an amendment thereto, shall be discontinued within two (2) years from the date of the adoption of this Ordinance or said amendment.

2. NON-CONFORMING USES CONTINUED OR CHANGED. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of a higher classification, or to a conforming use, such use shall not thereafter be changed to a non-conforming use of lower classification.

3. NON-CONFORMING USE DUE TO CHANGE IN ZONING. Whenever the use of a building becomes non-conforming through an amendment to the Zoning Ordinance or Zoning District Map, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of a higher classification.

4. NON-CONFORMING USE STOPPED OR DISCONTINUED. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to regulations of the district in which it is located.

5. NON-CONFORMING USE ENLARGED. A non-conforming use of a building may not be enlarged, extended, nor may the building be reconstructed, or altered unless such use is made to conform to the regulations of the district in which it is located, provided, however, that in case of evident hardship a building containing a non-conforming use may be enlarged an amount not greater than twenty-five (25) percent of its present ground area by variance from the Board of Adjustment after public hearing. A non-conforming use of a lot of record for storage purposes or for advertising signs, and which lot contains no buildings, shall not be extended, enlarged or expanded.

6. NON-CONFORMING USE DESTROYED OR DAMAGED. When a building containing a non-conforming use is damaged by fire, explosion, Act of God, or the public enemy to the extent of more than sixty (60) percent of its fair market value, it shall not be restored, rebuilt or repaired unless it is made to conform to the regulations of the district in which it is located. If a building containing a non-conforming use is damaged by fire, explosion, Act of God or the public enemy to the extent of less than sixty (60) percent of its fair market value, it may be restored, provided such restoration is completed within six (6) months of the date of destruction and further provided that any necessary litigation shall not be counted as part of the ~~six~~ months allowed for restoration.

4-321. COMPLETION AND RESTORATION OF BUILDINGS. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file at the Building Inspector's office at the time of the passage of this Ordinance, and the construction of which in either case shall have been diligently prosecuted within one year of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed, according to such plans as filed, within two years from the date of the passage of this Ordinance.

4-322. HEIGHT AND AREA EXCEPTIONS. The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements as follows in the foregoing sections of this Ordinance, shall be subject to the following exceptions and additional regulations:

1. HEIGHT.

- a. In any district, public or semi-public buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- b. Dwellings in District R-1 or R-2 may be increased in height not exceeding ten (10) feet in addition to the limitations of two and one-half (2½) stories, or thirty-five (35) feet, as prescribed in such districts, provided that two side yards of not less than twenty (20) feet in width, each, are provided. In no case shall such dwelling, however, exceed three (3) stories in height.
- c. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, elevator bulkheads, pent houses, finials, gas tanks, grain elevators, stacks, storage towers, radio towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same.
- d. On through lots one hundred twenty-five (125) feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than one hundred twenty-five (125) feet in depth, the height regulations for the street permitting the greater height shall apply to a depth of not more than one hundred twenty-five (125) feet from the street.

2. AREA PER FAMILY.

- a. On lots where a public or community sewer is not available, the Board of Adjustment may by variance reduce the minimum lot area per family after proof by established and approved tests that the soil conditions on that lot will safely permit a smaller absorption area.
- b. For any building providing jointly for hotel and apartment house uses, the number of families permitted in apartments by the lot area requirements per family shall be reduced in the same proportion as the total floor area devoted to hotel or non-housekeeping rooms bears to the total floor area devoted to both uses.
- c. For any building used jointly for business and dwelling purposes, the number of families permitted by the lot area requirements per family shall be reduced in the same proportion as the floor area devoted to business or industry bears to the entire

floor area of the building, provided that floor area below the first floor of such buildings shall not be included in any calculation under this provisions.

3. YARD EXCEPTIONS.

- a. In Districts A, R-1, R-2 and R-3 where lots comprising forty (40) percent or more of the frontage, on the same side of a street between two intersecting streets, (excluding reverse corner lots and having not more than two and one-half ($2\frac{1}{2}$) acres in area are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage; provided that the Board of Adjustment may permit a variance in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard requirements impractical.
- b. Where an official line has been established for future widening or opening of a street or a highway upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.
- c. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than thirty (30) inches; and provided further that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed.
- d. An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a rear yard.
- e. In any district, a detached accessory building not exceeding twenty-four (24) feet or two stories in height, or in any case not higher than the main building, may occupy not more than thirty (30) percent of a rear yard.
- f. On any corner lot there shall be no planting, structure, fences or obstruction to vision more than three feet higher than the curb level within twenty-five (25) feet of the intersection of the street lines.
- g. Except as specifically required, buildings in Districts C-1, C-2, C-3, M-1, or M-2, used wholly or partially for business or industrial purposes, need not provide a side yard, provided that portions of such buildings which are designed or used for dwelling purposes shall provide on any floor so

used, in addition to the front and rear yard requirements, open space equivalent to the area of side yards for buildings used exclusively for dwelling purposes in the district in which such building is situated. Such open space may be in the form of additional front or rear yards or one or more courts opening to the street or rear yard, provided that:

- (1) No court shall have a width of less than ten (10) feet nor a width of less than two and one-half ($2\frac{1}{2}$) inches for each foot of height of the court.
 - (2) That the width of any portion of a required side yard as provided in these regulations may be considered a part of such court.
- h. No rear yard shall be required in Districts C-1 to M-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right of way or which has a rear railway track connection.
 - i. In computing the depth of a rear yard for any building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yard.
 - j. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
 - k. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

4. FENCES. Upon the adoption of this ordinance, the erection, construction, or moving of any fence or screen wall shall comply with the following regulations:

1. Definitions.

- A. Fence or screen wall - Any vertical structure, other than a building or plant material, which is for the purpose of obstructing visual observation, or for the purpose of obstructing pedestrian, automotive or animal movement, or for the purpose of beautification, and which is attached to the ground or to a building, but excluding retaining walls.
- B. Solid fence or screen wall - A fence or screen wall having ten percent or less of its area perforated.
- C. Semi-Solid fence or screen wall - A fence or screen wall having ~~more than~~ ten percent, but not more than sixty percent of its area perforated.
- D. Open fence or screen wall - A fence or screen wall having more than sixty percent of its area perforated.

2. General Requirements - Residential Districts

In zoning district R-1, R-2, R-3G and R-3, and any other residential districts which may hereafter be added, no fence or screen wall shall be erected, constructed or moved except for the following types:

- A. On a side lot line common to two lots - an open fence or screen wall not exceeding four (4) feet in height within twenty-five (25) feet of the front lot line.

- B. On a side lot line common to two lots - an open or semi-solid fence or screen wall not exceeding six (6) feet in height between a point twenty-five (25) feet back from the front lot line and a point twenty-five feet from the rear lot line.
 - C. On a side lot line common to two lots - an open, semi-solid, or solid fence or screen wall not exceeding six (6) feet in height within twenty-five (25) feet of the rear lot line.
 - D. On a rear lot line on other than corner lots - an open, semi-solid or solid fence or screen wall not exceeding six (6) feet in height across the entire width of the lot.
 - E. On a rear lot line on a corner - an open, semi-solid or solid fence or screen wall not exceeding six (6) feet in height but not extending closer than fifteen (15) feet to the lot line common to the side street.
 - F. On a rear lot line on a corner lot - an open fence or screen wall not exceeding four (4) feet in height within fifteen (15) feet of the lot line common to the side street.
 - G. In the side yard common to the side street on a corner lot- an open or semi-solid fence or screen wall not exceeding six (6) feet in height not closer than fifteen (15) feet to the side lot line common to the side street. Such fence or screen wall may extend to within twenty-five (25) feet of the front lot line.
 - ~~H. No fence or screen wall shall be constructed closer than fifteen (15) feet to the side lot line common to the side street.~~
 - H. All fences and screen walls shall be constructed of wood, chain link, or masonry materials, shall be structurally sound, shall have a neat and finished appearance and shall be straight and true.
3. No fence or screen wall shall be erected, constructed, or moved until a building permit shall have been procured from the Building Inspector. Application for a fence building permit shall include a sketch of the lot, the location of any buildings on the lot, the proposed fence, and sufficient dimensions to accurately locate these features. A fee of one dollar shall be paid by the applicant for such permit.
4. Vision Clearance - No shrubs, trees, bushes or other plant material shall be planted, maintained, allowed to grow and no structure shall be erected so as to hinder vision in the vicinity of an intersection of two streets, within a sight distance triangle bounded by the edges of the roadway or the curb on the two sides and a line diagonally across the corner lot meeting the edges of the roadway or the curb 40 feet from their intersection at the corner. To hinder vision shall be taken to mean that said plant material has leaves, needles, branches or other foliage during any period of the year, and structures of any type as defined in the zoning ordinance exist, between levels two (2) feet and eight (8) above the crown of the street adjacent. Structures in Zoning District C-2 shall be exempt.

4-323. LARGE SCALE HOUSING OR RESIDENTIAL DEVELOPMENT.

The owner or owners of any tract of land comprising an area of not less than five (5) acres in any District except District M-2, may submit to the Planning Commission of the City of Hastings a plan for the use and development of all of the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising five (5) acres or more, and shall present specific evidence and facts showing whether or not the proposed plan meets with the following conditions:

- a. That property adjacent to the area included in the plan will not be adversely affected.
- b. That the plan is consistent with the intent and purposes of this ordinance to promote public health, safety, morals and general welfare.
- c. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple dwellings and the usual accessory uses, such as garages, storage space or community or administrative activities.
- d. That the average lot area contained in the site will not be less than two thousand (2,000) square feet per family.
- e. That the buildings do not exceed two stories in height.

The plan need not provide for the customary street and lot layout, or the normal application of the yard and area requirements to individual building units.

If the Planning Commission and the City Council approve the plans, after a public hearing thereon, building permits and certificates of occupancy may be issued even though the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

4-324. OFF-STREET PARKING AND LOADING. For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, except those located in District C-2, off-street parking in the form of private garages, carports or open areas made available exclusively for that purpose shall be provided. The parking area provided for each car space shall be at least 8.5 by 20.0 feet plus the maneuvering space necessary to utilize each space. No portion of a parking area except the necessary drives shall extend into a public street or alley. Entrances to and exits from parking areas from a street shall not be greater than thirty-five (35) feet in width. Any lights used to illuminate said parking areas shall be directed away from any adjacent residential district.

1. PARKING FOR ONE AND TWO FAMILY DWELLINGS. For all one and two family dwellings there shall be provided one off-street parking space for each family unit, such parking areas to be located in the side or rear yard on the same lot as the main building or buildings, or in a community garage in the same block.
2. PARKING FOR APARTMENTS, APARTMENT HOTELS, HOTELS, CLUBS, MOTELS AND TOURIST COURTS. For all apartment houses and apartment hotels, there shall be provided two off-street parking spaces in the side or rear yard for each family unit. For all hotels, clubs, motels, and tourist courts, there shall be provided one off-street parking space for each sleeping room. In addition, any restaurant which is an accessory use to any of the above uses shall provide one off-street parking space for each four (4) patron seats in said restaurant. Such parking area shall be located on the same lot as the main building, or on a lot within five hundred (500) feet either on land zoned for business or industry, or by Special Use Permit on land zoned for residence or agriculture.
3. PARKING FOR HOSPITALS AND INSTITUTIONS. For all hospitals and institutions there shall be provided one off-street parking space for each three (3) beds plus one space for each two (2) staff members and employees. Such parking area shall be located on the same lot as the main building, or on a lot within five hundred (500) feet either on land zoned for business or industry, or by Special Use Permit on land zoned for residence or agriculture.
4. PARKING FOR PLACES OF ASSEMBLY. For all theaters, churches, funeral chapels, stadiums and auditoriums there shall be provided one off-street parking space for each four (4) patron seats. Such parking area shall be located on the same lot as the main buildings, or on a lot within five hundred (500) feet either on land zoned for business or industry, or by Special Use Permit on land zoned for residence or agriculture.
5. PARKING FOR BUSINESS BUILDINGS. For all businesses or commercial buildings there shall be provided one off-street parking space for each of two hundred (200) square feet of gross leasable floor area in the building. Such parking shall be located on the premises of the main building, or within ~~two~~ ^{three} hundred (300) feet thereof, such distance to be measured from the main entrance to the building to the most distant car space to be included in this requirement. *chg: amended 11-11-1968*

6. PARKING FOR INDUSTRIAL BUILDINGS. For all industrial buildings except in those in District M-1R there shall be provided one off-street parking space for each two (2) employees. Such parking area shall be located on the same lot as the main building or within five hundred (500) feet either on land zoned for business or industry, or by Special Use Permit on land zoned for resident or agriculture.

The Board may grant a variance reducing the number of spaces required above, provided that it is proven that such number of spaces required above is unnecessary for that specific use, or that to provide such number of spaces required above would work undue hardship on the applicant.

All parking areas required in Par. 2 to 6 inclusive above including entrance drives shall be surfaced with an asphaltic or concrete pavement, and a solid fence or wall not less than three (3) feet in height shall be constructed as a screen between any such parking area and an abutting lot in District R-1 to R-3 inclusive.

4-325. SIGNS. Signs shall be permitted in all districts as follows:

1. Districts R-1 and R-2.
 - a. One non-illuminated sign per building, not more than one square foot in area, mounted on the building, indicating a permitted home occupation.
 - b. One non-illuminated "For Sale" or "For Rent" sign per lot, not more than eight (8) square feet in area.
 - c. One illuminated or non-illuminated sign per church, not more than sixteen (16) square feet in area on church premises, indicating activities and services therein provided.
 - d. One non-illuminated sign per building, not more than sixteen (16) square feet in area, showing names of architects, engineers, builders, or contractors, on the premises of a building being constructed, provided such sign shall be removed upon completion of building.
2. District A. Agriculture District.
 - a. Signs shall be permitted as provided under District R-1 above.
 - b. In addition, one non-illuminated sign listing products, activities or services offered on the premises shall be permitted provided such sign shall be not more than twenty (20) square feet in area.
3. District R-3. Apartment House District.
 - a. Signs shall be permitted as provided under District R-1 above.
 - b. In District R-3 one non-illuminated sign, not more than four (4) square feet in area, shall be permitted at each major entrance to the building, provided such sign shall be attached flat against the wall of said building, projecting not more than three (3) inches therefrom, and shall bear no advertising.
4. District C-0. Non-Retail District.
 - a. Signs shall be permitted for uses permitted in District R-1, R-2, And R-3, which are located in this district, as provided under District R-3 above.
 - b. Not more than two non-illuminated ~~signs~~ semi-illuminated signs, not more than sixteen (16) square feet each in area, shall be permitted on each office building or mortuary, provided such sign shall be attached flat against the wall of said building, projecting not more than six (6) inches therefrom, and shall indicate only the name of the building or establishments housed therein. In addition, one non-illuminated sign not more than four (4) square feet in area shall be permitted at each major entrance to the building, provided such sign shall be attached flat against the wall of said building, projecting not more than six (6) inches therefrom, and shall bear no advertising.
5. District C-1. Local Business District.

Signs limited to those listing names of or products, activities or services offered on the premises. Such signs shall comply with the height and yard regulations of the C-1 District.

6. Districts C-2, C-3, M-1, M-2.
In Districts C-2, C-3, M-1 and M-2 signs of all types shall be permitted, where otherwise permitted by ordinance, provided such signs shall comply with the height and yard regulations of the district in which they are located.

All signs visible from any point beyond the lot line shall be subject to these regulations.

4-326. SPECIAL HEIGHT REGULATIONS ADJACENT TO AIRPORT. The following additional regulations shall apply to such lands situated between the boundaries of the Hastings, Nebraska airport and a line three (3) miles distant therefrom in all direction which lie within the corporate limits of Hastings or one mile therefrom. This area within three miles of the boundaries of the Hastings airport shall be known as the airport hazard area, and shall be regulated as follows and as provided in the Airport Zoning Statute, R.R.S. 1943, Section 3-308.

The boundaries, approach zones, transition zones, and turning zones of said airport are as indicated on the Zoning District Map.

1. Detailed Description of Hazard Area.

- (a) The Hazard Area consists of Approach Zones, Turning Zones, and Transition Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones.
- (b) The inner boundary of the Hazard Area is a boundary line consisting of a series of intersecting tangents, 500 feet from and parallel to the centerline of the instrument runway or landing strip and 250 feet from and parallel to the respective center lines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

2. Zone Descriptions.

- (a) An Approach Zone shall be located at each end of each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking-off of airplanes. Such approach zones shall begin 100 feet beyond the ends of their respective landing strips and at such beginning shall be 1,000 feet in width for the instrument runway or landing strip and 500 feet in width for all other runways and landing strip and shall extend and expand uniformly centered along the extended center line of the respective landing strip, to the outer boundary of the Approach Zone at a rate of 30 feet of width for each 100 feet of horizontal length for the instrument runway or landing strip and 20 feet of width for each 100 feet of horizontal length for all other runways.

The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning 100 feet beyond the end of the respective or proposed landing strip and extending to the intersection of the controlling glide angle with a plane 150 feet above the highest elevations of the end of the respective runway or landing strip. The Outer Area of each Approach Zone shall be the area between the Inner Area of the Approach Zone and the outer limit of the Approach Zone.

- (b) The TURNING ZONES shall comprise all portions of the hazard area not contained in the Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is a horizontal distance of three (3) Statute miles from the nearest points of the Airport's property line boundary.
 - (c) The TRANSITION ZONES shall be the areas bounded by the inner boundary of the Hazard Area, the sides of contiguous inner areas of approach zones and the outer limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of 150 feet above the highest elevation at the ends or edges of the closest runway or landing strip, or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the inner boundary of the Hazard Area and the edges of adjacent inner areas of approach zones. Said planes rising from their respective bases at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.
3. Height Regulations.
- No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower, or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow;
- (a) In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of $1/50$ and all other runway or landing strip in excess of $1/40$ of the distance from said point to said structure or object;
 - (b) In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end of proposed end of the runway or landing strip;
 - (c) In the Transition Zones to a height above the planes forming the transition slopes;
 - (d) In the existing or proposed runways or landing strips to a height above the existing or proposed finished grade of said runways or landing strips.
4. Permit Required.
- (a) It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tree, tower, smoke-stack, chimney, wires, or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a permit from the Building Inspector of Hastings, Nebraska.
5. Exceptions.
- In the Outer Area or Approach Zones and within the Turning Zones, no permit shall be required for construction or planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.

6. Application Forms.
Applications for a permit as required under these regulations shall be made upon a form to be available in the office of the Building Inspector, Hastings, Nebraska, and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting.
7. Non-Conforming Structures.
Within the zoned area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of 80 percent or more, or abandoned for a period of twelve months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment, necessary for the operation and maintenance of same within the zone regulated.
8. Marking of Non-Conforming Structures.
Whenever the Building Inspector shall determine, or shall be notified by the Nebraska Department of Aeronautics that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area hereinbefore described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by said agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.
9. Administrative Agency.
The Building Inspector of the City of Hastings, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Section 3-319, R.R.S. 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.
10. Board of Adjustment.
The Board of Adjustment of the City of Hastings, Adams County, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-320, R.R.S. 1943, and such other powers and duties as are conferred and imposed by law.

4-327. BUILDING PERMITS. The Building Inspector or his duly authorized representative shall have the power to enforce the provisions of this Ordinance. No building or other structure shall be erected, constructed, reconstructed, moved, nor shall it be altered without first obtaining a building permit from the Building Inspector to be issued in accordance with the terms of this Ordinance.

Applications for building permits shall be filed with the Building Inspector upon forms prescribed, setting forth among other things, the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be constructed, erected, or altered thereon including the approximate size and shape, location of the building or structure upon the lot, tract or parcel and the intended use.

No such permit shall be issued for any building, structure or construction unless the same be in conformity in every respect with all the provisions of the Zoning Ordinance and the Building Code of Hastings, Nebraska.

The Building Inspector shall be empowered to act within the provisions of this Ordinance upon all applications for building permits, and the same shall be approved or denied not later than the fifth business day succeeding the day of filing. In the event of refusal to issue a permit upon an application, as herein provided, the applicant may perfect an appeal to the Board of Adjustment as provided in Section 4-328.

For each permit issued there shall be charged and collected from the applicant, a fee, in accordance with a schedule approved by the City Council.

There shall be a separate permit for each building or structure to be constructed, erected or altered, except accessory buildings and appurtenances which may be included in the permit for the main building when construction is simultaneous.

A permit may be revoked by the Building Inspector at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of the Zoning Ordinance are being violated. Upon the failure, refusal or neglect of any owner, his agent, contractor or duly authorized representative to secure such permit and pay the prescribed fee therefor, as herein provided, the Building Inspector may issue a stop order; provided, however, twenty-four hours written notice of such revocation or order to stop shall be served upon the owner, his agent or contractor, or upon any person employed upon the building or structure, for which such permit was issued, and thereafter no such construction shall proceed.

4-328. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established, and is also herein referred to as the Board. The Board shall consist of the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall adopt rules of procedure which rules shall not be in conflict with any part of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business. The City Council may provide by ordinance that it shall constitute the Board of Adjustment in which case action of the Board shall conform to Section 19-911 R.S. Nebraska, 1943, and amendments thereto.

APPEALS. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any office, department, or Board of the City of Hastings affected by any decision of the Building Inspector. Such appeal shall be taken within thirty (30) days by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal in writing specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of the appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the District Court, on notice to said officer and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof by publication one time in a local newspaper of general circulation not less than five nor more than fifteen days prior to said hearing. The Board shall also give notice by U. S. Mail to the owners or agents of property abutting or fronting upon the property involved in the appeal.

The Board shall render its decision within thirty days of such hearing. The appellant and the officer appealed from shall be notified in writing the decision of the Board.

The Board of Adjustment shall render decisions only on appeals from an action of the Building Inspector, and only when it has determined that a permit has been incorrectly issued or denied, or when it has determined that the Ordinance has been incorrectly interpreted, or when the appellant proves

undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific lot or tract. In case an unnecessary or undue hardship, due to peculiar characteristics of a specific lot or tract, is proven, the Board may issue a variance, signed by the chairman, and setting out any conditions to be met. A copy of the variance shall be sent to the Building Inspector who shall issue a building permit setting out the terms or the variance. In no case shall the Board of Adjustment issue a variance or an order permitting a use to be placed in a district in which it is not permitted in this Ordinance. In no case shall the Board decide an appeal from an action of the City Council. The concurring vote of four members of the Board shall be necessary to effect a decision. In all cases the spirit and intent of this Ordinance shall be observed, the welfare of the public upheld, and substantial justice done.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, or board of the City of Hastings may present to the District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the Court within fifteen (15) days after the filing of the decision in the office of the Board, and thereafter proceedings shall be had thereon as provided by Section 19-912. R.S. Nebraska, 1943 and amendments thereto.

4-329. CERTIFICATE OF OCCUPANCY. Subsequent to the effective date of this article, no change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the Building Inspector. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this article.

No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

A certificate of occupancy shall be required of all lawful non-conforming uses of land or buildings created at the time of passage of this article. Application for such certificates of occupancy for non-conforming uses shall be filed with the Building Inspector by the owner or lessee of the land or building occupied by such non-conforming use within two (2) years from the effective date of this article.

It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful non-conforming use, but failure to apply for such certificate of occupancy for non-conforming use or failure of the Building Inspector to issue such certificate of occupancy for non-conforming use, shall be considered evidence that such non-conforming use did not lawfully exist at the effective date of this article.

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

4-330. INTERPRETATION, PURPOSE AND CONFLICT. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenants, or other agreements between parties, or any statute, local ordinance or regulation, except that if this Ordinance imposes a greater restriction or higher standard this Ordinance shall control.

4-331. PROCEDURE FOR AMENDMENTS OR SPECIAL USE

PERMITS. Applications for amendment, revision or change of the Zoning District Map of Hastings may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Planning Commission and duly filed with the Secretary of said Commission.

Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the Zoning Ordinance of Hastings, other than the Zoning District Map, or application for a Special Use Permit, may be made by any interested person, on forms prescribed by the Planning Commission and duly filed with the Secretary of said Commission.

A fee of thirty-five (\$35.00) dollars shall accompany each application for rezoning or special use permit. Immediately upon receipt of such application the Secretary shall note thereon the date of filing, and make a permanent record thereof. Applications and supporting plans and documents presented to the Secretary less than four (4) days prior to the publication date for the Planning and Zoning Commission hearing may, in the discretion of the Secretary, be set over for hearing at the second following meeting of said Commission.

All such applications shall be set down for hearing before the Planning Commission not later than the second regular monthly meeting of the Commission from the date of filing the same. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Commission, be continued. Notice of such hearing shall be published in one issue of a paper of general circulation within the City of Hastings, such notice to be published not more than fifteen (15) days and not less than five (5) days prior to date of said hearing before the Commission.

Upon the final hearing of such application the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial shall be made by the Commission to the City Council.

Before acting upon any application for amendment or special use permit, the Council shall set a time and place for a hearing thereon, notice of which hearing shall be published at least one time in a newspaper of general circulation in the City of Hastings, ten (10) days prior to the date of such hearing. In addition to the publication notice herein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1½) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

If the record title owners on any lots included in such proposed change be non-residents of the city, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last known addresses at least ten (10) days prior to such hearing. These provisions in reference to notice shall not apply in the event of a proposed change in these regulations or in district boundaries throughout the entire area of the City of Hastings, but only the requirements of Section 19-904 R.S. Nebraska, 1943, as amended shall apply.

Recommendations for revision, or amendment of this Ordinance, including the Zoning District Map, may also be made by the Planning Commission upon its own motion, for final determination by the City Council; likewise, the City Council may revise, modify or amend this Ordinance, including the Zoning District Map, upon its own motion, provided, however, such proposed changes shall first be submitted to the Planning Commission for recommendation and report. In either case final action thereon shall be taken only upon notice and hearing as provided.

In case of a protest against such revision or amendment be presented, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof, extending one hundred (100) feet therefrom, and of those directly opposite thereto, extending one hundred (100) feet from the street frontage of such opposite lots, such revision or amendment shall not become effective except by the favorable vote of three fourths of all the members of the City Council.

4-322. VIOLATION AND PENALTY. The owner or agent of a building or premises in or upon which a violation of any provision of this article has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). Each and every day that such violation continues may constitute a separate offense.

In case any building or structure, is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this article, the appropriate authorities of the City of Hastings in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure, or land.

4-333. INVALIDITY OF A PART. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

4-334. SAVING CLAUSE. All rights or remedies of the City of Hastings are expressly saved as to any and all violations of previous zoning regulations or amendments thereto, of said city that have accrued at the time of the effective date of this Ordinance; and to such accrued violations, the courts shall have all the powers that existed prior to the effective date of this Ordinance; and that all existing violations of previous zoning regulations which would otherwise become non-conforming uses under this Ordinance shall not become legal non-conforming uses under this Ordinance, but shall be violations of this Ordinance in the same manner that they were violations of prior zoning regulations.

SECTION 2. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.

SECTION 3. This Ordinance shall take force and effect from and after its final approval by the Mayor and City Council of the City of Hastings, Nebraska.

PASSED AND ADOPTED THE 26th day of August, 1968 and ordered published in pamphlet form.

APPROVAL:

Herbert Hodge
Mayor

ATTEST:

/s/ EDWARD L. DIER
Edward L. Dier
City Clerk

(SEAL)

Approved: George D. McArthur, Attorney.

ORDINANCE NO. 2550

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 40-3, OF THE HASTINGS CITY CODE, 1974, OF SAID CITY; TO REDESIGNATE THE DISTRICT CLASSIFICATIONS IN Westland First Addition to the City of Hastings, Nebraska,

IN SAID CITY; AND TO REVISE SAID ORIGINAL DESIGNATIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That pursuant to the petition of the owners of the record title to the property described as follows:

Blocks 1, 2, and 3, Westland First Addition Subdivision

and after notice given and public hearing thereon as by ordinance provided, said property heretofore zoned as R-1 First Dwelling House District, is hereby rezoned and redesignated as R-2 Second Dwelling House District and R-3G Garden Apartment District.

Lots 1 through 13 inclusive, Block 1, R-2 Second Dwelling House District.

(A.) The area be restricted to the construction of eight two-family dwellings on a minimum lot size of 90 feet (frontage) by 110 feet; the remainder of the property to consist of single family dwellings only (70 ft. by 110 ft. minimum).

Lots 1 through 10 inclusive, Block 2, R-3G Garden Apartment District.

Lots 15, 16, and 17, Block 3, R-2 Second Dwelling House District.

Lots 1 through 5 inclusive and Lots 18 through 26 inclusive, Block 3, R-3G Garden Apartment District.

SECTION 2. That the Planning Director, Area Planning and Zoning Commission, is hereby directed to cause the District Map to be changed in accordance with the foregoing provisions, and the cost of such change shall be assessed to the applicant.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 10th day of January, 1977.


Mayor

ATTEST:


City Clerk

(SEAL)

ORDINANCE NO. 2586

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 40-3, OF THE HASTINGS CITY CODE, TO REZONE AND REDESIGNATE THE DISTRICT CLASSIFICATIONS IN ROHRER'S ADDITION TO THE CITY OF HASTINGS, NEBRASKA IN SAID CITY; AND TO REVISE SAID ORIGINAL DESIGNATIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That pursuant to the petition of the owners of record title to the property described as follows:

Block 1

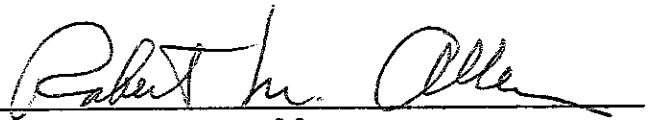
Lots 7, 8, 9 and the West 25 feet of Lot 10, /of Rohrer's Addition to the City of Hastings, Adams County, Nebraska,

and after notice given and public hearing thereon as by ordinance provided, said property heretofore zoned as R-1 First Dwelling House District, is hereby rezoned and redesignated as R-3G Garden Apartment House District.

Section 2. That the Planning Director, Area Planning and Zoning Commission, is hereby directed to cause the District Map to be changed in accordance with the foregoing provisions, and the cost of such change shall be assessed to the applicant.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 22nd day of August, 1977.



Mayor

ATTEST:



City Clerk

(SEAL)

ORDINANCE NO. 2603

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA FOR THE PURPOSE OF AMENDING THE DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 40-3, OF THE HASTINGS CITY CODE; TO REZONE AND REDESIGNATE THE DISTRICT CLASSIFICATIONS IN EAST PARK ADDITION TO THE CITY OF HASTINGS, NEBRASKA IN SAID CITY; AND TO REVISE SAID ORIGINAL DESIGNATIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That pursuant to the petition of the owners of record title to the property described as follows:

Lots 1, 2, 3, 4, 5 and 6, Block 2, East Park Addition and the West 30 feet of the North one half of vacated 5th Avenue, City of Hastings, Adams County, Nebraska,

and after notice given and public hearing thereon as by ordinance provided, said property heretofore zoned as R-1 First Dwelling House District is hereby rezoned and redesignated as R-3G, Garden Apartment District.

Section 2. That the Planning Director, Area Planning and Zoning Commission is hereby directed to cause the District Map to be changed in accordance with the foregoing provisions, and the cost of such change shall be assessed to the applicant.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 22nd day of August, 1977.

Robert M. Allen
Mayor

ATTEST:

Maurine Butterfield
City Clerk

(S E A L)

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND THE HASTINGS CITY CODE, 1974, BY AMENDING CHAPTER 40, SPECIFICALLY ARTICLE V, SECTION 40-30 AND SECTION 40-31 GARDEN APARTMENT DISTRICT; AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

Section 1. That Section 40-30 of Article V, Chapter 40 of the Hastings City Code be amended to read as follows:

SECTION 40-30. USE REGULATIONS

In District R-3G no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

- (a.) Garden apartment buildings (Ord. No. 2255, ss. 1.)
- (b.) Any use permitted in District R-1.

Section 2. That Section 40-31 of Article V, Chapter 40 of the Hastings City Code be amended to read as follows:

SECTION 40-31. HEIGHT AND AREA REGULATIONS

In District R-3G the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

- (a.) Height. Buildings or structures shall not exceed two stories, or thirty-five feet in height.
- (b.) Front yards. A front yard of not less than twenty-five feet shall be provided.
- (c.) Side yards. A side yard of not less than ten feet shall be provided on each side of the lot; except, that not less than fifteen feet shall be provided on the street side of a corner lot.
- (d.) Rear yard. A rear yard of not less than twenty-five feet shall be provided.
- (e.) Minimum lot width. Seventy (70) feet.
- (f.) Lot area per family. The minimum lot area for garden apartments shall be two thousand five hundred square feet of lot area per dwelling unit. Single and two family dwellings in this district shall provide the lot area and yards required in Districts R-1 and R-2 respectively.
- (g.) Parking regulations. Not less than two off-street parking spaces shall be provided for each dwelling unit. Such parking shall not be located on the required front yard or in the required side yard on the street side of a corner lot. (Ord. No. 2255, ss. 1.)

- (2.) Barbed wire shall not be permitted in any Residential District. In zoning districts other than residential, where 50% or more of the square foot area of the block is in residences, a barbed wire fence may be permitted by variance of the Board of Adjustment.
- (3.) Except in unsubdivided agricultural areas, no external boundary electric fence shall be allowed in any zone district.
- (4.) All fences and screen walls shall be constructed structurally sound, shall have a neat and finished appearance, shall be straight and true and maintained in good structural condition.

(C.) GENERAL REQUIREMENTS - COMMERCIAL AND INDUSTRIAL DISTRICTS

- (1.) The maximum height of any fence within a Commercial or Industrial District is ninety-six (96) inches, and four (4) strands of barbed wire may be placed at a 45° angle on top of the fence.
- (2.) A fence shall not be permitted within any required front yards except by Special Use Permit, and a fence shall not be permitted in the vision clearance area as defined in Sec. 40-12.

(D.) BUILDING PERMIT REQUIRED

- (1.) No fence or screen wall shall be erected, constructed or moved until a building permit for the fence structure shall have been procured from the Building Inspector. Application for a fence building permit shall be applicable in all zoning districts except unsubdivided agricultural land, shall include a sketch plan showing location of the fence, height, buildings and sufficient dimensions to locate those features plus the cost of the fence. A fee of one dollar (\$1.00) shall be paid by the applicant for such permit.

Section 2. That existing Section 40-11 of the Hastings City Code, 1974, is hereby repealed together with all ordinances or parts of ordinances in conflict therewith.

Section 3. That this ordinance shall take effect and be in full force from and after its passage and publication according to law.

PASSED AND APPROVED this 15th day of September, 1977.

Pennings / Muller
Acting Mayor

ATTEST:

Maurine Butterfield
City Clerk

(SEAL)

ORDINANCE NO. 2725

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 40-3, OF THE HASTINGS CITY CODE, 1974, OF SAID CITY; TO REDESIGNATE THE DISTRICT CLASSIFICATIONS IN
Block 2, Rohrsers Addition Subdivision, Lots 5 and 6

IN SAID CITY; AND TO REVISE SAID ORIGINAL DESIGNATIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That pursuant to the petition of the owners of the record title to the property described as follows:

Lots 5 and 6, Block 2, Rohrsers Addition Subdivision,
in the City of Hastings,

and after notice given and public hearing thereon as by ordinance provided, said property heretofore zoned as R-1 First Dwelling
House District, is hereby rezoned and re-designated as R-3G Garden Apartment District
District.

SECTION 2. That the Planning Director, Area Planning and Zoning Commission, is hereby directed to cause the District Map to be changed in accordance with the foregoing provisions, and the cost of such change shall be assessed to the applicant.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 10th day of March 1980.

Harold L. Hurler
Acting Mayor

ATTEST:

Maurine Butterfield
City Clerk

(SEAL)

ORDINANCE NO. 2731

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, FOR THE PURPOSE OF AMENDING THE DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 40-3, OF THE HASTINGS CITY CODE, 1974, OF SAID CITY; TO REDESIGNATE THE DISTRICT CLASSIFICATIONS IN

Academy Addition Subdivision, Blocks 1 and 2

IN SAID CITY; AND TO REVISE SAID ORIGINAL DESIGNATIONS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That pursuant to the petition of the owners of the record title to the property described as follows:

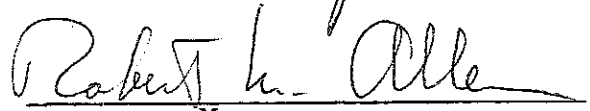
Lots 1 through 24, Block 2, the West 12 feet of
Lots 13 through 24, Block 1, Academy Addition
Subdivision and McDonald Avenue between Blocks
1 and 2.

and after notice given and public hearing thereon as by ordinance provided, said property heretofore zoned as R-1 First
Dwelling House District, is hereby rezoned and re-
designated as R-3G Garden Apartment
District.

SECTION 2. That the Planning Director, Area Planning and Zoning Commission, is hereby directed to cause the District Map to be changed in accordance with the foregoing provisions, and the cost of such change shall be assessed to the applicant.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in accordance with law.

PASSED AND APPROVED by the Mayor and City Council of the City of Hastings, Nebraska, this 28th day of April, 1980.


Mayor

ATTEST:


City Clerk

(SEAL)

ORDINANCE No. 3258

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING THE DISTRICT MAP AS DESIGNATED AND DESCRIBED IN SECTION 34-104 OF THE HASTINGS CITY CODE; REDESIGNATING THE DISTRICT CLASSIFICATION AFFECTING BLOCKS ONE (1) THROUGH SEVEN (7), LOCHLAND MEADOWS SUBDIVISION, WITHIN THE JURISDICTIONAL AREA OF SAID CITY; AND REVISING SAID ORIGINAL DESIGNATIONS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That pursuant to the petition of the owners of record title to the property described as Blocks One (1) through Seven (7), Lochland Meadows Subdivision, and after notice given and public hearings as by ordinance provided, the property previously zoned by Ordinance No. 2913 for A Agriculture, R-1 Urban Single Family Residential District, RP-1 Urban Planned Single Family Residential District, R-2 Two Family Residential District, R-3G Garden Apartment Multiple Family Residential District and C-3 Commercial District is hereby rezoned as follows:

Block 1 - Agriculture and R-1 to R-1
Block 2 - R-1 to R-1
Block 3 - R-1 to R-2
Block 4 - RP-1 to R-1
Block 5 - R-1 to R-3G
Block 6 - R-3G and C-3 to C-3
Block 7 - Agriculture to C-3

SECTION 2. The City Engineer is hereby directed to cause the zoning district map to be changed in accordance with the foregoing provisions.

SECTION 3. That Ordinance No. 2913, and any other ordinances or provisions passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions are repealed.

SECTION 4. The zoning district classifications set forth in this ordinance are based on a revised preliminary plat covering the above described real estate, signed by the Mayor and approved by the City Council on the 28th day of April, 1992. This ordinance shall take effect in its entirety, or on an incremental basis, only as a final subdivision plat or plats consistent with the above described revised preliminary plat is or are filed. Until said final plat or plats are filed, the zoning classification for the described real estate shall be A Agriculture.

PASSED AND APPROVED this 13th day of April, 1992.

J. Philip Olson
Mayor

ATTEST:

Corinne Hartman
City Clerk



APPROVED AS TO FORM:

Michael E. Allen
City Attorney

ORDINANCE No. 4233

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, AMENDING CHAPTERS 34 AND 38 OF THE HASTINGS CITY CODE PERTAINING TO ZONING AND SUBDIVISION REGULATIONS; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING ANY ORDINANCES OR OTHER PROVISIONS IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Chapter 34 of the Hastings City Code be repealed and replaced with the attached revision of Chapter 34.

SECTION 2. That Chapter 38 of the Hastings City Code be repealed and replaced with the attached revision of Chapter 38.

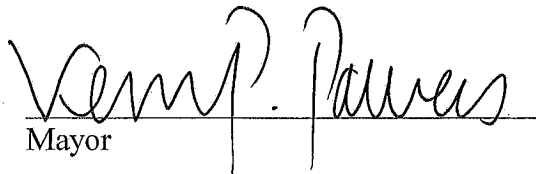
SECTION 3. That existing Chapters 34 and 38 of the Hastings City Code and all other ordinances or provisions in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law, in its entirety, or in pamphlet form, as the case may be, said effective date being November 25, 2009 and this ordinance shall thereafter be included in the Hastings City Code Book.

SECTION 4. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

PASSED AND APPROVED this 9th day of November, 2009.




Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

CHAPTER 34

Zoning

Article I. General.

- 34-101. Purpose.
- 34-102. Name and citation of title.
- 34-103. General definitions.
- 34-104. Descriptions and Categories of Uses
- 34-105. District map adopted; interpretation of district boundaries.
- 34-106. Application of regulations.
- 34-107. Districts enumerated.
- 34-108. Comprehensive development plan.

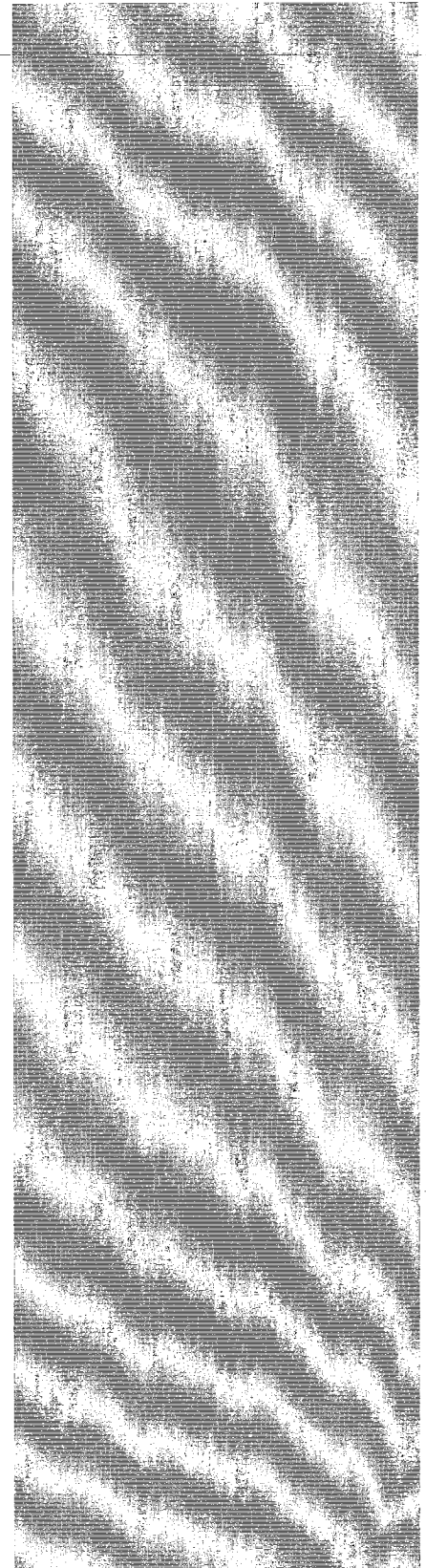
Article II. District Regulations.

- 34-200. Uses and Districts Table
- 34-201. A Agricultural districts.
- 34-202. R-1 Urban single family residential districts.
- 34-203. R-1A Single-family large lot residential districts.
- 34-204. R-1S Single-family suburban acreage residential districts.
- 34-205. R-2 Mixed-density Neighborhood District
- 34-206. R-3 Multiple-family residential districts.
- 34-207. R-4 Urban Neighborhood District
- 34-208. C-O Commercial office non-retail districts.
- 34-209. C-1 Local business districts.
- 34-210. C-2 Central business districts.
- 34-211. C-3 Commercial business districts.
- 34-212. CMP Campus Institutional District
- 34-213. I-1 Light industrial districts.
- 34-214. I-2 Heavy industrial districts.
- 34-215. P.D. Planned district regulations.
- 34-216. F.D. Flood hazard district regulations.
- 34-217. A.P. Airport zoning regulations - location, boundaries zones, and height restrictions.

Article III. Supplementary District Regulations.

- 34-301. Scope of application.
- 34-301A. Institutional uses in residential areas.
- 34-302. Home occupations.
- 34-303. Completion and restoration of buildings.
- 34-304. Height and area exceptions.
- 34-305. Landscape and Open Space Design
- 34-306. Outdoor Commercial Storage
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- 34-308. Parking and loading.
- 34-309. Signs and Billboards
- 34-310. Child care facilities.
- 34-311. Accessory uses and structures.
- 34-312. Manufactured homes.
- 34-313. Sexually oriented businesses
- 34-314. Small Wind Energy Systems
- 34-315. Communication Towers
- 34-316. Pedestrian Overlay Standards
- 34-317. South Burlington Design Overlay District
- 34-318. Highway 6 Corridor Design Overlay District
- 34-319. Urban Industrial Overlay District

Article IV. Standards for Conditional Uses.



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- 34-401. Scope of article.
- 34-402. General standards for all conditional uses.
- 34-403. Application requirements.
- 34-404. Specific standards for conditional uses --

Article V. Mobile Home Park Regulations.

- 34-501. Definitions.
- 34-502. Mobile home park regulations -- Applicability.
- 34-503. Mobile home park annual permit required.
- 34-504. Compliance with other laws.
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Article I. General.

- 34-101. Purpose.
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- 34-108. Comprehensive development plan.

34-101. PURPOSE

This Chapter has been made in accordance with a comprehensive plan and to promote the health and general welfare of the community. It is designed to lessen congestion in the streets; to secure safety from fire, flood, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district and its suitability for particular uses, and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City of Hastings and the area within two miles thereof.

34-102. NAME AND CITATION OF TITLE.

This Chapter shall be known, referred to, and cited as the Zoning Ordinance of the City of Hastings.

34-103. GENERAL DEFINITIONS.

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the stated intent or other guidance associated with its use in a particular section of these regulations.

Abutting. Immediately adjacent and shall not include property separated by an alley or a street.

Accessory building. A subordinate building located on the lot occupied by the principal building and having a use customarily incident to the main use of the property. A building housing an accessory use shall not be considered an accessory building when it has any part of a wall in common with the principal building, or is under an extension of the main roof, and designed as an integral part of the principal building.

Accessory use. A use of a building or land which is customarily incident and subordinate to and located on the same lot as the principal use of the lot.

Acoustic rating. A measure of sound-deadening quality of a wall or ceiling-floor assembly.

Adjacent. Within close proximity, property separated by a street, alley, stream or other ownership physical separation between properties.

Adult. Any person nineteen (19) years of age or older.

Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration. Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Antenna, receiving. Any structure or device use for the purpose of receiving radio, television, radar microwave, or other broadcast signals.

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Area, building. The total of areas taken on a horizontal plane at the main grade level of the principal and all accessory buildings or structures exclusive of steps.

Arterial street. A street designed and intended to carry traffic from residential and collector street systems to major highways. Arterials are designated by class on the official streets and highways plan.

Basement. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys and identified as such on a plat or other official document. In cases where the platting is incomplete or disconnected, the building inspector shall determine the outline of the block.

Broadcast or antenna tower. A structure for the transmission or broadcast of radio, television, radar, or microwaves which exceeds the maximum height permitted in the district in which it is located.

Building. A structure designed or intended for the enclosure, shelter, or protection of persons, animals, chattels, or property. Buildings connected by a breezeway shall be deemed separated buildings.

Building, height of. The vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. See Exhibit No. 1, Appendix A.

Building, principal. A building in which is conducted the main use of the lot on which the building is situated.

Cellar. That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Collector street. A street designed and intended to carry traffic from residential street systems to arterial or major highway systems.

Common wall. A wall or walls extending from the basement or ground floor line of a building to the roof along a lot line, which lot line is common to an adjoining lot.

Comprehensive plan. The Comprehensive Development Plan of the City of Hastings.

Conditional use. A provision which allows for flexibility within the zoning district by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional controls and safeguards are applied to ensure their compatibility with permitted principal uses.

Court. An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Condominium. Individual ownership of a unit within a multi-unit structure, and an equal undivided interest in the common areas and lands associated with the structure.

Curb level. The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Density. The number of dwelling units per gross acre in any residential development.

District. A section or sections of either the City of Hastings or area within two miles thereof for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

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Dwelling. A building designed or the principal use of which is as living quarters providing independent and complete cooking, living, sleeping and toilet facilities for a single housekeeping unit.

Family. One or more persons immediately related by blood, marriage, or adoption and living as a single housekeeping unit in a dwelling shall constitute a family. A family may include, in addition, not more than five (5) persons who are unrelated for the purpose of this title. The following persons shall be considered related for the purpose of this title:

- (1) A person residing with a family for the purpose of adoption.
- (2) Not more than six (6) persons under nineteen (19) year of age, residing in a foster home licensed or approved by the State of Nebraska.
- (3) Not more than three (3) persons nineteen (19) years of age or older residing with a family for the purpose of receiving foster or supervised care licensed or approved by the State or its delegate.
- (4) Any person who is living with a family at the direction of a court.

Fence. See Section 34-305 under Supplementary District Regulations.

Flagpole. A flagpole shall mean a narrow extension of property which is attached to and constitutes a part of a flag lot, which property provides access from the public right of way to the buildable portion of the flag lot. A flagpole shall be at least 20 feet in width and must meet all requirements of the Fire Code of the City as a fire apparatus access road. When located in the City of Hastings, Nebraska, a flagpole shall be not more than two-hundred (200) feet in length. When located outside the City of Hastings, Nebraska but within the zoning jurisdiction of said City, a flagpole shall be not more than four-hundred (400) feet in length.

Flood plain. Those lands which are designated as flood plain on the official flood way boundary maps of the City of Hastings.

Grade. The average finished ground level adjoining the building at all exterior walls.

Gross area. The total site area, excluding bodies of water, to be included within a proposed development as indicated on a site plan.

Gross floor area. The total horizontal area of all of the floors of a building, measured from exterior to exterior including interior balconies, mezzanine, stairwells, elevator shafts and ventilation shafts, etc.

Gross leasable floor area. The total floor area designed for tenant occupancy and exclusive use; including basements, mezzanines and upper floors, if any, but excluding stairways, common hallways and mechanical equipment rooms, expressed in square feet measured from the centerline of joint partitions, and from the exterior surface of outside walls.

Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Landscaping. Landscaping shall mean that an area is predominately devoted to, and maintained for, the growing of trees, shrubbery, lawns and other plant materials.

Lot. A parcel of land occupied or to be occupied by one (1) main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and, except for a flag lot as defined in this chapter, having its principal frontage upon a public street or approved place. A lot as used herein may consist of one or more platted lots, or tract or tracts, as conveyed or parts thereof, and shall include a flag lot.

Lot, corner. A lot abutting upon two or more streets, at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the building inspector.

Lot, flag. A flag lot shall mean a lot which does not have the required frontage on a public street and which is located adjacent to a lot which does have the required frontage on a public street. A flag lot shall include a projection, or "flagpole", which connects the flag lot to the public right of way, which flagpole shall meet the requirements set forth in this chapter under the definition of flagpole. The flagpole on a flag lot need not meet

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the minimum lot width requirements set forth in these regulations, but the remaining portion of a flag lot, exclusive of the flagpole, must meet all lot width, front and rear yard setbacks and all other requirements the same as if it were not a flag lot.

Lot coverage of building. That percentage of the total lot area covered by buildings.

Lot, double frontage. A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot depth. The mean horizontal distance from the front lot line to the opposite rear lot line.

Lot in separate ownership at the time of the passage of this chapter. A lot the boundary lines of which along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the Register of Deeds of the County on or before August 26, 1968.

Lot lines. The lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts, provided that for a flag lot, the front lot line shall mean the closet line which is approximately parallel to the public right of way or approved place, at the end of the flag pole farthest away from the public right of way.

Lot line, rear. The boundary line which is opposite and most distant from the front lot line; except, that in the case of uncertainty the building inspector shall determine the rear lot line.

Lot line, side. Any lot boundary not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurement shall not extend beyond the lot lines of the lot being measured.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this chapter, provided that said lot has a frontage of not less than fifty (50) feet; or, an irregular tract lot as described by a deed recorded with the Register of Deeds for Adams County on or before August 26, 1968 unless another date is specifically established in this title, provided that such lot is numbered and described by the county surveyor.

Lot, platted. A lot which is part of a subdivision the plat of which, or the appropriate permit for which, has been legally approved and recorded in the office of the Register of Deeds for Adams County.

Lot, transverse. A lot which is approximately at right angles to the general pattern of other lots in the same city block.

Non-commercial vehicles and equipment. The term non-commercial vehicles and equipment as applied in the residential off-street parking requirement sections of this Chapter shall include automobiles and pick-up trucks which are operated or owned by the residents of a dwelling and used in the course of their business or employment.

Nonconforming use, building or yard. A use, building or yard, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to establishment of a zoning ordinance prohibiting the same.

Parking area. A structure or an open area other than a street, alley or other right-of-way for the temporary storage of automobiles, together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for an automobile, provided that there shall be no storage of automobiles for the

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purpose of sale or resale. The minimum dimensions of each parking space shall be eight and one-half (8 1/2) by twenty (20) feet.

Parking lot. A parking area with six (6) or more parking spaces.

Parking space, off-street. A parking area located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening both doors and adequate maneuvering room on a parking area with access to public street or alley. See Exhibit No. 3, Appendix A.

Place. An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Premises. A tract of land, consisting of one (1) platted lot or irregular tract, or more than one (1) platted lot or irregular tract, provided such lots or tracts are under common ownership and abutting each other.

Planned unit development. A use or combination of uses, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space for which a conditional use permit may be granted by the City Council.

Profession. An occupation or calling requiring the practice of a learned art through specialized knowledge based on a degree issued by an institute of higher learning, e.g. doctor of medicine, engineer, lawyer.

Property line. A demarcation line dividing a lot from other lots or parcels of land.

Recreational vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which unit either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles shall include, but not be limited to, travel trailer, park trailer, camping trailer, truck camper, motor home, van conversion, and fifth wheel, as those terms are defined in Nebraska Revised Statutes Section 71-4603, as amended from time to time.

Residential street. A street designed and intended to serve residential areas. Residential streets feed traffic into collector and arterial street systems.

Sign. Any lettered or pictorial device designed to inform or attract attention including but not limited to the following:

- (1) Sign, surface area. The entire areas within a parallelogram triangle, circle, semicircle or other geometric figure, including all of the elements of the matter displayed, but not including black masking, frames, or structural elements outside the advertising elements of the sign and bearing no advertising material.
- (2) Indirectly illuminated sign. Any sign which is partially or completely illuminated at any time by a light source which is so shielded as to not be visible at eye level.
- (3) Semi-illuminated sign. Any sign located on a building, which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.
- (4) Detached sign. Any sign located on the ground or on a structure located on the ground and not attached to a building.
- (5) Wall sign. Any sign attached to and erected parallel to and within one foot of the face or wall of building, including signs painted on the walls of the buildings.
- (6) Roof sign. Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
- (7) Projecting sign. Any sign extending more than one (1) foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.
- (8) Snipe sign. Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree, utility pole or temporary structure, or any sign which is not securely fastened to a building, or firmly anchored to the ground.
- (9) Marquee sign. Any sign attached flat against the marquee or permanent sidewalk canopy of a building, or suspended under a marquee or sidewalk canopy, and extending downward not more than twelve (12) inches therefore.

ZONING

(10) Poster panel or billboard. An illustration of approximate dimension of twelve (12) feet by twenty-four (24) feet or multiples thereof, mounted on a semi-permanent structure, and depicting information not directly related to the property upon which it is placed.

(11) Attention attracting device. Any flasher, blinker, animation, banner, clock or other object designed or intended to attract the attention of the public to an establishment or to a sign. Spot zoning. Arbitrary and unreasonable zoning when smaller area is singled out of a larger area or district and specially zoned for a use classification totally different and inconsistent with the classification of surrounding land and not in accordance with the Comprehensive Plan.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, established or mean street grade, or average ground level, as mentioned in "height of buildings" of this section.

Story, half. A story under a gable, hip, gambrel or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street. A thoroughfare which affords principal means of access to property abutting thereon.

Street line. The dividing line between the street and the abutting property.

Street centerline. A line midway between street lines.

Street commercial area. A developed business frontage along a street and no more than two-hundred (200) feet in depth from the front property line.

Structural alterations. Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure. Anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

Usable open space. Open space within a proposed development site excluding areas devoted to roadways and parking. At least one-half of all areas designated as usable open space shall have a slope of less than twenty (20) percent.

Yard. A required open space on the same lot unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, front. A yard extending the full width of the lot across the front of a lot adjoining a public street.

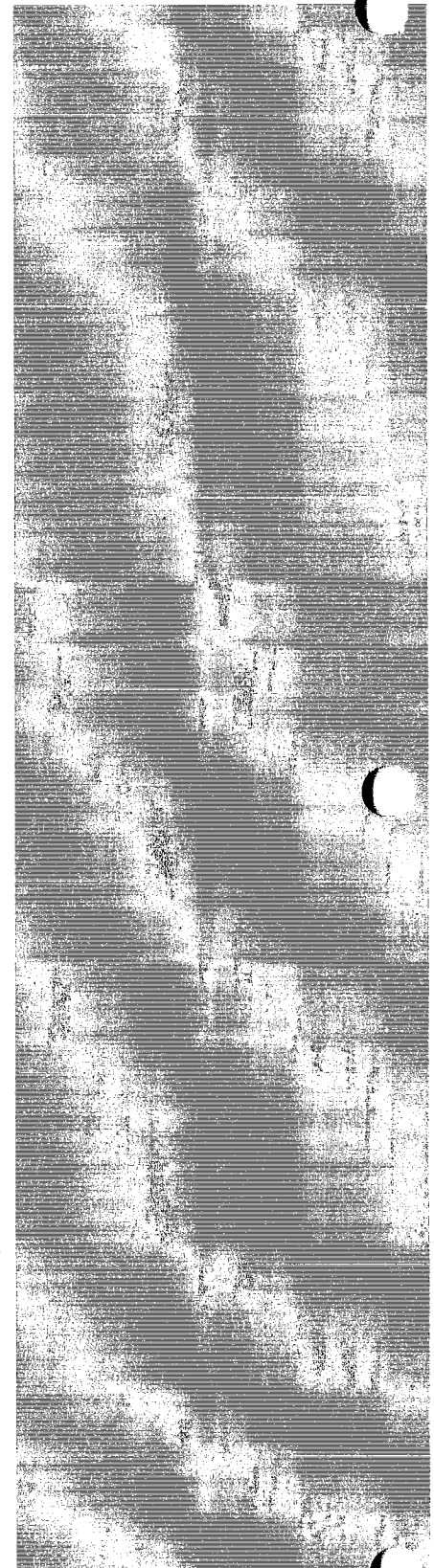
Yard, interior side. A side yard which is not adjacent to or bordered by a street, avenue or other public right of way.

Yard, rear. A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side. A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

34-104. DESCRIPTIONS AND CATEGORIES OF USES

The following categories and descriptions of specific uses of land and buildings correspond to the Use Table 34-200. Where a use appears to meet two or more descriptions or where a use is not described, the Director shall make a determination of the most comparable use. In making this determination, the Director shall



HASTINGS, NEBRASKA

compare: (a) the intensity and scale of the use relative to the site; (b) the typical site and building designs associated with the use; (c) the functional or operational characteristics and the potential impacts the use on adjacent property; and (d) the potential contribution of the use to the overall character of the district or districts in which the comparable use is allowed. All other uses which cannot be interpreted in this manner are different from the described uses, are not anticipated by these regulations, and may only be allowed by a zoning text amendment.

- (a) **Residential Uses** The Residential use category is for all types of dwelling units used for permanent residence, including a variety of lot types, building types, and unit types, that may vary in the kind and classes of buildings based on the character of the neighborhood.

Detached Dwelling. A Residential use in a detached building designed as a single principal dwelling unit and situated on its own fee simple lot.

Semi-attached Dwelling ("Duplex"). A Residential use in detached building designed as two principal dwelling units. It may be designed as a "paired house," matching the appearance of a House, or it may be designed as a "flat-over-flat," matching the appearance of a small apartment building. A duplex is situated on its own fee simple lot, but each unit of a side-by-side paired house may be platted on an individual lot if party walls are used.

Attached Dwelling ("Townhouse"). A Residential use in a building designed with a series of attached principal dwelling units separated by a single common wall. Each unit is typically situated on its own fee simple lot where party walls are used, but buildings or grounds may be owned in common. Each unit has the same orientation and front façade, and has its own private entrance to the exterior of the structure.

Multi-dwelling Building ("Apartment"). A Residential use in a building designed for more than two principal dwelling units and situated on a single fee simple lot. This building type includes a number of variations based on the permitted building scale, including "stacked flats" (3-story/tri-plex), "six-plex" (paired stacked flats), or larger apartment buildings.

Live/Work. A primarily residential use in a building designed for two principal uses, where a portion is designed for residential dwelling use, and a portion is designed for a limited non-residential use to support the occupation or vocation of the resident of the dwelling unit. The non-residential portion is limited to the 1st story and less than 50% of the total floor area of the building. The building is situated on its own fee simple lot but may be attached or detached based on zoning district standards and context.

Mixed-use Dwelling. A Residential use in a building designed for a mix of uses with office or retail on the 1st story / street-front and residential uses on the upper stories where the dwelling units are not accessory to the non-residential uses. Mixed-use buildings may be either small- or large-scale, with larger scale buildings, depending on the context and zoning district standards, and typically being broken into multiple fee simple lots with party walls, but the dwelling units may be owned in fee simple, as condominiums, or apartments.

Group housing. The grouping or clustering of living units (dwelling units) on a suitable site in such a manner that the amount of usable open space per unit is equal to or exceeds the open space requirements for conventional development under the pertinent use district standards. Group housing developments are only allowed by conditional use permit.

Type A Manufactured Housing. A factory built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto. See the provisions of Section 34-312 for additional regulations relating to Type A and Type B Dwellings.

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Type B Manufactured Housing. A modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes 1943 which bears the seal of the Nebraska Department of Health. See the provisions of Section 34-312 for additional regulations relating to Type A and Type B Dwelling.

Mobile home court. Any mobile home court, trailer park, trailer court or tract of land designated, maintained or tended for the purpose of supplying a location or accommodation for any mobile home or Type A or Type B manufactured dwelling and upon which one or more mobile homes or Type A or Type B manufactured dwelling are parked, and shall include all building used or intended for use as part of the equipment thereof, whether a charge is made for the use of the Mobile Home Court and its facilities or not. 'Mobile Home Court' shall not include automobile or trailer sales lots on which unoccupied mobile homes are parked for purposes of inspection or sale or storage or a tract of land used to park trailers temporarily for overnight stays for a maximum period of one week where the mobile home trailer is parked for recreational purposes or for stopping by migrating persons while passing through the City.

Mobile home, accessory. A detached, single or two family dwelling which was originally designed for long-term human habitation and which was constructed and fabricated into a complete unit at a factory and capable of being transported to a location for use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation, when used for residential or any other purposes, but not including any structure which meets the definition of a Type A or Type B manufactured dwelling.

- (b) **Civic Uses.** The Civic use category includes uses serving a broad and general public and community interest to enhance daily cultural, social or recreation opportunities for area landowners and residents. This category is based on the need of different kinds and classes of buildings in close proximity with other uses, which can be integrated in to these areas with the appropriate level of civic design. The Civic use category may contain uses that are either public and accessible to all citizens; common and accessible by rights associated with ownership; or private and accessible by membership or general association.

Neighborhood Assembly (<350 maximum occupancy). A Civic use that conducts organized services, assemblies, or programs on a periodic or occasional basis, primarily for the convenience, entertainment, education, and social or spiritual welfare of nearby residents. Neighborhood Assemblies typically have buildings and supporting facilities designed for a capacity of no more than 350 people for any one event. Common examples include meeting halls, neighborhood association club houses, or smaller neighborhood churches.

Community Assembly (350 -700 maximum occupancy). A Civic use that conducts organized services, assemblies, or programs on a periodic or occasional basis, primarily for the convenience, entertainment, education, and social or spiritual welfare for citizens in the general vicinity. Community Assemblies typically have buildings and supporting facilities designed for a capacity of no more than 750 people for any one event. Common examples include community centers, museum, or large churches. For larger facilities see Entertainment Venue.

Eleemosynary or philanthropic institution. A private, non-profit organization which is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization or individual, and which either (a) provides volunteer aid to the sick and wounded of the armed forces in time of war and natural relief in case of a national calamity or emergency or (b) provides all or any of the following: religious, social, physical, recreational, and benevolent services. In addition, such term shall include such an organization providing housing and related facilities for elderly or physically handicapped families. This definition shall not be construed to include supervised homes, halfway houses, or supervised home for the mentally handicapped.

Golf Course / Clubhouse (non-business). A civic use engaged in the management and operation of a golf course as a outdoor recreation activity, and any accessory sales or businesses associated with the operation of the golf course and which are intended solely for patrons of the golf course.

Public Park / Playground. A civic use where an area of land is used for structured or unstructured outdoor recreation.

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Public Museum or Library. A building used for the artistic, cultural, educational or other exhibition of materials, artifacts, and resources which are presented or made available to the public.

School, Elementary or Middle. A Civic use where buildings and facilities are used for the education and instruction of K through 8 students.

School, Secondary. A Civic use where buildings and facilities are used for the education and instruction of 9 through 12 students.

School, College or University. A Civic use where buildings and facilities are used for the education and instruction of post secondary.

- (c) **Service Uses** The Service use category is for businesses engaged in the exchange of professional skills, advice, personal care or other resources, and the nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises, and where lots or buildings may require access or exposure to the public-at-large.

Adult Care, Home. A residence or facility wherein adult day services are provided for less than four adults.

Adult Care Facility. A program of structured and monitored social, manual, physical, and intellectual services and activities provided in a supervised, ambulatory (including wheelchairs) setting outside an individual's own home, directed toward adults who do not require 24-hour institutional care but who, because of physical or mental impairment (including social isolation) require services in a group setting for the purpose of achieving or maintaining self-sufficiency, preventing or remedying neglect, abuse, or exploitation, and preventing or reducing inappropriate institutional care. Adult day services will constitute a home occupation if conducted in a residence, and in accordance with Hastings City Code Section 34-302.

Automobile Service Station – Limited. A Service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services. This use is limited to no more than 2 fuel pump islands and no more than 8 fueling stations.

Automobile Service Station – General. A Service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services, or accessory convenience retail. This use is limited to no more than 4 fuel pump islands and no more than 16 fueling stations.

Automobile Service Station – Large-scale. A Service use engaged in the retail sale of fuel, and may include accessory sales of lubricants, accessories, repair services, or maintenance services, or accessory convenience retail. This use may have more than 4 fuel pump islands and more than 16 fueling stations.

Automobile Repair - Limited. A Service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories, where the scale of the business and design of the site is such that no outside overnight storage of vehicles or equipment is required.

Automobile Repair - General. A Service use engaged in the repair, maintenance, or condition of motor vehicles and including the accessory sales of lubricants, parts, or accessories. where outside overnight storage of vehicles or equipment may be required.

Bank. A service use providing financial services to the general public, including associated office and customer service facilities.

Child Care, Home. A service use wherein there is provided for up to 8 children, as a secondary use within a residential dwelling, any care, supervision, custody, control or other services in lieu of parental supervision, for compensation.

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Child care facility. A service use wherein there is provided for children, as a principal or as an accessory use of non-residential buildings, any care, supervision, custody, control or other services in lieu of parental supervision, for compensation.

Kennel, Commercial. An establishment where any combination of more than four (4) dogs or cats are bred, boarded, trained, or sold. Any dog or cat which is younger than four months old, shall not be counted towards the four (4) animal limit. A veterinary clinic shall not be considered to be a kennel for purposes of this chapter.

Lodging, Bed & Breakfast. A Service use where up to six guest rooms are rented, generally for short-term occupancy for sleeping, together with limited facilities for the accommodations of guest in a home-like atmosphere.

Lodging, Rooming house. A Service use where more than six guest rooms are rented, generally for short-term occupancy for sleeping, together with limited facilities for the accommodations of guest in a home-like atmosphere.

Lodging, Hotel. A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve (12) sleeping rooms, and no provisions for cooking in individual rooms.

Lodging, Motel. A building containing one or more sleeping rooms to be rented on a daily basis, primarily to the motoring public, together with parking area, recreation space, vending machines, restaurants, clubs, or other related accessory uses including meeting room and banquet facilities.

Medical Office. A Service use where physicians, dentists, or other health care professionals carrying on their professions. A medical office may include a dental or medical laboratory, but may not include in-patient care or operating rooms for major surgery and may not be open for after-hours emergency care.

Medical Clinic. A Service use where physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. A health clinic may include a dental or medical laboratory, after hours emergency care, but it may not include in-patient care or operating rooms for major surgery.

Medical Hospital. A Service use providing health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

Nursing Home /Assisted Living. Any structure used or occupied by persons recovering from illness or suffering from infirmities of old age in a group care setting.

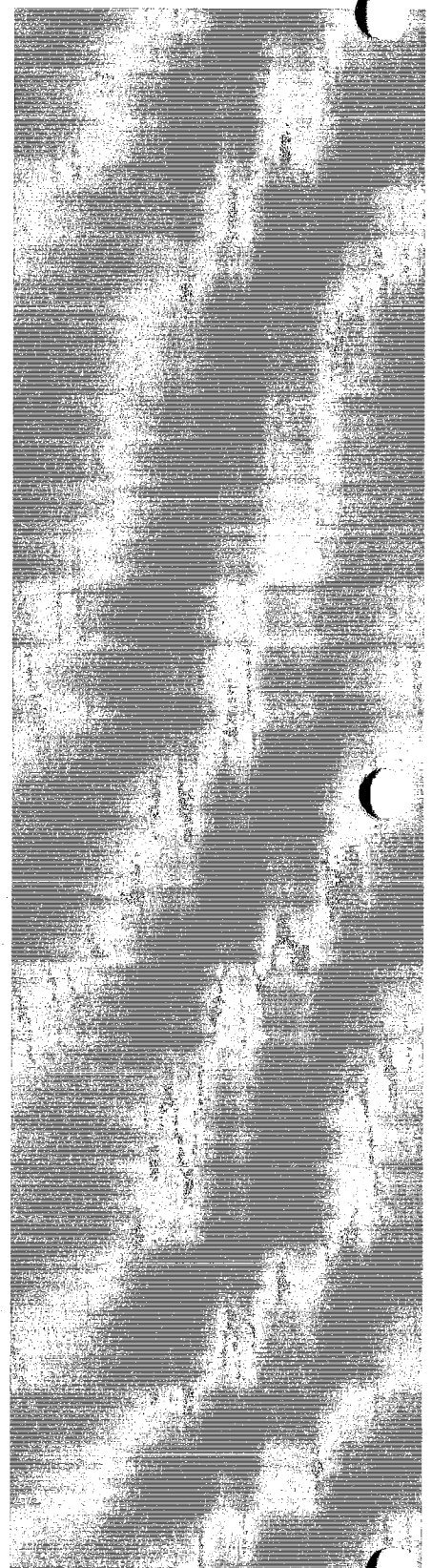
Professional Services Office. A service use where individuals with specialized knowledge provide planning, advice, technical aid to the general public. Examples include doctor of medicine, engineer, lawyer, accountant, insurance agent or other similar professional services.

Self Storage. A self-service storage facility designed to provide dead storage for families and small businesses only.

Veterinary Office. A Service use where domestic animals are cared for in an office environment and any boarding areas is only accessory to the primary use of the facility for ordinary care and treatment of domestic animals.

Veterinary Hospital. A service use where animals are admitted for examination, treatment, or health care by a doctor of veterinary medicine, which may include boarding and other facilities associated with longer term care or extraordinary treatments.

- (d) **Employment Uses** The Employment use category is for businesses engaged in administrative, clerical, and professional operations and support, where products or services are of the nature that generally do not



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require daily on-premise interactions with the clients, customers or patrons, and where lots and buildings are not primarily designed to maximize exposure to the public-at-large.

Home Occupation. Any occupation or activity carried on within a dwelling unit by a member(s) of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character thereof. The regulations pertaining to home occupations can be found in Section 34-302.

Office - Limited. An Employment use which is limited and associated with another use, and generally involves less than 2,000 square feet of office space, and where each owner or tenant typically employs less than 10 employees on premises.

Office - Small. An Employment use which is not an accessory to another use, but limited Individual units of gross leasable area are less than 3,500 square feet, and where each owner or tenant typically employs less than 20 employees on premises. Examples include small-scale professional service offices such as accountants, architects, insurance, law, real estate, or other similar businesses which can operate within the unit square footage and employee limits of this category.

Office - General. An Employment use where individual units of gross leasable area are between 3,500 and 20,000 square feet, and where each owner or tenant typically employs between 20 and 100 employees on premises. Examples include large professional service offices such as accountants, architects, insurance, law, real estate, or other similar businesses which exceed the Office - Limited category, or other moderate size business or corporate employment operations.

Major Office or Office Complex. An employment use where individual units of gross leasable area may be more than 20,000 square feet in a single building or group of buildings, and each owner or tenant may typically employ more than 100 employees on premises. Examples include major professional service firms or large corporate offices.

- (e) **Commercial & Retail Uses.** The Commercial use category is for businesses engaged in the exchange of merchandise for general consumers, and nature of the exchange generally requires frequent interactions with the clients, customers or patrons on the premises, where lots or buildings are primarily designed for exposure to the public-at-large.

Convenience Retail, Automobile (<5k). A Commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 5,000 square feet of gross leasable area. Convenience Retail, Automobile uses are characterized by a target market based on high-traffic roadways, or are an associated accessory to an employment or service business.

Convenience Retail / Corner Store (<2k). A Commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 2,000 square feet of gross leasable area. Convenience Retail / Corner Store uses are characterized by a target market area of less than 1/4 mile radius for most of its on-premise sales or are associated accessory to an employment or service business.

Neighborhood Retail (<5K). A Commercial use primarily engaged in the small-scale sale of household merchandise and general consumer products and involving less than 5,000 square feet of gross leasable area. Neighborhood retail uses are characterized by a target market area of less than 1/2 mile radius for most of its on-premise sales.

General Retail (5K - 20K). A Commercial use primarily engaged in the sale of household merchandise, specialty merchandise, and consumer products and involving between 5,000 and 20,000 square feet of gross leasable area. General Retail uses are characterized by a target market area of less than 1 mile radius for most of its on-premise sales.

Large-scale Retail (20K - 100K). A Commercial use primarily engaged in the sale of household merchandise, specialty merchandise or general consumer products and involving between 20,000 and 100,000 square feet of gross leasable area. Large-scale Retail uses are characterized by a target market area that may be greater than 1 mile radius for its on-premise sales.

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Warehouse Retail (> 100K). A Commercial use primarily engaged in the sale of household merchandise, specialty products, general consumer products, or wholesale products and involving greater than 100,000 square feet of gross leasable area. Warehouse Retail uses are characterized by a target market area more than 1 mile radius for most of its sales.

Grocery Store (<45,000K). A Commercial use engaged in the retail sale of a broad range of food products and limited household products for consumption off premises, although some limited areas may be dedicated to the on-premise sale and consumption of food. A grocery store involves less than 45,000 square feet of gross leasable area and is characterized by a target market of less than 1-mile radius.

Supermarket (> 45,000). A Commercial use engaged in the retail sale of a broad range of food and household products for consumption off premises, although some limited areas may be dedicated to the on-premise sale and consumption of food. A supermarket typically involves more than 45,000 square feet of gross leasable area and is characterized by a target market of greater than 1-mile radius.

Indoor Entertainment & Recreation Business. A Service use where facilities for indoor sports, entertainment, or similar recreation opportunities for participants of spectators are offered as a business. Examples of uses include roller skating rinks, movie theaters, or fitness clubs.

Outdoor Entertainment & Recreation Business A Service use where facilities for outdoor sports, entertainment, or similar recreation opportunities for participants of spectators are offered as a business. Examples race tracks, driving ranges, or other similar grounds.

Entertainment, Venue. A Service use where floor shows or other forms of entertainment, performances or presentations by persons are provided for guests, which may include accessory dining, bar, and similar refreshment services. Examples include concert halls, dinner theaters, or banquet halls, or auditoriums.

Outdoor Sales, Limited. The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted Commercial use. This display is further limited by the following: (1) it only occurs during regular business hours and is brought indoors; (2) is limited in extent to less than 10% of the entire merchandise area of the Commercial use; and (3) it is limited to seasonal sales or events lasting no longer than one-week at a time with at least 4 weeks between consecutive events.

Outdoor Sales, Seasonal. The limited display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted Commercial use. This display is further limited by the following: (1) it only occurs during regular business hours and is brought indoors; (2) is limited in extent to less than 20% of the entire merchandise area of the Commercial use; and (3) it is limited to seasonal sales or events lasting no longer than one month at a time with at least 2 months between consecutive events.

Outdoor Sales, Yard. The display and sale of merchandise where the primary business is generated by merchandise displayed permanently and year round on an exterior portion of the site.

Outdoor Market (Farmers Market) A special event outdoor sales of products that are produced off-site by a number of different merchants, typically farm or craft products..

- (f) **Industrial Uses** The Industrial Use Category is for businesses engaged in manufacturing, fabrication, warehousing, processing, wholesale or disposal of goods, products and component parts, and services related to these businesses. These uses typically belong in a special district due to their inability to blend with the uses from other use categories, except when occurring at the smallest scale.

Grain Storage Elevator. A facility used for the storage, exchange, processing and distribution of grain.

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Manufacturing, Limited. An industrial use where small-scale activities produce no by products such as smoke, odor, dust or noise discernable from the outside of the building in which it is located. Individual facilities typically occupy less than 10,000 square feet of gross leasable area, it requires no outside storage, and distribution and deliveries are commonly made by general consumer delivery services, requiring no significant truck access. A retail, showroom, or service component is often associated with the use. Examples include artist studios, metal and wood shops, arts and crafts manufacturing, small appliance or machine repairs, or other small-scale assembly of finished parts or products from previously prepared materials.

Manufacturing, Light. An industrial use where by products such as smoke, odor, dust or noise are not discernable from outside of the building in which it is located. It requires no outdoor storage or operations to occur, and where distribution and deliveries can occur from general consumer delivery services or limited commercial truck access. Examples include research labs or facilities, small electronics or computer assembly and manufacturing, furniture assembly,

Manufacturing General. An industrial use where by products such as smoke, odor, dust or noise are not discernable from beyond the property boundary. Limited outdoor storage or materials may occur, and operations may require substantial commercial vehicle access for distribution and deliveries. Examples include large-scale non-animal food processing, commercial warehouses or wholesale distribution centers.

Manufacturing, Heavy. An industrial use capable of producing significant by products discernable from outside the building and property including noise, odors, or other potentially offensive materials. It includes outdoor storage of materials and operations may require substantial commercial vehicle access for distribution and deliveries. Examples include food-processing involving animals, metal or chemical manufacturing, impoundment yards.

Impound yard. A place where the primary use is the storage or parking of operating or non-operating vehicles for longer than 48 hours, including, but not limited to, the following: (1) the storage of private parking towed-away vehicles; or (2) the long term storage of vehicles with consent of the owner.

Recycling Collection and Processing. An industrial use where land and buildings are used for the public drop-off, storage, and packaging of recyclable materials. Processing may occur on site, or materials may be shipped to other industrial sites for further processing.

Salvage yard / Junkyard. Any lot, or portion of a lot, which is used for the purpose of the outdoor storage, handling, dismantling or wrecking of abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials as defined in this subsection under "junk."

Slaughter House / Meat Packing. A manufacturing use where live animals are temporary boarded for processing and distribution as food or other byproducts

Storage or Sale of Liquid Petroleum. A manufacturing use where storage, processing and sale of large quantities of combustible or flammable fuels may be present on the premises, and where frequent truck traffic is necessary for the safe distribution of products.

Warehouse Storage / Bulk Storage. A structure containing an area available for the purpose of storing commercial, industrial or private personal property.

Wholesale. A merchant or middleman who sells chiefly to retailers, other merchants, or industrial, institutional and commercial users mainly for resale or business use.

- (g) **Agriculture and Natural Resource Uses** The Agriculture use category is for uses that are commonly associated with an agrarian or rustic lifestyle, and which demand little or no public infrastructure or services.

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Limited Agriculture. (AR) The production of grain, animals, food and fiber on a small scale where any impacts on potential adjacent property from storage, operations, and equipment can be internalized into the site or buffered from abutting areas, typically not occurring on lots or parcels larger than 10 acres.

General Agriculture. The production of grain, animals, food and fiber; the science and art of farming and ranching; and the work of cultivating the soil, producing crops and raising livestock. General Agriculture specifically excludes concentrated feeding operation where animals are confined, fed and maintained for 45 consecutive days or more in any 12 month period.

Aquaculture. The raising, feeding, planting, and harvesting of fish, shellfish or water borne plants, and associated facilities necessary for the use.

Feed lot.

- (1) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail.
- (2) Any structure, pen or corral wherein cattle, horses, sheep, goats, swine, fowls or other animals maintained in close quarters for the purpose of fattening and confinement feeding of such livestock or fowl for final shipment to market.

Natural Resource Extraction. The growth, harvesting, cultivating land preparation of plants or other products of the land for distribution and sale as raw material in some other manufacturing process.

Nursery. The use of land and facilities for growing trees and plants for the retail or wholesale distribution on the premises. Examples include tree farms, orchards, or commercial greenhouses.

Stable, public. A business engaged in the keeping of horses, ponies, mules or cows for others.

- (h) **Public Service Uses** The Public Service use category is for business or government entities engaged in serving a broad and general public and community interest to enhance general health, safety, welfare and convenience for landowners and residents. This category is based on the need of different kinds and classes of buildings in close proximity with other uses, which can be buffered from these areas with the appropriate site design, or alternatively which can be located in special purpose districts and still serve the public interest.

Air Field. An area constructed for the purpose of serving as a location for small airplanes or similar aircraft to land and take off.

Heli-stop. A hard surfaced area constructed for the purpose of serving as a location for helicopters to land and take off.

Public Parking Lot. A parking area available for public use whether free, for compensation or as an accommodation for clients or customers.

Public Recreation Grounds. Structures used primarily for participation by the public in athletic activities such as tennis, handball, racquetball, basketball, and other court games; jogging, track and field, baseball, football, soccer, and other field games; skating, swimming, or golf. Recreational facilities shall include country clubs and athletic clubs; it shall not include facilities accessory to a private residence used only by the owner and guest, nor shall it include arenas or stadia used primarily for spectators to watch athletic events.

Public Utility Plant. A Public Service use where land is used for the concentrated location of fixed equipment necessary to serve large areas with utility service, including operations of the utility other accessory buildings and facilities essential to the operation of the equipment, distribution, and processing associated with the utility. Examples include sewage treatment plant, electric supply plant, water supply plant, or sanitary landfill.

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Public Utility Substation. A Public Service use where land is used for equipment necessary to serve adjacent areas with utility services, which facilities are typically unmanned except for during ordinary maintenance.

Cemetery. An area where land is used for the burial of the deceased, both human and animals, and dedicated for interment purposes, including columbaria, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Small Wind Energy Systems. Facilities used to generate energy from wind as a use accessory to other permitted structures on the premises.

Large Scale Wind Generator (Wind Farms). Any wind generator facilities that do not qualify for small scale wind energy systems according to the standards of these regulations.

Telecommunication Facilities and Support Structures. Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment or one base station, and supporting structures.

34-105. DISTRICT MAP ADOPTED; INTERPRETATION OF DISTRICT BOUNDARIES.

Boundaries of the districts, as enumerated in Section 34-107, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the zoning district map. Said zoning district map reflects the zoning as of June 4, 2004, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The extraterritorial jurisdiction of the City is shown on the two mile area zoning map shows the extra territorial zoning jurisdiction of the City as of July 12, 2004, and all the notations, references and information shown thereon is hereby made as much a part of these regulations as if the same were set forth in full herein. The Planning Commission shall keep on file in the office of the Development Services Director, an authentic copy of said maps, and all changes, amendments or additions thereto.

When definite distances in feet are not shown on the maps, the district boundaries are intended to be along existing street, alley or platted lot lines, or extensions of the same, and if the exact location of such line is not clear, it shall be determined by the Development Services Director, due consideration being given to location as indicated by the scale of the maps.

When streets or alleys on the ground differ from the streets or alleys as shown on the maps, the Development Services Director may apply the district designations on the map to the streets or alleys on the ground in such a manner as to conform to the intent and purposes of the Chapter.

Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall be automatically extended to apply to that portion of the vacated street or alley.
(Ord. No. 3961-8/2004)

34-106. APPLICATION OF REGULATIONS.

Except as hereinafter provided:

- (1) No building, structure, land or water area shall hereafter be used or occupied, and no building, structure, or part thereof shall hereinafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this Chapter for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered:
 - (a) To exceed the height and area restrictions of this Chapter.
 - (b) To accommodate or house a greater number of families than permitted by this Chapter.
 - (c) To occupy a greater percentage of lot area than permitted by this Chapter.

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- (d) To leave narrower or smaller rear yards, front yards, side yards, space between portions of buildings or structures, or other open space than required by this Chapter.
- (3) No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or structure for the purpose of complying with this Chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required of any other building or structure; or as otherwise provided in this Chapter.
- (4) No yard, open space, space between portions of buildings or structures, or lot existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements herein set forth.
- (5) Within each district, the regulations set by this Chapter shall be minimum regulations and shall apply uniformly to each class or kind of building, structure, land, or water area.

34-107. DISTRICTS ENUMERATED.

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings, structures, or land, all lands within, and all lands two miles beyond and adjacent to, the City are hereby divided into various districts.

Districts are classified in four (4) general categories according to use - Agricultural, Residential, Business and Industrial plus special issue district including plan, flood and airport. Excluding Agricultural, the most restrictive type of use is R-1 Single Family Dwelling District and each subsequent classification throughout the Residential, Commercial, Industrial categories is considered a less restrictive use or a lesser classification.

- (1) Agricultural District.
 - (a) District A. Agricultural District
- (2) Residential Districts.
 - (a) District R-1 Urban Single Family Residential District
 - (b) District R-1A Single Family Large Lot Residential District
 - (c) District R-1S Single Family Suburban Acreage Residential District
 - (d) District R-2 Mixed-density Neighborhood District
 - (e) District R-3 Multiple-Family Residential District
 - (f) District R-4 Urban Neighborhood District
- (3) Business Districts.
 - (a) District C-O Commercial Office Non-Retail District
 - (b) District C-1 Local Business District
 - (c) District C-2 Central Business District
 - (d) District C-3 Commercial District
 - (e) District CMP Institutional Campus District
- (4) Industrial Districts.
 - (a) District I-1 Light Industrial District
 - (b) District I-2 Heavy Industrial District
- (5) Special Issue Districts
 - (a) PD Plan District
 - (b) FD Flood Hazard District
 - (c) AP Airport District

Any of the above enumerated districts except District A may be supplemented by the addition of the letter, "P" after the existing prefix "R", "C", or "I", such letter "P" denoting a planned district under procedures set out in Article 2. Any use not listed herein may be placed in a suitable district classification by the City Council after recommendation of the Planning Commission for planned districts based on a finding that it furthers the comprehensive development plan, supports the intent and applicability of the zoning district, and promotes

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sound planning and urban design principles through the specific standards association with the Planned District..

34-108. COMPREHENSIVE DEVELOPMENT PLAN.

Where these regulations refer to the comprehensive development plan, land use categories, or future land use maps, this shall include maps associated with the officially adopted comprehensive development plan for the City, on file with the City Clerk. It shall include any additional specific plans, policies or programs officially adopted under the guidance of that plan. The maps shall be interpreted as follows:

- a. The maps are a general framework and guide for decision-making, and do not pre-determine any specific use of land or buildings, or application of any zoning category.
- b. The maps shall be interpreted and future zoning shall be in accordance with with-the concepts, policies, principles and strategies in the plan, including descriptions of categories of land, development patterns, or other planning and urban design elements of the plan when taken as a whole.
- c. Specific area plans, whether adopted by the City or proposed by private parties in accordance with these regulations, may be interpreted as an amendment or further refinement of the future land use map provided that plan is determined by the Planning Commission to be consistent with the comprehensive development plan.

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ARTICLE II DISTRICT REGULATIONS

34-200. Uses and Districts Table

34-201. A Agricultural districts.

34-202. R-1 Urban single family residential districts.

34-203. R-1A Single-family large lot residential districts.

34-204. R-1S Single-family suburban acreage residential districts.

34-205. R-2 Mixed-density Neighborhood District

34-206. R-3 Multiple-family residential districts.

34-207. R-4 Urban Neighborhood District

34-208. C-O Commercial office non-retail districts.

34-209. C-1 Local business districts.

34-210. C-2 Central business districts.

34-211. C-3 Commercial business districts.

34-212 - CMP Institutional Campus District

34-213. I-1 Light industrial districts.

34-214. I-2 Heavy industrial districts.

34-215. P.D. Planned district regulations.

34-216. F.D. Flood hazard district regulations.

34-217. A.P. Airport zoning regulations - location, boundaries zones, and height restrictions.

34-200. USES AND DISTRICTS TABLE.

TABLE 200-1: USES AND DISTRICTS														
	A	R-1	R-1A	R-1S	R-2	R-3	R-4	C-O	C-1	C-2	C-3	CMP	F	I-2
Residential Uses														
Detached Dwelling	P	P	P	P	P	P	P	P	P		P			
Semi-attached Dwelling					P	P	P	P	P		P			
Attached Dwelling						P	P	P	P		P			
Multi-dwelling Building						P	P	P	P		P			
Live/Work Units							P	P	P	P				
Mixed-Use Dwelling							C			P		P		
Group Housing		C	C	C	C	C	C				C			
Type A & B Manufactured Housing	P	P	P	P	P	P	P	P	P		P			
Mobile Home Court	C												C	C
Mobile Home, Accessory	C													
Civic Uses														
Assembly, Neighborhood	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Assembly, Community								C	C	C	C	C	C	C
Eleemosynary or Philanthropic Institution						C		C	C	P	P	P		
Golf Course / Clubhouse (non-business)	P	P	P	P		C						P		
Public Park / Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Museum or Library	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Elementary	P	P	P	P	P	P	P	P	P			P		
School, Secondary	R	R	R	R	R	R	R	R	R			P		

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HASTINGS, NEBRASKA

TABLE 200-1: USES AND DISTRICTS

Key: P= Permitted, allowed subject to general district standards R= Restricted, allowed subject to specific use standards C= Conditional, allowed subject to discretionary review														
	A	RM	RS-A	RS-S	R2	R3	RA	C0	C1	C2	C3	CMP	H	I2
School, College or University	P					P						P		
Service Uses														
Adult Care, Home	C	C	C	C	C	C	C	C	C	C	C	P		
Adult Care Facility								P	P	P	P	P		
Automobile Service Station, Limited								C	P	P	P	P	P	P
Automobile Service Station, General											P	P	P	P
Automobile Service Station, Large-scale											P	P	P	P
Automobile Repair, Limited								C	C	C	P	P	P	P
Automobile Repair, General										C	P		P	P
Bank								P	P	P	P	P	P	P
Child Care, Home	RL	R	R	R	R	R	R	R	R	R	R	P		
Child Care Facility					RL	R		P	P	P	P	P	P	P
Kennel, Commercial	C										C		C	C
Lodging, Bed & Breakfast	RL						RL	R	R	P				
Lodging, Rooming house						C			P	P	P	P		
Lodging, Hotel										P	P	P	P	P
Lodging, Motel											P	P	P	P
Medical Office	C							P	P	P	P	P		
Medical Clinic	C							P	P		P	P	C	C
Medical Hospital	C							P	P			P	C	C
Nursing Home/Assisted Living	C	C	C	C	C	C	C	P	P	C	P	P		
Professional Services Office								P	P	P	P	P	P	P
Self Storage, Storage Areas								C		R	C		C	C
Veterinary Office	P							P	P	P	P		P	P
Veterinary Hospital	P										C		C	C
Employment Uses														
Home occupation	RL	R	R	R	R	R	R	R	R	R	R			
Office, Limited						C	C	P	P	P	P	P	P	P
Office, Small							C	P	P	P	P	P	P	P
Office, General									C	P	P	P	P	P
Office Complex / Campus										C	P	P	P	P
Commercial & Retail Uses														
Convenience Retail, Automobile (< 5K s.f.)								C			P	P	P	P
Convenience Retail, Corner Store (< 2K s.f.)							C	P	P	P	P	P	P	P
Neighborhood Retail (< 5K s.f.)									P	P	P	P	P	P
General Retail (5K s.f. - 20K s.f.)										P	P	C	P	P
Large-scale Retail (20Ks.f. - 100K s.f.)										C	P	C	P	P
Warehouse Retail (> 100K s.f.)											P		P	P
Neighborhood Grocery (< 45K s.f.)									P	P		P		
Supermarket (> 45K s.f.)											P	C	P	P
Indoor Entertainment & Rec. Business										P	P	C	P	P
Outdoor Entertainment & Rec. Business	C										C	C	C	C

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TABLE 200-1: USES AND DISTRICTS

Key: P = Permitted, allowed subject to general district standards R = Restricted, allowed subject to special use standards C = Conditional, allowed subject to discretionary review	A	RL	RA	RS	R2	R3	RZ	GO	G1	G2	G3	GMP	H	I2
Entertainment/Venue	C									C	C	C	C	C
Outdoor Sales, Limited									C	P	P	P	P	P
Outdoor Sales, Seasonal									C	C	C	C	C	C
Outdoor Sales, Yard											P		P	P
Outdoor Market (Farmers Market)										P				
Industrial Uses														
Grain Storage/Elevator	P												P	P
Manufacturing, Limited								C	C	C	P	P	P	P
Manufacturing, Light										C	C	C	P	P
Manufacturing, General													P	P
Manufacturing, Heavy														P
Impound yard													C	C
Recycling Collection and Processing													C	P
Salvage yard/Junkyard													C	C
Slaughter House / Meat Packing	C													C
Storage or Sale of Liquid Petroleum	C													P
Warehouse Storage / Bulk Storage													P	P
Wholesale													P	P
Agriculture and Natural Resource Uses														
Agriculture, Limited	P		P											
Agriculture, General	P													
Aquaculture	C													
Feed lot	C													
Natural Resource Extraction	C													
Nursery	P	C	C								P		P	
Stable, public	P										P		P	
Public Service Uses														
Air Field	C	C	C	C										C
Helipad	C	C	C	C				C	C				C	C
Public Parking Lot						C	C	C	C	C	C	C	C	C
Public Recreation Grounds	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Public Utility Plant	C												C	C
Public Utility Sub-station	C	C	C	C	C	C	C	C	C	C	C		C	C
Cemetery	C									C	C		C	
Small Wind Energy Systems	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Large Scale Wind Generator (Wind Farms)	C												C	C
Telecommunication Facilities and Support Structures	C							C	C	C	C	C	R	R

* Permitted use within the A District outside the City Limits, conditional use within A District within the City Limits.

34-201. A AGRICULTURAL DISTRICTS.

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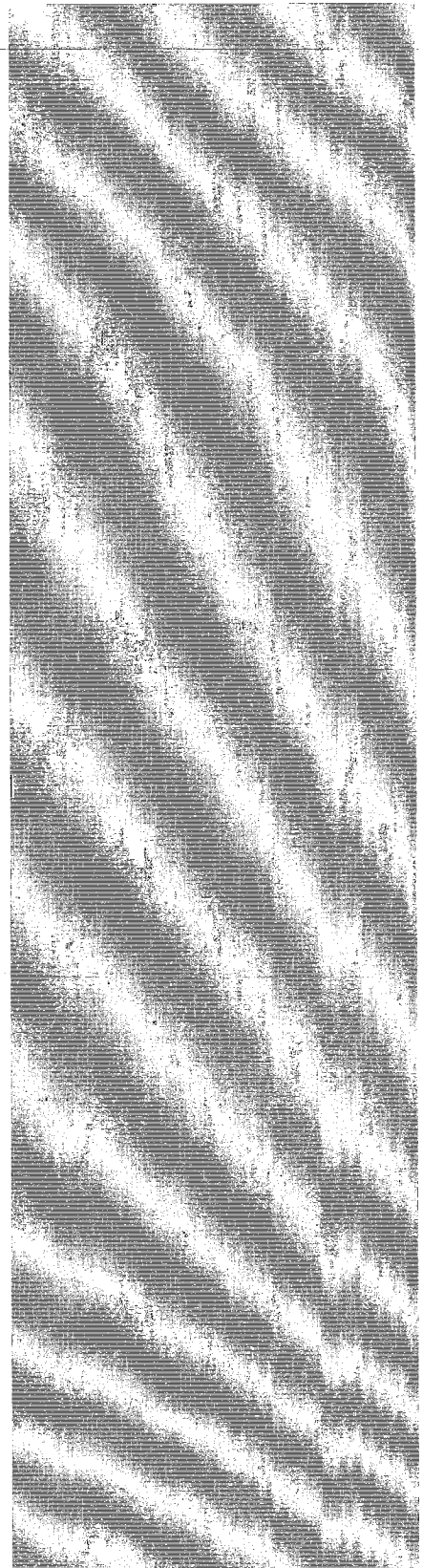
HASTINGS, NEBRASKA

- (1) *Intent.* This district is intended to be a transitional use district primarily encompassing those urban and suburban agriculture lands located outside the corporate limits of the City, within the City's two (2) mile extraterritorial zoning jurisdictional limits. It is recognized that the district is developed with agriculture related uses. However, as urban land use development emerges within the area, the land use classifications within the area may be changed to accommodate a wider variety of land use activities.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*
 - (a) Lot area - 5 acres (un-platted parcels may include one-half of abutting road).
 - (b) Lot width - 100 lineal feet.
- (4) *Minimum yard requirements.*
 - (a) Front yard - 50 feet.
 - (b) Side yard - There shall be a side yard on each side of a building not less than fifteen (15) percent of the width of the lot; except, that such side yard shall be not less than fifteen (15) feet and need not be more than twenty-five (25) feet.
 - (c) Rear yard - 50 feet, except that for a corner lot, the rear yard setback shall be the same as for the side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.
- (5) *Minimum dwelling size.*
 - (a) Six-hundred and fifty (650) square feet of living floor area.
- (6) *Maximum Lot Coverage.*
 - (a) Maximum lot coverage by all buildings shall not exceed thirty (30%) percent.
- (7) *Maximum height of structures.*
 - (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
 - (b) The maximum height of an accessory structure shall not exceed 20 feet. See Figure 34-201.

(Code No. 3139-8/89, 3215-6/91, 3223-9/91, 3269-7/92, 3276-9/92, 3396-5/94, 3397-6/94, 3419-9/94, 3428-10/94, 3861-6/2002 and 4003-5/2005)

34-202. R-1 URBAN SINGLE FAMILY RESIDENTIAL DISTRICTS.

- (1) *Intent.* This district is intended for urban single-family residential areas with low to medium population densities where public sewer and water service is available. Structures and uses required to serve governmental, education, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family residential character.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*
 - (a) Lot area - 7,000 sq. ft.
 - (b) Lot width - 70 ft.
- (4) *Minimum yard requirements.*
 - (a) Front yard - 25 ft.
 - (b) Side yard - There shall be a side yard on each side of a building not less than ten (10%) percent of the width of the lot; except that such side yard shall not be less than seven (7) feet, and need not be more than twenty-five (25) feet.
Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.



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- (c) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

(5) *Minimum dwelling size.*

- (a) Six-hundred and fifty (650) square feet of living floor area.

(6) *Maximum lot coverage by all buildings.*

- (a) The maximum lot coverage by all buildings shall not exceed forty (40%) percent.

(7) *Maximum height of structures.*

- (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
- (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%. See Exhibit No. 1, Appendix A.

(Code No. 3139-8/89, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94 and 3861-6/2002)

34-203. R-1A SINGLE-FAMILY LARGE LOT RESIDENTIAL DISTRICTS.

- (1) *Intent.* This district is intended for urban and suburban single-family residential areas with low population densities where larger lots are desired and public sewer and water service may not be available. Structures and uses required to serve governmental, education, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family residential character.

- (2) *Allowed uses.* See Table 200-1 in Section 34-200.

(3) *Minimum lot requirements.*

- (a) Lot area - 20,000 sq. ft.
- (b) Lot width - 100 ft.

(4) *Minimum yard requirements.*

- (a) Front yard - 35 ft.
- (b) Side yard - There shall be a side yard on each side of a building not less than ten (10%) percent of the width of the lot; except that such side yard shall not be less than ten (10) feet, and need not be more than twenty-five (25) feet.
Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than sixty-five (65) feet.
- (c) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

(5) *Minimum dwelling size.*

- (a) Six-hundred and fifty (650) square feet of living floor area.

(6) *Maximum lot coverage by all buildings.*

- (a) Maximum lot coverage by all buildings shall not exceed forty (40%) percent.

(7) *Maximum height of structures.*

- (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
- (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%. See Exhibit No. 1, Appendix A.

(Code No. 3139-8/89, 3148-11/89, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94 and 3861-6/2002)

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34-204. R-1S SINGLE-FAMILY SUBURBAN ACREAGE RESIDENTIAL DISTRICTS.

- (1) *Intent.* This district is intended for suburban single-family residential areas with low population densities. Structures and uses required to serve governmental, education, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their single-family suburban residential character.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*
 - (a) Lot area - 1.5 acres (65,340 sq. ft.)
 - (b) Lot width - 100 ft.
Lot area may include one-half of abutting road right-of-way.
- (4) *Minimum yard requirements.*
 - (a) Front yard - 35 ft.
 - (b) Side yard - There shall be a side yard on each side of a building not less than ten (10%) percent of the width of the lot; except that such side yard shall not be less than ten (10) feet, and need not be more than twenty-five (25) feet.
Buildings on corner lots shall provide a side yard on the street side of not less than twenty-five (25) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than sixty-five (65) feet.
 - (c) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.
- (5) *Minimum dwelling size.*
 - (a) Six-hundred and fifty (650) square feet of living floor area.
- (6) *Maximum lot coverage by all buildings.*
 - (a) The maximum lot coverage by all buildings shall not exceed forty (40%) percent.
- (7) *Maximum height of structures.*
 - (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
 - (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%. See Exhibit No. 4, Appendix A.

(Code No. 3139-8/89, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94 and 3861-6/2002)

34-205. R-2 MIXED-DENSITY NEIGHBORHOOD DISTRICT

- (1) *Intent.* This district is intended as urban and suburban two-family residential area with low population densities. Structures and uses required to serve governmental, educational, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their residential character.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

Lot Area	Lot Width
----------	-----------

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Use	(sq. ft.)	(lin. ft.)
Single-family dwelling	6,000	50
Two-family dwelling	3,500	35

(4) *Minimum yard requirements.*

- (a) Front yard - 25 ft.
- (b) Side yard - There shall be a side yard on each side of a building not less than five (5) feet, except that semi-attached dwellings may have a 0' setback when platted on lots with a party wall. Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided, that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.
- (c) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b). See Exhibit No. 2, Appendix A.

(5) *Minimum dwelling size.*

- (a) Six-hundred and fifty (650) square feet of living floor area.

(6) *Maximum lot coverage by all buildings.*

- (a) The maximum lot coverage by all buildings shall not exceed forty (60%) percent.

(7) *Maximum height of structures.*

- (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
- (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%. See Exhibit No. 1, Appendix A.

34-206. R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS.

- (1) *Intent.* This district is intended to include urban and suburban single-family, two-family and multiple-family residential uses with medium population densities, uses and structures required to serve governmental, educational, religious, non-commercial recreational and other needs of such areas. The regulations and restrictions in the R-3 District are intended to protect, preserve and enhance the primarily residential character of the district.

- (2) *Allowed uses.* See Table 200-1 in Section 34-200.

(3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
Single-family dwelling	6,000	50
Two-family dwelling	6,000	50
Townhouses	2,500	20
3 and 4 family dwelling	7,000	70
5 or more family dwelling	8,000	75
Other uses	6,000	50

(plus 1,000 sq. ft. for each dwelling unit in excess of 5)

Multiple-family dwellings shall provide a usable yard area of one-hundred (100) sq. ft. per dwelling unit.

(4) *Minimum yard requirements.*

- (a) All permitted uses except townhouses.
 - (i) Front yard - 25 ft.

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- (ii) Side yard - There shall be a side yard on each side of a building not less than ten (10%) percent of the width of the lot; except, that such side yard shall not be less than (7) seven feet, and need not be more than twenty-five (25) feet.
Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.
- (iii) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the ~~preceeding~~preceding subsection (b). ~~See Exhibit No. 2, Appendix A.~~
- (b) Townhouses.
 - (i) Front yard - 20 ft.
 - (ii) Side yard at the common wall - none.
 - (iii) Side yard - 10 ft.
 - (iv) Rear yard - 10 ft.
- (5) Minimum dwelling size.
 - (a) Single family - Six-hundred and fifty (650) sq. ft. of living floor area.
 - (b) Multi-family - None.
- (6) Maximum lot coverage by all buildings.
Maximum lot coverage by all buildings shall not exceed fifty (50%) percent.
- (7) Maximum height of structures.
 - (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall be 35 feet above grade.
 - (b) The maximum height of an accessory structure shall not exceed the height of the principal structure by more than 25%. ~~See Exhibit No. 1, Appendix A.~~

(Code No. 3139-8/89, 3163-3/90, 3205-2/91, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3491-8/95, 3861-6/2002 and 3879-11/2002)

34-207 R-4 URBAN NEIGHBORHOOD DISTRICT

- (1) *Intent.* The R-4 District is intended primarily for high-density, urban residential uses with consistent neighborhood character. The overall density of this district should be more than 15 dwelling units per acre. The R-4 district is applicable to areas where more compact neighborhood development patterns are desired. Typically this district should be used only in areas that are no more than ¼ mile or up to 4 blocks from any walkable activity center. Isolated applications of this district without adjacency to activity centers should be avoided so that significant concentrations of density do not exist without walking access to non-residential uses and quality urban amenities. This district should be supported by a highly connected street network with street design types that have a high degree of pedestrian amenities.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)	
Single-family dwelling	5,000	50	
Two-family dwelling	6,000	50	
Townhouses	2,000	20	
3 and 4 family dwelling	7,000	70	
5 or more family dwelling	8,000	75	(plus 1,000 sq. ft. for each dwelling unit in excess of 5)

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Other uses | 6,000 50

Multiple-family dwellings shall provide a usable yard area of one-hundred (100) sq. ft. per dwelling unit.

- (4) *Minimum yard requirements.*
 - (b) Townhouses.
 - (i) Front yard - 20 ft.
 - (ii) Side yard at the common wall - none.
 - (iii) Side yard - 5ft., except buildings 2 or more stories shall be 10 feet
 - (iv) Rear yard - 10 ft.
- (5) *Minimum dwelling size.*
 - (a) Single family - Six-hundred and fifty (650) sq. ft. of living floor area.
 - (b) Multi-family - None.
- (6) *Maximum lot coverage by all buildings.*
 - (a) Maximum lot coverage by all buildings shall not exceed fifty (70%) percent.
- (7) *Maximum height of structures.*
 - (a) Single-family and duplexes, 35 feet above grade.
 - (b) Townhouses and multi-family buildings up to 4 stories, and 12 feet, per story.
 - (c) The maximum height of an accessory structure shall not exceed the height of the principal structure or 24', whichever is less.

(8) Urban Residential Design Standards

- (a) *Design Objective.* The Design Objective of the Urban Residential Design Standards is to:
 1. Ensure compatibility and a consistent character throughout the districts and neighborhoods;
 2. Promote a mix of building and dwelling types within the districts and neighborhoods;
 3. Allow for more compact residential development patterns that have a closer relationship of smaller lots and public streetscapes;
 4. Allow neighborhoods of greater density to be better integrated with adjacent mixed-use or commercial areas;
 5. Create neighborhood character and identity through a wide variety of diverse architectural details within a compatible range of residential building types and scales.
 6. Encourage pedestrian-scale design of buildings, breaking up larger elements of mass and volume into smaller scales, creating permeable facades that relate buildings to the public streetscape, and adding interest and details to buildings when viewed from the public realm;
 7. Balance vehicle access to sites with the pedestrian character of streetscapes.
- (b) *Applicability.* These standards apply to areas where diverse, walkable and mixed density neighborhoods are desired. Specifically, they apply to the R-4 zoning district.
- (c) *Streetscapes and Lot Frontages.*
 1. *Permitted Access.* The access type permitted for residential lots shall be based upon the lot frontage according to the following table.

TABLE 207-1: PERMITTED RESIDENTIAL LOT ACCESS						
Access Type	Lot frontage >	> 120'	75' to 120'	65' to 74'	55' to 64'	36' to 54'
Alley / Shared Rear Access			☑	☑	☑	☑
Single-lane, Shared to Back		☑	☑	☑	☑	☑
Single-lane, Private to Back		☑	☑	☑	☑	
Single-lane, Private to Front		☑	☑	☑		
Double-lane, Private to Front		☑	☑			
Unlimited, up to 16% Max		☑				

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* A single lane shall be 7' to 9' wide and a double lane shall be 14' to 18' wide

- a. Single lane access shall be between 8.5' and 10' wide.
 - b. Double lane access shall be no greater than 18' wide.
 - c. Shared access lanes may be located at or on property lines, subject to appropriate easements indicated on a plat or other similar and recordable instrument.
 - d. Private access lanes shall be at least 3' from any side property line.
 - e. The access width limitation shall apply to all areas within the front setback area. It may be expanded beyond the setback to accommodate circulation and access within the lot or lots sharing the access.
2. Sidewalk Grades. Vehicle lot access to individual lots shall not interrupt sidewalk grades or materials at sidewalk crossings.
 3. Pedestrian Access. Each building and each front building entrance shall have one direct pedestrian connection from the public streetscape to the building entrance. Where front loaded driveways are permitted according to these standards a connection to the driveway or a combination driveway / pedestrian connection may satisfy this requirement.
 4. Front-loaded garage Limits. In addition to any general building setback standards for each zoning district, the design of front-loaded, attached garage doors shall be limited as follows:
 - a. More than 40% of the front façade only permitted if set back greater than 50' from the front lot line;
 - b. Garage doors that occupy between 25% and 40% of the front façade shall be set back at least 20' from the front building line, or at least 50' from the front lot line, whichever is less.
 - c. Garage doors that occupy less than 25% of the front façade shall be built behind the front building line, or at least 35' from the front lot line, whichever is less.
 - d. Where front-loaded garage doors are prohibited by effect of these standards, garages shall be located on the side or back of the principal structure, or in an approved detached accessory structure, subject to the standards in the zoning district.
 - e. In cases where the garage doors face side yard lines, the garage corner nearest the front lot line shall be at least 35' from the front lot line.
 - f. The Director may approve alternative designs as exceptions to these limitations where due to topography or other unique elements of the site design and building orientation, the proposed garage doors will have a lesser impact on the public streetscape than is otherwise allowed by the standards.
- (d) Building Design.
1. Entrances. All buildings shall have one primary entrance on the front façade emphasized with structural components or architectural details and ornamentation that compliment the overall building design.
 2. Encroachments. Bays, balconies, and other minor projections in the front façade may encroach up to 5' feet in front of the front building line, but in no case beyond the front lot line. Porches and stoops associated with a front entrance may encroach up to 10' in front of the front setback line provided they result in usable outdoor space (at least 8' deep), are at least 5' beyond the front lot line including steps and approaches, and any roof or associated structure is no greater than a single story.
 3. Facade Openings. The front façade shall have between 15% and 35% of the façade area occupied by openings of windows and doors.
 4. Horizontal Massing. Any building with a front façade width a width greater than 50' shall have differentiated horizontal massing through any combination of the following:
 - a. Differentiated structural bays every 18' to 36', demonstrated by a vertical expression line of trim or ornamental architectural elements that distinguish it from the rest of the facade;
 - b. Small off-sets in the façade between 2' and 5', associated with internal floor plan of the building and resulting in between 20' and 50' horizontal distance along each off-set segment; or
 - c. An intervening courtyard, garden or other open space and resulting in no single portion of horizontal façade greater than 50'.
 5. Vertical Massing. Any building that is 3 stories, or more where specifically permitted, shall have differentiated vertical massing through the following:
 - a. A base comprised of the first story, differentiated by a horizontal expression line of trim or ornamental architectural elements that distinguish it from the rest of the facade, or by a single

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story porch or stoop roof structure associated with the entrance and covering at least 50% of the facade;

b. A cap comprised of one of the following:

- i. an eave line ornamental trim differentiating the roof structure where pitched roofs are used;
- ii. a cornice or similar horizontal expression line differentiating the uppermost 10% to 15% of the facade, including the parapet where flat roofs are used;
- iii. Where buildings more than 3 stories are specifically permitted, in addition to the expression line required by sub-section b.ii. the upper story shall be differentiated with a similar horizontal expression line or a step back of the upper story of at least 10'.

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~~Inter-neighborhood design guidelines~~

34-208. C-O COMMERCIAL OFFICE NON-RETAIL DISTRICTS.

The following statement of intent and use regulations shall apply in the C-O District:

- (1) *Intent.* This district is intended to include urban and suburban residential and professional office uses that are appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods. This district is further intended to provide a broad mix of residential uses with certain specified business, personal professional services that can function efficiently without generating large volumes of vehicular traffic. The regulations and restrictions are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical activities.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
Single-family dwelling	7,000	70
Two-family dwelling	6,000	50
3 and 4 family dwelling	7,000	70
5 to 10 family dwelling*	8,000	75
		(plus 1,000 sq. ft. for each dwelling unit in excess of 5)
All other permitted uses	6,000	50

- (a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen thousand (14,000) sq. ft. and minimum frontage of one-hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan, shall be limited by a floor area ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this section.
 - (b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)
 - (c) Multiple-family dwellings shall provide a usable yard area of one-hundred (100) sq. ft. per dwelling unit.
- (4) *Minimum yard requirements.*
- (a) Front yard - 25 ft.
 - (b) Side yard - There shall be a side yard on each side of a building not less than twenty (20) percent of the width of the lot; except, that such side yard shall not be less than fifteen (15) feet and need not be more than fifty (50) feet.
 - (c) Rear yard - The depth of the rear yard shall be at least twenty percent (20) of the depth of the lot, but such depth need not be more than thirty-five (35) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (b).

See Exhibit No. 2, Appendix A

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- (5) *Minimum dwelling size.*
(a) Single family - Six-hundred and fifty (650) square feet of living floor area.
(b) Multi-family - None.
- (6) *Maximum lot coverage by all buildings.*
(a) Maximum lot coverage by all buildings shall not exceed fifty (50%) percent.
- (7) *Maximum height of structures.*
(a) Except for multi-family structures and as otherwise provided in this Chapter, the maximum height of a principle structure shall be 35 feet above grade.
(b) Except as otherwise provided in this Chapter, the maximum height of a multiple family dwelling shall be 45 feet above grade.
(c) The maximum height of an accessory structure shall in not exceed lesser of 44 feet above grade or the height of the principal structure by more than 25%.

(Code No. 3139-8/89, 3163-3/90, 3205-2/91, 3215-6/91, 3269-7/92, 3276-9/92, 3428-10/94, 3448-12/94, 3491-8/95, 3705-9/99, 3861-6/2002, 3862-7/2002, 3947-4/2004 and 3987-12/2004)

34-209. C-1 LOCAL BUSINESS DISTRICTS.

- (1) *Intent.* This district is intended to provide a wide range of small-scale commercial uses to meet the daily and frequent needs of urban and suburban residents.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)	
Single-family dwelling	6,000	50	
Two-family dwelling	6,000	50	
3 and 4 family dwelling	7,000	70	
5 to 10 family dwelling*	8,000	75	(plus 1,000 sq. ft. for each dwelling unit in excess of 5)
All other permitted uses	6,000	None	

- (a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen-thousand (14,000) sq. ft. and minimum frontage of one-hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan shall be limited by floor area ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this Section.
- (b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)
- (c) Multiple-family dwellings shall provide a usable yard of one-hundred (100) sq. ft. per dwelling unit.
- (4) *Minimum yard requirements.*
(a) Non-commercial use.
(i) Front yard - 25 ft.
(ii) Side yard - No side yard is required; except, that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard of not less than seven (7) feet shall be provided, and a side yard of fifteen (15) feet shall be provided on the street side of a corner lot.
Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.

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- (iii) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (ii). See Exhibit No. 2, Appendix A.
- (b) Commercial uses.
 - (i) Front yard - None; provided, however, if the building is set back from the front property line it shall be a minimum of ten (10) feet.
 - (ii) Side yard - None; provided, however, if the building is set back from the property line it shall be a minimum of five (5) feet except; that where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, there shall be a side yard of not less than ten (10%) percent of the lot width, but not less than seven (7) feet.
Buildings on corner lots shall provide a side yard on the street side of not less than ten (10) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty (30) feet.
 - (iii) Rear yard - None; except that not less than ten (10) feet shall be provided next to an existing alley and not less than fifteen (15) feet shall be provided when next adjacent to any abutting property in a district R-1 to C-O, inclusive.
- (5) Minimum dwelling size.
 - (a) Single family - Six-hundred and fifty (650) square feet of living floor area.
 - (b) Multi-family - None.
- (6) Maximum lot coverage by all buildings.
 - (a) Maximum lot coverage by all buildings shall not exceed fifty (50%) percent.
- (7) Maximum height of structures.
 - (a) Except for multi-family structures and as otherwise provided in this Chapter, the maximum height of a principle structure shall be 35 feet above grade.
 - (b) Except as otherwise provided in this Chapter, the maximum height of a multiple family dwelling shall be 45 feet above grade.
 - (c) The maximum height of an accessory structure shall not exceed lesser of 44 feet above grade or the height of the principal structure by more than 25%.

(Ord. No. 3215-6/91, 3242-12/91, 3276-9/92, 3448-12/94, 3861-6/2002 and 3947-4/2004)

34-210. C-2 CENTRAL BUSINESS DISTRICTS.

- (1) *Intent.* This district is intended to include those lands indicated in the Comprehensive Plan for the Mixed-use Downtown category. This district is intended to protect and enhance the central business district core for efficient performance of its primary function as a center for retail, commercial, financial, professional and service facilities; and to discourage uses not requiring a prime central location. This district is not intended for storage as a use and there shall not be storage as a primary use on the first floor of a store front throughout the Central Business District.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)	
3 and 4 family dwelling	7,000	70	
5 to 10 family dwelling	8,000	75	(plus 1,000 sq. ft. for each dwelling unit in excess of 5)
All other permitted uses	None	None	

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- (a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen thousand (14,000) sq. ft. and minimum frontage of one hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan, shall be limited by a floor area ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this Section.
 - (b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of building on a lot with an area of 14,000 sq. ft.)
 - (c) Multiple-family dwellings shall provide a usable yard area of one hundred (100) sq. ft. per dwelling unit.
- (4) *Minimum yard requirements.*
- (a) Residential uses.
 - (i) Front yard - No front yard is required; except, that where a lot in District C-2 lies within the same block and fronts upon the same street with a portion of a District R-1 to C-1 inclusive, and no lot within District C-2 is occupied by a building with a front yard of less depth than required in that portion of a District R-1 to C-1 inclusive adjoining thereto, then the front yard requirements of such adjoining District R-1 to C-1 inclusive shall likewise apply to such lot in District C-2.
 - (ii) Side yard - 3 to 4 family a minimum of ten (10) feet on one side, five (5) feet on the other side; 5 or more family a minimum of ten (10) feet on one side, fifteen (15) feet on the other side. Buildings on corner lots shall provide a side yard on the street side of not less than ten (10) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.
 - (iii) Rear yard - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than thirty (30) feet, except that for a corner lot, the rear yard setback shall be the same as for the interior side yard, as described in the preceding subsection (ii). See Exhibit No. 2, Appendix A.
 - (b) Commercial uses.
 - (i) Front yard - None; provided, however, if the building is set back from the front property line it shall be a minimum of ten (10) feet.
 - (ii) Side yard - None; provided, however, if the building is set back from the property line it shall be a minimum of five (5) feet, except that, where a side line of a lot in this district abuts upon the side line of a lot in a district R-1 to C-O inclusive, a side yard of not less than ten (10) feet shall be provided.
 - (iii) Rear yard - None.
- (5) *Maximum lot coverage by all buildings.* None; except, as may be required for yards, parking or loading areas.
- (6) *Maximum height of structures.*
Except as otherwise provided in this Chapter, the maximum height of the principal structure shall not exceed one hundred and twenty (120) feet in height above grade. See Exhibit No. 1, Appendix A.
- (7) *Minimum dwelling size.*
- (a) None.
- (Ord. No. 3223-9/91, 3276-9/92, 3448-12/94, 3573-2/97, 3649-9/98, 3861-6/2002 and 3947-4/2004)

34-211. C-3 COMMERCIAL BUSINESS DISTRICTS.

- (1) *Intent.* This district includes those areas which are heavily exposed to automobile traffic and which have been developed with general commercial uses. The district is intended specifically for those areas surrounding major arterial intersections where personal services, convenience goods, and auto-related service facilities are desirable and appropriate land uses.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.*

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Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
3 and 4 family dwelling	7,000	70
5 to 10 family dwelling	8,000	75
All other permitted uses	6,000	None

(plus 1,000 sq. ft. for each dwelling unit in excess of 5)

- (a) Apartment building for eleven (11) or more families on sites having a minimum area of fourteen thousand (14,000) sq. ft. and minimum frontage of one hundred (100) feet on a street of city collector or greater designation on the official major thoroughfare plan shall be limited by Floor Area Ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this Section.
- (b) Floor Area Ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross sq. ft. of a building on a lot with an area of 14,000 sq. ft.)
- (c) Multiple-family dwellings shall provide a usable yard of one hundred (100) sq. ft. per dwelling unit.

(4) Minimum yard requirements.

(a) Residential uses.

- (i) Front yard - 25 ft.
- (ii) Side yard - There shall be a side yard on each side of a building not less than ten (10%) percent of the width of the lot; except, that such side yard shall not be less than seven (7) feet, and need not be more than twenty-five (25) feet.
Buildings on corner lots shall provide a side yard on the street side of not less than fifteen (15) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty-five (35) feet.
- (iii) Rear yard - The depth of the rear yard shall be at least twenty (20%) percent of the depth of the lot, but such depth need not be more than thirty (30) feet. See Exhibit No. 2, Appendix A.

(b) Commercial uses.

- (i) Front yard - None; provided, however, if the building is set back from the front property line it shall be a minimum of ten (10) feet.
- (ii) Side yard - None; provided, however, if the building is set back from the property line it shall be a minimum of five (5) feet except; that where a side line of a lot in this district abuts upon the side line of a lot in a District R-1 to C-O inclusive, a side yard of not less than ten (10) feet shall be provided.
Buildings on corner lots shall provide a side yard on the street side of not less than ten (10) feet; provided that this regulation shall not be so interpreted as to reduce the buildable width of a corner lot in separate ownership on August 26, 1968 to less than thirty (30) feet.
- (iii) Rear yard - None; except that not less than ten (10) feet shall be provided adjacent to an existing alley and not less than fifteen (15) feet shall be provided next to any abutting property in a District R-1 to C-O, inclusive.

(5) Minimum dwelling size.

- (a) Single family - Six-hundred and fifty (650) square feet of living floor area.
- (b) Multi-family - None.

(6) Maximum lot coverage by all buildings.

- (a) Residential uses - 50%
- (b) Other uses - None

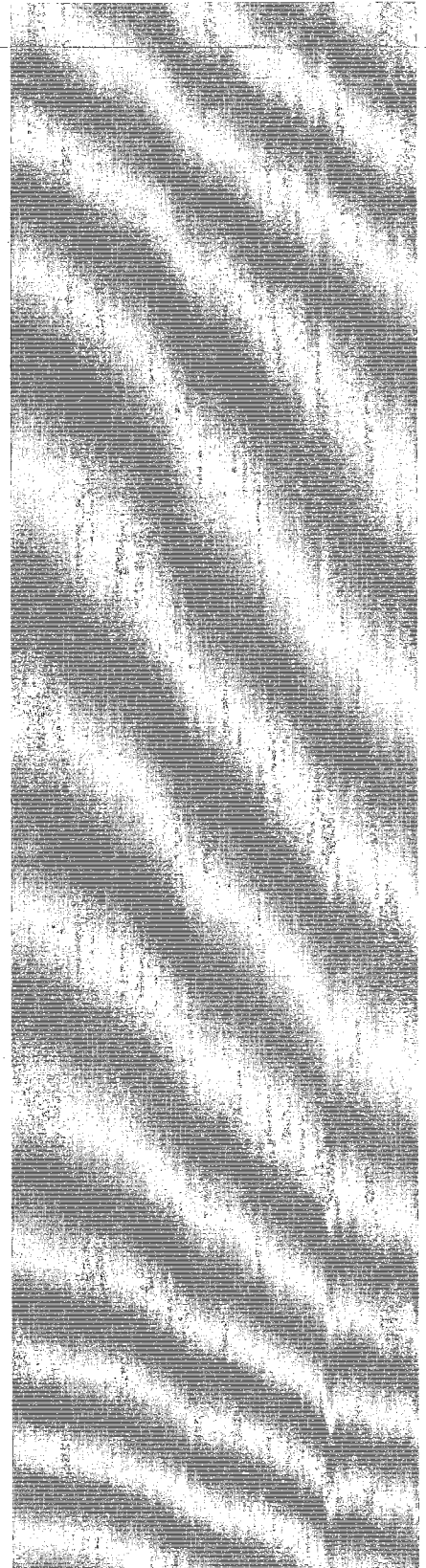
(7) Maximum height of structures.

- (a) Except for multi-family structures and as otherwise provided in this Chapter, the maximum height of a principle structure shall be 35 feet above grade.
- (b) Except as otherwise provided in this Chapter, the maximum height of a multiple family dwelling shall be 45 feet above grade.

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- (c) The maximum height of an accessory structure shall not exceed lesser of 44 feet above grade or the height of the principal structure by more than 25%.

(Ord. Nos. 3133-7/89, 3218-6/91, 3215-6/91, 3242-12/91, 3284-11/92, 3292-1/93, 3397-6/94, 3428-10/94, 3448-12/94, 3488-7/95, 3861-6/2002 and 3947-4/2004)



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34-212 CMP INSTITUTIONAL CAMPUS DISTRICT

- (1) *Intent.* The CMP Institutional Campus District is intended as a planned zoning district to assist and encourage the development of the educational, institutional, and medical uses, and their complementary land uses, in a campus setting. It should focus on organizing buildings and uses around distinct gathering places, and create a highly pedestrian or "park-once" environment within the campus. It is applicable to areas where improved pedestrian and civic amenities can coordinate development of compatible uses and designs through a specific master plan. This district is applicable to institutions which have multi-block common ownership of lands, have developed a long-range master site plan for a campus support system of internal streets, civic or natural open spaces, or pedestrian routes that create effective connections and transitions to areas around the campus. The minimum threshold for the master plan shall be 12 acres of contiguous land. The master plan may be approved by the City through the rezoning process as a basis for altering any of the default development standards provided for this district, where it specifically proposes alternative development standards that equally or better meet the intent of this district.
- (2) *Allowed uses.* See Table 200-1 in Section 34-200.
- (3) *Minimum lot requirements.* At least 2 acres per lot, except that a campus master plan for areas larger than 12 acres may establish lot area requirements below this level.
- (4) *Minimum Yard Requirements.*
 - (a) Front yard – Ten (10) feet, except buildings fronting directly on public or common open spaces that provide pedestrian access to the building shall require no front setback..
 - (b) Side yard – Ten (10) feet.
 - (c) Rear yard – Ten (10) feet
 - (d) A minimum 20' landscape buffer shall be required in addition to any required setbacks and open space when building heights are more than 2 times the height allowed in any adjacent or abutting residential use or zoning district.
- (5) *Maximum lot coverage.* The maximum lot by all buildings and impervious surfaces 90%, excluding required open space.
- (6) *Maximum height of structures.* The maximum height shall be 60 feet, except portions setback from the property line by more than 30 feet may have a height of up to 120 feet.
- (7) *Campus Design Standards.* Due to the unique development pattern, and the important relationship and integration between uses, sites and buildings in the CMP district, the following site and building standards shall apply:
 - (a) *Master Development Plan.* Any CMP district may be proposed according to an overall master plan that alters the Lot Standards and Campus Standards of this section, provided the master development plan equally or better meets the intent of this district.
 - (b) *Pedestrian Circulation.* Each area shall include pedestrian circulation at an equal or greater frequency than the surrounding block structure. This can be provided by sufficient pedestrian amenity on any internal circulation streets, or by a separate trail or sidewalk system associated with the require open space and common areas.:
 - (c) *Required Open Space / Common Area.* Each lot shall contribute to the overall public or common open space for the district according to the following:
 - (i) A minimum of 15% allocated to formal open spaces such as greens, plaza, or courtyards that provide pedestrian amenities in and around the grounds.
 - (ii) A minimum of 20% of formal open space is required if the Floor Area Ratio is above 2.0.
 - (iii) A minimum of 25% is required if the campus is organized around a system of natural open spaces, such as trails, gardens, wooded areas or other similar natural areas.
 - (iv) A minimum 20' landscape buffer shall be required in addition to any required setbacks and open space when building heights are more than 2 times the height allowed in any adjacent or abutting residential use or zoning district.

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- (d) **Building Elements.** All buildings shall include the following elements:
- (i) **Primary Entrance Features.** All buildings shall have a primary entrance feature oriented towards the lot frontage. The entrance feature shall have direct pedestrian connections to the public streetscape or public or common open space with minimal interruptions by parking areas or driveways.
 - (ii) **Horizontal Massing.** Any building with a front façade width greater than 150' shall have differentiated horizontal massing through any combination of the following:
 - (A) Differentiated offsets of 3' to 10' every 50' to 75', demonstrated by a vertical expression line of trim or ornamental architectural elements that distinguish it from the rest of the façade, and associated with enhanced landscape features or other similar civic amenities;
 - (B) An intervening courtyard or plaza meeting the requirements of sub-section (7)(c), resulting in no single portion of horizontal façade greater than 75'.
 - (iii) **Façade Openings.** Each façade shall have openings at street level or on public or common open space according to the following:
 - (A) Retail and service uses shall have between 60% and 90% of all street-level facades between 2 and 10 feet above grade shall be transparent with views to the interior of the building. No window starting at a level of greater than 3.5 feet above the street level should be included in the calculation.
 - (B) Employment and Light Industrial Uses located within 30' of any public right-of-way or any public or common open space shall have between 40% and 70% of all street-level facades between 2 and 10 feet above grade shall be transparent with views to the interior of the building. No window starting at a level of greater than 3.5 feet above the street level should be included in the calculation. Where the interior operation or program of the building warrants screening from the street, these portions of the building shall be located away from the street frontage or public and common open space.
- (e) **Site Screening.** Any delivery and service areas, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:
- (i) All delivery or service areas and loading docks shall be located on a discrete façade, and internal to the block wherever possible.
 - (ii) Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.
 - (iii) Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a landscape buffer or set back at least 50' from any property line.
 - (iv) All parking shall meet the generally applicable parking design standards of these regulations.

34-213. I-1 LIGHT INDUSTRIAL DISTRICT.

- (1) **Intent.** This district is intended primarily for urban and suburban light industrial, manufacturing, processing, storage, wholesaling and distribution operations; but also permits commercial uses. The regulations are intended to allow efficient use of the land while, at the same time, making the district attractive and compatible for a variety of non-residential uses.
- (2) **Allowed uses.** See Table 200-1 in Section 34-200.
- (3) **Minimum lot requirements.**

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
All Uses	None	None

- (4) **Minimum yard requirements.**

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- (a) Front yard - None; except that set back of not less than fifty (50) feet shall be provided along all federal and state highways.
- (b) Side yard - None; except if a building is set back from the property line, the minimum side yard shall be at least three (3) feet.
- (c) Rear yard - None; See Exhibit No. 2, Appendix A.

(5) *Maximum lot coverage by all buildings.*

- (a) None; except as may be required for yards, parking, loading or outside storage areas.

(6) *Maximum height of structures.*

- (a) Except as otherwise provided in this Chapter, the maximum height of a principal structure shall not exceed ninety (90) feet in height above grade. See Exhibit No. 2, Appendix A.
- (b) The maximum height of an accessory structure shall not exceed the lesser of 44 feet above grade or the height of the principal structure by more than 25%.

(Ord. No. 3110-1/89, 3396-5/94, 3397-6/94, 3510-1/96, 3637-5/98, 3861-6/2002, 3995-2/2005 and 4003-5/2005)

34-214. I-2 HEAVY INDUSTRIAL DISTRICT.

- (1) *Intent.* This district is intended primarily for heavy manufacturing, storage, major shipping terminals and other related uses. Also permitted in the district are uses generally permitted in commercial districts.

- (2) *Allowed uses.* See Table 200-1 in Section 34-200.

- (3) *Minimum lot requirements.*

Use	Lot Area (sq. ft.)	Lot Width (lin. ft.)
All Uses	None	None

(4) *Minimum yard requirements.*

- (a) Front yard - None; except that a setback of not less than fifty (50) feet shall be provided along all federal and state highways.
- (b) Side yard - None; except if a building is set back from the property line, the minimum side yard shall be at least three (3) feet.
- (c) Rear yard - None; see Exhibit No. 2, Appendix A.

- (5) *Maximum lot coverage by all buildings.* None; except as may be required for yards, parking, loading or outside storage areas.

- (6) There shall be no height restriction except any restrictions set forth in Section 34-217 of the Hastings City Code pertaining to the Hastings Municipal Airport.

(Ord. No. 3110-1/89, 3396-5/94, 3510-1/96, 3637-5/98, 3702-9/99, 3995-2/2005 and 4003-5/2005)

34-215. P.D. PLANNED DISTRICT REGULATIONS.

- (1) *Intent.* This district is intended to provide maximum flexibility in the development of property and at the same time to preserve and maintain the character and integrity of adjacent lands. It is an alternative to the base district standards where a plan for development equally or better meets the intent of the district or districts uses, better addresses site specific conditions including transitions to adjacent areas, and better service the public purpose than would otherwise occur under base standards.

- (2) Each of the residential, commercial or industrial districts (R-1 to I-2 inclusive) shall have a separate and distinct counterpart, known, and herein referred to as: planned residential, planned commercial or planned

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industrial district. A planned district shall be for the purpose of permitting and regulating the uses permitted in the equivalent district, except as provided herein, and further, provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces subsequent to a recommendation from the Planning Commission and the approval of the plan by the City Council. The intent is to allow development of tracts of land to their fullest extent, and at the same time observe the general intent and spirit of these regulations. It is anticipated that by presenting a plan for a specific improvement or use, a rezoning request could be recommended, whereas the request would appear too liberal if all permitted uses under such zoning were allowed.

- (3) *Planned residential districts.* Planned residential districts may be permitted as follows:
Planned District Equivalent District
RP-1 R-1
RP-2 R-2
RP-3 R-3

In general the height and bulk of buildings, the amount of light, air and open space, the dwelling unit density, the parking and loading requirements should be equal to those in the equivalent district. The uses permitted shall be the same as in the equivalent district; provided that the applicant, when applying for this zoning classification, may voluntarily limit the plan as to buildings, improvements and the use thereof.

Variations and departures from normal practice may be permitted. Each building need not face on a public street, and more than one building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be grouped in clusters or around courts and may be served by private drives in lieu of public streets. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining buildings and property. Any building or portion thereof may be owned in condominium under applicable state laws governing the same.

- (4) *Planned commercial and industrial districts.* Planned commercial and industrial districts may be permitted as follows:
Planned District Equivalent District
CP-O C-O
CP-1 C-1
CP-2 C-2
CP-3 C-3
IP-1 I-1
IP-2 I-2

In general, the height and bulk of buildings, the amount of light, air and open space, the parking and loading requirements shall be equal to those in the equivalent district; except, that off-street parking and setback requirements in District CP-2 shall be the same as in C-3. The uses permitted and the performance standards shall be the same as in the equivalent district; provided, that the applicant, when applying for this zoning classification, may voluntarily limit the plan as to buildings, improvements and the use thereof. This district may be used to provide for and encourage the grouping of business or residential buildings into centers in keeping with modern concepts of office center, service center, shopping centers and industrial park design. The further intent and purpose, shall be to reduce the need for strips of commercial development along thoroughfares and to encourage centers and clusters offering the equivalent in goods and services.

- (5) *Procedure for rezoning property to a planned district.* A tract of land may be zoned to a District R P-1 through IP-2 inclusive, only upon application by the owner or his agent, and only upon approval of a preliminary development plan for the tract. The proponents of a planned development shall prepare and submit to the Planning Commission, a preliminary development plan.
- (6) *Application procedure.*
(a) Applications for a planned district shall be submitted to the Development Services Department Office at least fifteen (15) days prior to the next regularly scheduled monthly meeting of the Planning Commission. The application shall be submitted on forms provided by the Department and shall be

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accompanied by a non-refundable fee in an amount set forth in the Hastings City Council Resolution of fees.

At a minimum, the application shall include, but not be limited to the following:

- (1) A narrative statement describing the proposed development, indicating the phases of construction, projected construction starting and completion dates and any other relevant information concerning the development.
- (2) The boundaries of the tract to be developed, and the area adjacent for a distance of not less than three hundred (300) feet, indicating the zoning classification of said property and the approximate location of buildings.
- (3) The existing topography of the tract.
- (4) A site plan drawn to a scale of fifty (50) feet to the inch or larger indicating the proposed location and arrangement of buildings, structures, parking areas, existing and proposed streets, drives and other public ways, public property, drainage, screening, landscaping and other features of the proposed development.
- (5) Sufficient dimensions to indicate the relationship between buildings, streets, drives and property lines.
- (6) Preliminary elevations and plan drawings of proposed buildings.
- (7) In the case of rezoning applications for purposes of construction centers having an ultimate floor area of sixty thousand (60,000) square feet or more, a market analysis of the City trade area, prepared by competent and experienced analysts, may be required in support of the application. Such analysis shall show plainly and accurately the role that the proposed center will play in the City's retail economy.

The Planning Commission or the Hastings City Council request additional information they deem appropriate to review the application, preliminary or final development plans.

- (b) The Planning Commission shall advertise and hold a public hearing on the application and plan, as provided in Section 34-801(2) for any changes, amendments or appeals. The Commission shall recommend approval or denial of the plan and report. At the conclusion of the public hearing, the plan and supporting data shall be sent on to the City Council for action.
- (c) After final approval of the preliminary development plan and rezoning of the land by the City Council, the applicant shall prepare final plans for the development. All conditions and revisions to the preliminary plan shall be incorporated into the final plan.
- (d) The final plans shall be submitted to the Development Services Department and approved as to compliance with the City Council-approved preliminary plan prior to the issuance of a building permit. No building construction regrading or excavation work is to take place on the site until after the final plans have been approved.
- (e) If the Development Services Department disapproves the final plans, the Department's action may be appealed to the Planning Commission, which shall hold a public hearing upon said appeal as provided in subsection (b) above.

- (7) *Amendments.* All requests for amendments to any approved plan shall be reviewed by the Planning Commission and approved by the City Council, if found to be consistent with the purposes of this Section; provided however, the Planning Director is hereby authorized to approve minor incidental exterior site changes in keeping with the character and intent of the approved planned district development plans. Such administrative approval shall be limited to the following:

- (a) Parking lot and landscaping improvements including striping and redesignation of required parking areas.
 - (b) Within residential, commercial and industrial planned districts, the Planning Director may approve minor revisions to an approved plan including exterior facade changes, building area increases, fences, decks, signs and similar building and site appurtenances providing the character and intent of the original plan approval is preserved and maintained.
- An appeal from the Planning Director's denial of a requested minor change may be taken to the Planning Commission. The procedure for such appeals shall be the same as provided for amendments under Section 34-801(2) of this chapter.

- (8) *The City Engineer and Development Services Director* are hereby authorized to administratively approve interior building changes or remodeling within buildings in approved planned districts. Such approval shall be limited to the following:

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- (a) Interior changes or remodeling within buildings located within approved planned district developments to the extent such changes do not ~~effect~~affect any changes in the exterior building dimensions approved by the City Council.
- (b) Interior changes intended to accommodate a use not included in the planned district regulations for the property shall not be allowed under this Section until first approved by the Hastings City Council under the provisions of this section.

(Ord. No. 3122-6/89, 3585-6/97 and 3895-3/2003)

34-216. F.D. FLOOD HAZARD DISTRICT REGULATIONS.

(A) Statutory authorization, findings of fact and purposes.

(1) *Statutory authorization.*

The Legislature of the State of Nebraska has in Neb. Rev. Stat., Section 19-901, delegated the responsibility to local government units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City Council of Hastings, Nebraska ordains as follows:

(2) *Findings of fact.*

- (a) Flood ~~leeses~~losses resulting from periodic inundation. The flood hazard areas of Hastings, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) General causes of these flood losses. These flood losses are caused by (1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities, (2) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.
- (c) Methods used to analyze flood hazards. This section uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.
 - (i) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this section is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this section.
It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated in the City's official flood plain study, and illustrative materials dated February 17, 1981, effective date, August 17, 1981, as amended.
 - (ii) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
 - (iii) Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - (iv) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - (v) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.

(3) *Statement of purpose.*

It is the purpose of this section to promote the public health, safety and general welfare and to minimize those losses described in Section (B)(2)(a) by applying the provisions of this section to:

- (a) Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.
- (b) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- (c) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

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- (d) Assume that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

(B) General provisions.

(1) *Lands to which this applies.*

This section shall apply to all lands within the jurisdiction of the City of Hastings, Nebraska identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones and/or within the Zoning Districts FW and FF established in Section (E) of this section. In all areas covered by this section, no development shall be permitted except upon a permit to develop granted by the governing body or its duly designated representative under such safeguards and restriction as they may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community where specifically noted in Sections (F), (G) and (H).

(2) *The enforcement officer.*

The City Engineer of the City is hereby designated as the Council's duly designated Enforcement Officer under this section.

(3) *Rules for interpretation of district boundaries.*

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

(4) *Compliance.*

No development located within known flood hazard areas of the City shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations.

(5) *Abrogation and greater restrictions.*

It is not intended by this section to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

(6) *Interpretation.*

In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(7) *Warning and disclaimer of liability.*

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside floodway and floodway fringe district boundaries or land used permitted within such districts will be free from flooding or flood damages. This section shall not create liability on the part of the City of Hastings or any officer or employee thereof for any flood damages that may result from reliance on this section or any administrative decision lawfully made thereunder.

(8) *Severability.*

If any section, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

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(9) *Application for appeal.*

- (a) Where a request for a permit to develop or a variance is denied by the City Engineer, the applicant may apply for such permit or variance directly to the Board of Adjustment.
- (b) The Board of Adjustment may grant or deny such request by appropriate resolution adopted within (ten) 10 days after the date of such application to the Board of Adjustment.

(D) Development permit.

(1) *Permit required.*

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in sub-section M of this section.

(2) *Administration.*

- (a) The City Engineer is hereby appointed to administer and implement the provisions of this section.
- (b) Duties of the City Engineer shall include, but not be limited to:
 - (i) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this section have been satisfied.
 - (ii) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (iii) Notify adjacent communities and the Nebraska Natural Resources Commission Flood Plain Management Section prior to any alteration or relocation of a water-course, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.
 - (iv) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - (v) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 - (vi) Verify and record the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been flood-proofed.
 - (vii) When floodproofing is utilized for a particular structure, the City Engineer shall be presented certification from a registered professional engineer or architect.

(3) *Application for permit.*

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit.
- (b) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use or occupancy for which the proposed work is intended.
- (d) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority.
- (e) Give such other information as reasonably may be required by the City Engineer.

(E) Establishment of zoning districts.

The mapped flood plain areas within the jurisdiction of this section are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) as identified in the official Flood Plain Study. Within these districts all uses not meeting the standards of this section and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

(F) Standards for the floodway overlay district and the floodway fringe overlay district.

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- (1) No permit for development shall be granted for new construction, substantial improvement and other improvements, including the placement of manufactured homes within the identified flood plain unless the conditions of this section are satisfied.
- (2) All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation by the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this section. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation data currently available within its area of jurisdiction.
- (3) New construction, subdivision proposals, substantial improvement, prefabricated building, placement of manufactured homes and other developments shall require:
 - (a) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
 - (b) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - (c) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (d) All utility and sanitary facilities must be elevated or flood-proofed one (1) foot above the regulatory flood elevation.
 - (e) That until a floodway has been designated, no development including landfill, may be permitted within the identified flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown in the official flood plain study incorporated by pursuant to sub-section (B)(2)(c)(i) of this section.
 - (f) Storage of material and equipment.
 - (i) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - (ii) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
 - (g) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (3) adequate drainage is provided so as to reduce exposure to flood hazards, and (4) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres of fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

(G) Floodway fringe overlay district.

- (1) *Permitted uses.*

Any use permitted in Section (H) shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 of (H) Floodway Overlay District are met.
- (2) *Standards for the floodway fringe overlay district.*
 - (a) Requirements for new construction or substantial improvements:
 - (i) Residential structures shall have the lowest floor, including basements, elevated one (1) foot above the base flood elevation, unless a flood proofed basement is constructed as outlined in Section (G)(2)(b).
 - (ii) Non-residential structures shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls substantially

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- impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section (D)(2)(b)(vii).
- (b) The Federal Emergency Management Agency (FEMA) approved on July 13, 1983, the request of the City of Hastings for an exception to 44 CFR 60.3(b)(4) of the National Flood Insurance (NFIP) regulations. This exception allows the construction of dry-proofed residential basements below the base flood elevation subject to the following regulations:
- (i) All new construction and substantial improvement of residential structures with basements within Zones A1-30 and Zone A on the community's Flood Insurance Rate Map (FIRM) shall be designed so that the first floor is at least one (1) foot above the base flood level. Any basement area, together with attendant utilities and sanitary facilities below that level, shall be designed so that the structure is water-tight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from the 100-year frequency flood and shall be designed so minimal structural damage will occur if this design flood is exceeded.
 - (ii) Basements constructed in accordance with this regulation shall not be used for sleeping purposes.
 - (iii) A registered professional engineer or architect shall certify that the flood-proofing measures used in the structure satisfy these standards. This certification shall include the specific elevation (in relation to mean sea level) to which the structure is floodproofed. Such certification shall be provided to the City official as set forth in Section (D)(2)(b)(vii).
 - (iv) The City shall certify that the structure has been built in accordance with this design.
- (c) Require for all new construction and substantial improvements without basements that fully enclosed areas (crawl spaces) below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (d) Manufactured homes. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
- (i) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations, and manufactured homes less than fifty (50) feet long shall require one (1) additional tie per side.
 - (ii) Frame ties shall be provided at each corner of the home with five (5) additional ties per side at intermediate points, and manufactured homes less than fifty (50) feet long shall require four (4) additional ties per side.
 - (iii) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4800) pounds.
 - (iv) Any additions to manufactured homes shall be similarly anchored.
- (e) Require that all manufactured homes to be placed within Zones A1-30, AH and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section (G)(2)(d).
- (Ord. No. 3171-5/90)
- (H) Floodway overlay district.
- Permitted uses. Only uses having a low flood-damage potential and not obstruction flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. These uses are subject to the standards of Section (F) and (G).
- (1) Agricultural uses such as general farming, pasture, nurseries, forestry.

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- (2) Residential uses such as lawns, gardens, parking and play areas.
- (3) Non-residential areas such as loading areas, parking, airport landing strips.
- (4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wild-life and nature preserves. New placement of residential structures including manufactured homes is prohibited within the identified floodway (FW) area.
- (5) Replacement of manufactured homes in existing manufactured home parks and subdivisions is prohibited unless the conditions of Section (G)(2)(d) and (H) are met.
- (6) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section (F)(3)(g) of this Chapter, in meeting the standards of this Section.

(I) Variance.

- (1) The Board of Adjustment, as established by the City of Hastings, shall hear and decide appeals and requests for variances from the requirements of this section.
- (2) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Engineer in the enforcement or administration of this section.
- (3) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Adams County District Court as provided in Neb. Rev. Stat., Section 19-912.
- (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, relevant factors and standards specified in other sections of this Section, and:
 - (a) the danger that material may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for section and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) *Conditions for variances.*
 - (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b)-(f) below have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.
 - (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (e) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (f) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(J) Non-conforming use.

- (1) A structure or the use of structure or premises which was lawful before the passage or amendment of this section but which is not in conformity with the provisions of this section may be continued subject to the following conditions:
 - (a) No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - (b) If such use is discontinued for twenty four (24) consecutive months, any future use of the building premises shall conform to this section. The Utility Department shall notify the City Engineer in writing of instances of nonconforming uses where utility services have been discontinued for a period of twenty four (24) months.
 - (c) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- (2) If any residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (3) If any non-residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, except if it is reconstructed in conformity with the provisions of this section.
This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(K) Penalties for violation.

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

(L) Amendments.

The regulations, restrictions, and boundaries set forth in this section may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in newspaper of general circulation in the City of Hastings. The regulations of this section are in compliance with the National Flood

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Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, and the 1967 Nebraska Flood Plains Regulations Act.

(M) Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this section its most reasonable application.

- (1) *Actuarial rates* - or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.
- (2) *Appeal* - a request for a review of the City Engineer's interpretation of any provision of this section or a request for a variance.
- (3) *Area of special flood hazard* - the land in the flood plain within a community subject to one (1) percent or greater chance of flooding in any given year.
- (4) *Base flood elevation* - elevation indicated in the official flood plain study as the elevation of the 100-year flood.
- (5) *Base flood protection elevation* - an elevation one (1) foot higher than the water surface elevation of the base flood.
- (6) *Channel* - a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that which is flowing within the limits of a defined channel.
- (7) *Community* - any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.
- (8) *Development* - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- (9) *Existing construction* - (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as "existing structures."
- (10) *Flood or flooding* - a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters, (b) the unusual and rapid accumulation of runoff of surface waters from any source.
- (11) *Flood insurance rate map (FIRM)* - an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
- (12) *Flood insurance study* - the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- (13) *Flood plain management* - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works, and flood plain management regulations.
- (14) *Flood protection system* - those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a

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system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.

- (15) *Flood proofing* - any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- (16) *Floodway (FW)* - the channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point assuming equal conveyance reduction outside the channel from the two (2) sides of the flood plain.
- (17) *Floodway fringe (FF)* - that area of the flood plain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e.: that has a one (1) percent chance of flood occurrence in any one (1) year.)
- (18) *Freeboard* - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- (19) *Highest adjacent grade* - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (20) *Lowest floor* - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this section.
- (21) *Manufactured home* - a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- (22) *Manufactured home park or subdivision* - a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.
- (23) *New construction* - structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.
- (24) *Overlay district* - a district which acts in conjunction with the underlying zoning district or districts.
- (25) *Start of construction* - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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- (26) *Structure* - a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
- (27) *Any repair, reconstruction, or improvement of a structure*-, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, (a) before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (a) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (28) *Variance* - a grant of relief to a person from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.
- (29) *100-year flood* - the base flood having a one (1) percent chance of annual occurrence.

34-217. A.P. AIRPORT ZONING REGULATIONS - LOCATION, BOUNDARIES ZONES, AND HEIGHT RESTRICTIONS.

The vicinity of the Hastings Municipal Airport, located in Section 3, Township 7 North, Range 10 West, (Denver Township) and Southwest 1/4 of Section 34, Township 8 North, Range 10 West, (Highland Township) of 6th P.M., in Adams County, Nebraska, from the boundaries of such airport, to a distance of three(3) statute miles in all directions from the adjacent boundaries of the airport to the extent such property is located within the corporate or jurisdictional limits of the City, is hereby declared an airport hazard area and is hereby zoned as follows:

(1) *Hazard area description.*

The Hazard Area consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones.

(2) *Zone description.*

- (a) The Operation Zones shall be located along each existing or proposed runway, landing strip or other portion of the airfield used regularly, or to be used regularly, for the landing or taking off of airplanes and shall begin or end at each end of each landing strip and two hundred (200) feet beyond the end of each runway and shall be one thousand (1000) feet in width for each instrument runway or landing strip and five hundred (500) feet in width for all other runways and landing strips.
- (b) The Approach Zones shall begin at the ends of their respective Operation Zones and shall extend and expand uniformly centered along the extended centerline of the respective runway or landing strip, to the outer boundary of the Approach Zone at a rate of 30 feet of width for each one hundred (100) feet of horizontal length for the instrument runway or landing strip and twenty (20) feet of width for each one hundred (100) feet of horizontal length for all other runways.
- (c) The Inner Area of each Approach Zone shall be that portion of the Approach Zone beginning at the end of the respective or proposed Operation Zone and extending to the intersection of the controlling glide angle with a plane one hundred and fifty (150) feet above the highest elevation of the end of the respective runway or landing strip.
The Outer Area of each Approach Zone shall be the area between the outer limit of the Inner Area of the Approach Zone and the outer limit of the Approach Zone.
- (d) The Transition Zones shall be the areas bounded by the Operation Zones of the Hazard Area, the sides of contiguous inner areas of Approach Zones and the outer limits of the Transition Zones; said outer limits of the Transition Zones being the intersections, at elevations of one hundred and fifty (150) feet above the highest elevation at the ends or edges of the closest runway or landing strip or proposed runway or landing strip, of a series of contiguous planes originating from bases established by the Operation Zones of the Hazard Area and the edges of adjacent inner areas of approach zones; said planes rising from their respective bases along lines perpendicular to the center line of the landing

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strip or runway at the rate of one (1) foot vertically to seven (7) feet horizontally to the lines of intersection previously referred to.

- (e) The Turning Zones shall comprise all portions of the Hazard Area not contained in the Operation Zones, Approach Zones and in the Transition Zones. The outer limits of the Turning Zones shall be a series of points forming a line which is the horizontal distance of three (3) statute miles from the nearest points along the airport property lines.

(3) *Height restrictions.*

No building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow:

- (a) In Inner Areas of Approach Zones to a height above the elevation of the nearest point on the end or proposed end of said instrument runway or landing strip in excess of 1/50, and all other runways or landing strips in excess of 1/40 of the distance from the end of the approach zone (the end nearest the runway or landing strip) to said structure or object;
- (b) In the Outer Area of Approach Zones and in Turning Zones to a height in excess of 150 feet above the elevation at the end or proposed end of the nearest runway or landing strip;
- (c) In the Transition Zones to a height above the planes forming the transition slopes; and
- (d) In the existing or proposed Operation Zones to a height above the existing or proposed finished grade of said runway or landing strips or surface of the ground.

(4) *Location sketch and zoning map.*

- (a) Boundaries, operation zones, approach zones, transition zones, and turning zones of said airport are as indicated on the Zoning Map, Drawing No. ZN-HT-02 which accompanies and is hereby made a part of these regulations, a copy of which shall at all times be on file in the Office of the City Clerk, Hastings, Nebraska.

(5) *Permit required, exceptions, application forms and permit fees.*

- (a) Permit required.

It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, communication line, pole, tower, smoke-stack, chimney, wires or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth, within the boundary of the zoned area of said airport without first obtaining a "permit" from the Administrative Agency.

- (b) Exceptions.

In the Outer Area of Approach Zones and within the Turning Zones, no permit shall be required for any construction or planting which is not higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip.

- (c) Application forms.

Application for a permit as required under these regulations shall be made upon a form to be available in the Development Services Department, City of Hastings, and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting. (Mean Sea Level Elevation)

(6) *Non-conforming structures.*

- (a) Within the zoned area as herein before defined, no non-conforming building, transmission line, communication line, pole, tree, smoke-stack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of thirty (30) percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the zone regulated.

(7) *Marking of non-conforming structures.*

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- (a) Whenever the Administrative Agency shall determine, or shall be notified by the Planning Commission or the Nebraska Department of Aeronautics, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the said Administrative Agency and shall within a reasonable time permit the marking thereof by suitable lights or other signals designated by the Agency and based on the recommendations of the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lessor of said premise.
 - (8) *Administrative agency.*
 - (a) The Development Services Director of the City of Hastings, Nebraska shall administer and enforce these regulations, and shall be the administrative agency provided for in Section 3-319, R.R.S., 1943, and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act.
 - (9) *Zoning board of adjustment.*
 - (a) The Zoning Board of Adjustment of the City of Hastings, Nebraska, shall be the Board of Adjustment with respect to these regulations, to have and exercise the powers conferred by Section 3-32 0, R.R.S., 1943, and such other powers and duties as are conferred and imposed by law.
- (Ord. No. 3893-3/03)

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ARTICLE III SUPPLEMENTARY REGULATIONS

34-301. SCOPE OF APPLICATION.
34-301A. INSTITUTIONAL USES IN RESIDENTIAL AREAS.
34-302. HOME OCCUPATIONS.
34-303. COMPLETION AND RESTORATION OF BUILDINGS.
34-304. HEIGHT AND AREA EXCEPTIONS.
34-305. OPEN SPACE AND LANDSCAPE DESIGN.
34-306. OUTDOOR COMMERCIAL STORAGE.
34-307. LARGE SCALE HOUSING OR RESIDENTIAL DEVELOPMENT.
34-308. PARKING AND LOADING.
34-309. SIGNS AND BILLBOARDS.
34-310. CHILD CARE FACILITIES.
34-311. ACCESSORY USES AND STRUCTURES.
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34-313. SEXUALLY ORIENTED BUSINESSES.
34-314. SMALL WIND ENERGY SYSTEMS.
34-315. COMMUNICATION TOWERS.
34-316. PEDESTRIAN OVERLAY DESIGN STANDARDS.
34-317. SOUTH BURLINGTON DESIGN OVERLAY DISTRICT.
34-318. HIGHWAY 6 CORRIDOR DESIGN OVERLAY DISTRICT.
34-319. URBAN INDUSTRIAL OVERLAY DISTRICT.

34-301. SCOPE OF APPLICATION.

In addition to the regulations applied to individual zoning districts in Article II of these regulations, the regulations contained in this Article apply to individual districts, groups of districts, or all districts as specified. The regulations shall apply to all zoning district where a special application is not set forth. For the purpose of this Article, the term "residential district(s)" shall apply to the Agricultural, R-1, R-1A, R-1S, R-2, R-3 and R-4 Districts. The term "business or commercial district(s)" apply to the C-0, C-1, C-2, C-3 and CMP Districts. The term "manufacturing or industrial district(s)" shall apply to the I-1 and I-2 Districts.

34-301A. INSTITUTIONAL USES IN RESIDENTIAL AREAS.

Occupancy of a single dwelling or a group of dwellings upon a single lot or group of lots serving as a functionally related unit, by more than 15 persons shall be considered to be an institutional use similar to nursing homes or convalescent homes and shall not be a residential use falling within the definition of single-, two-family or multiple-family dwellings or of housing for handicapped persons.
(Ord. No. 3215-6/91)

34-302. HOME OCCUPATIONS.

Home occupations shall be subject to the following:

- (1) No person other than the permanent inhabitants residing in the dwelling unit shall be engaged in a home occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area not to exceed seven-hundred and fifty (750) square feet of the dwelling shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the principal building.
- (4) No home occupation shall be conducted in any accessory building.

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- (5) Except as otherwise provided herein, there shall be no wholesale or retail sale of merchandise nor any activities involving stock in trade on the premises.
- (6) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in Chapter 34-308, Off-Street Parking and Loading for that area of the dwelling unit employed for the home occupation. No required off-street parking spaces shall be located in a required front yard.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off premises.
- (8) No commercial vehicles or equipment used in the conduct of the business shall be parked or kept on the premises except for one of the following: a car, pickup truck, station wagon or van belonging to the owner and identifying the business.
- (9) Notwithstanding subsection (5) above, persons possessing a valid permit issued by the Bureau of Alcohol, Tobacco, & Firearms, may, as a home occupation, buy, sell, or trade firearms at wholesale or retail, and engage in gunsmithing, the repair of firearms, and reloading and sale of ammunition.
- (10) Permitted home occupations shall be the following uses or uses substantial uses similar in impact and extent as determined by the Development Services Director.

(Ord. No. 3681-5/99)

34-303. COMPLETION AND RESTORATION OF BUILDINGS.

Nothing contained in this Chapter shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file at the Development Services Department on August 26, 1968, and the construction of which in either case shall have been diligently prosecuted within one (1) year of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed, according to such plans as filed, within two years from such date.

(Code 1973, 40-9; Ord. No. 2255)

34-304. HEIGHT AND AREA EXCEPTIONS.

The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements in this Chapter shall be subject to the following exceptions and additional regulations:

- (1) *Height.*
 - (a) Principal buildings in Districts R-1, R-1A, R-1S, or R-2 may be increased in height not exceeding ten (10) feet in addition to the limitations of two and one-half (2 1/2) stories, or thirty-five (35) feet, as prescribed in such Districts; provided, that two (2) side yards of not less than twenty (20) feet in width each are provided. In no case shall such buildings exceed three stories in height.
 - (b) Parapet walls and false mansards shall not extend more than eight (8) feet above the actual building height. Flagpoles, chimneys, cooling towers, elevator bulkheads, mechanical pent houses, finials, gas tanks, grain elevators, stacks, storage towers, radio towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected up to 20 feet of the actual building height.
 - (c) On through lots one hundred twenty-five (125) feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than one hundred twenty-five (125) feet in depth, the height regulations for the street permitting the greater height, shall apply to a depth of not more than one hundred twenty-five (125) feet from the street.

Comment [gs1]: Insert list of uses from city staff.

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(2) *Area per family.*

- (a) For any building providing jointly for hotel and apartment house uses, the number of families permitted in apartments by the lot area requirements per family shall be reduced in the same proportion as the total floor area devoted to hotel or non-house-keeping rooms bear to the total floor area devoted to both uses.

(3) *Yard exceptions.*

- (a) In Districts A, R-1, R-1A, R-1S, R-2, R-3 and R-4, where lots comprising forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets, excluding transverse lots, and having not more than two and one-half (2 1/2) acres in area are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage.
- (b) Where an official line has been established for future widening or opening of a street or a highway upon which a lot abuts, then the depth or width of a yard shall be measured from such official line to the nearest line of the building.
- (c) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than thirty (30) inches; and provided further, that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed.
- (d) An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.
- (e) No rear yard shall be required in Districts C-1 to I-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right of way or which has a rear railway track connection.
- (f) In computing the depth of a rear yard for any building where such yard abuts an alley, one-half of such alley may be assumed to be a portion of the rear yard.
- (g) A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.
- (h) In Districts R-1, R-1A, R-1S, R-2, R-3 and, one required side yard may be reduced to allow construction of a one or two family dwelling within three (3) feet of an interior side property line, provided the opposite required side yard shall then and thereafter have a width equal to the required side yard established by Code for the district in which the properties are located, plus the amount by which the other side yard is reduced, subject to the following:
 - i. A separation of not less than ten (10) feet shall be provided between any adjacent principal buildings on abutting lots where the side yard reduction is utilized.
 - ii. A covenant between the applicant and the owner of the property abutting the reduced side yard shall be executed by all named owners and spouses, duly acknowledged, and filed with the Register of Deeds of Adams County, Nebraska, and shall be in substantially the following form:

BUILDING COVENANT

_____, hereinafter referred to as "Applicant," as owner of the following described real estate:

(Applicant's Property)

and _____, the owner of the property abutting property of the Applicant along the side on which Applicant seeks to establish a side yard of a size smaller than as generally provided by applicable local and state zoning regulations, ordinances, or statutes, hereinafter referred to as "Abutting Owner," described as follows:

(Abutting Owner's Property)

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hereby covenant and agree that a building permit may be issued by the City of Hastings, Nebraska, to enable Applicant to locate the principal structure on Applicant's property to within _____ feet of the common property line of the above described properties; subject to the following:

1. Abutting Owner acknowledges that Hastings City Code Section 34-304(3)(l) requires a minimum separation of at least ten (10) feet between any adjacent buildings in Districts R-1, R-1A, R-1S, R-2, R-3 and R-3G, and that by joining in this covenant, seven (7) feet of the common property line, or less, is prohibited to the extent that it would violate the aforementioned ten (10) foot restriction.
2. Applicant has advised Abutting Owner of the anticipated effect the location of the principal structure as set forth above shall have on drainage on the properties.
3. Abutting Owner acknowledges that if any dispute arises between the parties with respect to drainage, it is a private matter between them.
4. This Building Covenant is a private covenant and agreement between the parties, not subject to enforcement by the City of Hastings. The City's interest in this covenant is for notice purposes in the event of future construction of or upon the principal structure on either of the above described properties.
5. This Building Covenant shall terminate when the improvement which is the subject of this covenant is removed.
6. This Building Covenant shall run with the land and be binding upon the heirs, successors and assigns of the respective parties hereto.

Applicant

Applicant

STATE OF NEBRASKA)

) SS:

COUNTY OF ADAMS)

The foregoing Building Covenant was acknowledged before me this _____ day of _____, 19____, by _____, Applicant and was executed in the order set forth above.

Notary Public

Abutting Owner

Abutting Owner

STATE OF NEBRASKA)

) SS:

COUNTY OF ADAMS)

The foregoing Building Covenant was acknowledged before me this _____ day of _____, 19____, by _____, Abutting Owner and was executed in the order set forth above.

Notary Public.

iii. No building permit under this section shall be issued until the Applicant has delivered to the Development Services Director the aforementioned covenant, duly executed and acknowledged, and in satisfactory, with notation thereon that it has been filed with the Register of Deeds of Adams County, Nebraska.

iv. After filing said covenant with the Register of Deeds, the applicant shall present to the Development Services Director, a certificate of title issued by a licensed abstractor showing, as to each of the

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properties affected, the names of the record owners, legal description, the covenant, and any previously existing covenants, liens and encumbrances.

(Ord. No. 3223-9/91, 3584-6/97 and 3947-4/2004)

34-305. OPEN SPACE AND LANDSCAPE DESIGN.

(1) *Design Objective.* The Design Objectives of the Open Space and Landscape Design standards are to:

- (a) Create an attractive aesthetic environment in Hastings, and preserve the value of adjacent properties as development and redevelopment occurs.
- (b) Value the design, function, and perceptual impact of open space, rather than simply the quantity of space, and ensure that open space is not merely left over or under-utilized space.
- (c) Coordinate site designs between adjacent sites and between sites and the public right-of-way to maximize public and private investment in landscape and open space design.
- (d) Create context-based design standards that provide citizens with greater access to a wider variety of quality open spaces dependent upon the context of the site.
- (e) Locate open space elements at prominent locations and in appropriate quantities to create a focal points for multiple developments
- (f) Integrate natural systems into the common or public open space to allow open space to serve multiple functions including aesthetic, screening, environmental, and recreational functions.
- (g) Integrate transitions between constructed elements and open space design into site designs, and use buffers and separations only when no other design will maintain compatibility with adjacent sites.
- (h) Reduce the exposure and adverse impacts of intense land uses, activities and site elements on streets and adjacent areas, and mitigate the effects through landscape and open space designs.
- (i) Improve the environment through site development by using landscape designs that cooling air and land, reducing air pollutants, and reducing pollutants in and quantities of storm water runoff.

(2) *Required Open Space.*

- (a) *Residential Open Space.* In addition to any required setbacks, screening or buffer area, all development sites shall have access to functional open spaces required by this section meeting the design and location requirements for one of the Open Space Types in Table 34305-2. Open space shall be provided at a minimum rate of 500 square feet of open space for each dwelling unit or at the discretion of the Planning Commission, except that the A district is exempt from any open space requirement.

TABLE 34305-2: RESIDENTIAL OPEN SPACE

TYPE	SIZE	MAXIMUM SERVICE AREA*	DESIGN CHARACTERISTICS
GREENWAY OR GREEN BELT	At least 30' wide at all points	Within ¼ mile	• A long linear corridor of natural vegetation, typically following a stream or other natural feature. • Often includes a pedestrian trail, bikeway, or other paths. • May border streets or be internal to the block structure, but shall include pedestrian connections at all street intersections.
COMMUNITY PARK	4 to 10 acres	½ mile radius	• Predominantly natural landscape although small portions may be designed and constructed for aesthetic purposes, formal gatherings, and structured recreation purpose. • May include some areas for structured recreation, such as ball fields, courts, or playgrounds, but generally no more than 25% of the total Park area. • Bordered by streets on at least 2 sides.
NEIGHBORHOOD PARK	½ to 4 acres	¼ mile radius	• A balance of formal and natural landscape, but no more than 15% of the park area may be impervious surface. • May include some areas for structured recreation, such as courts or playgrounds, but generally no more than 50% of the total park area. • Bordered by streets on at least 2 sides
POCKET PARK / PLAYGROUND	4000 s.f. to ½ acre	600' radius	• Primarily formal landscape for aesthetic purposes, structured recreation, informal gathering or occasional public seating, but no more than 50% of the park may be impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter.
COURTYARD	1000 s.f. to 4000 s.f	Within same block	• Entirely formal landscape for aesthetic purposes, informal gathering or occasional public seating, and up to 80% impervious surface. • Bordered by streets on at least 1 side and a minimum of 25% of the perimeter. • Bordered by building facades with primary building entrances on at least 2

Comment [gs2]: Insert Landscape Design Document

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* Maximum service area shall be measured based on direct connections on dedicated pedestrian walkways from the lot line to the open space edge.

- (b) *Non-residential Open Space.* In addition to any required setbacks, screening or buffer area, all non-residential development sites shall have access to functional open spaces required by this section meeting the design and location requirements for one of the Open Space Types in Table 34305-3. Open space shall be provided at a rate of one square foot of open space for each 50 square feet of non-residential building footprint area, plus an additional square foot of open space for every 100 square feet of floor area above the first story except that the I-1 and I-2 districts are exempt from any open space requirement.

TABLE 34305-3: NON-RESIDENTIAL OPEN SPACE			
TYPE	SIZE	MAXIMUM SERVICE AREA*	DESIGN CHARACTERISTICS
GREEN	1 to 5 acres	1/3 mile radius	- Generally there are few constructed elements except as an entry to the Green or a gathering created place as a focal point for the Green. - Formal edge landscaped elements define any boundaries of the Green not bordered by public rights-of-way. - Bordered by streets on at least 2 sides. Buildings on opposite sides of the streets bordering the Green shall be Street-front buildings with primary building entrances. - May be bordered by building facades with primary building entrances on one side, but the Green should cover at least 2/3 of the block upon which it is located.
SQUARE	1/2 to 2 acres	1000' radius	- Largely comprised of constructed materials to withstand heavy pedestrian traffic, but contains intermittent lawns, landscape beds, or trees in a formal pattern. No more than 50% of the square should be impervious surfaces. - Bordered by streets on at least 3 sides. Buildings on opposite sides of the streets bordering the square shall be Street-front buildings with primary building entrances. - Any side not bordered by a street shall be bordered by building facades with primary building entrances. - The size of Squares should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Square width between 1:1 and 1:4.
PLAZA	4000 s.f. to 1/2 acre	600'	- Largely comprised of constructed materials to withstand heavy pedestrian traffic, and may be entirely impervious surface with formal landscape beds and public art. - Bordered by streets on at least 2 sides. Buildings on opposite sides of the streets bordering the Plaza shall be Street-front buildings with primary building entrances. - Any side not bordered by a street shall be bordered by building facades with primary building entrances. - The size of the Plaza should be coordinated with the height of surrounding buildings to maintain a ratio of building height to Plaza width between 2:1 and 1:2.
COURTYARD	1000 s.f. to 4000 s.f.	Within same block	- Entirely formal landscape for aesthetic purposes, informal gathering or occasional public seating, and up to 80% impervious surface. - Bordered by streets on at least 1 side and a minimum of 25% of the perimeter. - Bordered by building facades with primary building entrances on at least 2 sides.

* Service area shall be measured based on direct connections on dedicated pedestrian walkways from the entrance to the non-residential building to the open space edge.

- (c) *Ownership.* Open space may be in private ownership, common ownership, or public ownership.
- If in private ownership, it shall only serve the lot it is located on, unless legal access is otherwise granted to surrounding lots.
 - If in common ownership, documentation demonstrating the administrative and financial capacity for the common ownership to maintain the open space shall be provided.

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- (d) *Credits.* Existing private, common, or public open space within the maximum service area may be credited to the site provided all lots demonstrate a legal right of access the open space and all other size and design requirements are met.
- (e) *Additional Limitations and Location Guidelines.*
1. The area of any water body, such as a lake, stream or pond, shall only contribute to the general open space requirement an amount of 50% of its actual area.
 2. Open space should be located in areas that maximize its visibility, functional characteristics, and relationship to other open spaces in the vicinity.
 3. Formal open space should be located at prominent focal points visible from public streetscapes.
 4. Natural open spaces should be located in areas where its ecological, aesthetic, and recreational impact will be the greatest.
 5. All open space shall be located where the greatest pedestrian access is achieved.
- (3) *Landscape Plantings.* All development sites shall include landscape plantings throughout the site according to the following specific site elements and requirements. Preservation of existing vegetation may count towards these requirements provided measures are taken to ensure the survival of the vegetation and all other location and design standards are met. All landscape plantings shall meet the American Standards for Nursery Stock, published by the American Nurserymen's Association, and be selected for its native characteristics or survival in the climate for the Hastings region.
- (a) *Street Trees.* Street trees shall be planted according to the approved species list and approved planting recommendations by the City of Hastings Parks and Recreation Department. Street trees shall be provided on all development sites according to the following:

TABLE 34305-4 STREET TREES	
RESIDENTIAL SITES	1 large canopy tree for every 100' of street frontage or a minimum of 1 tree per street frontage if less than 100 feet.
NON-RESIDENTIAL SITES	1 large canopy tree for every 75' of lot frontage; or 1 medium canopy tree for every 40' of lot frontage; or 1 ornamental tree for every 30' of lot frontage

* Street trees shall be planted in tree lawns between the sidewalk and curb, at least 5' wide, or in tree-wells with a minimum permeable surface area of 24 s.f. and minimum width of 4'-, or elsewhere along the lot frontage where context and avoidance of conflicts with utilities dictate.

** Street trees shall be at least 1.5" caliper at the time of planting.

- (b) *Open Space.* All open space required by this section shall include the following minimum landscape plantings:

TABLE 34305-5 OPEN SPACE LANDSCAPE MATERIALS	
CANOPY TREES	1 large canopy tree for every 1000 feet of required open space up to a maximum requirement of 40 trees; or 1 medium canopy tree for every 750 square feet up to a maximum requirement of 70 trees • <i>Exception:</i> open spaces smaller than 4000 square feet shall not require any canopy trees;
ORNAMENTAL TREES	1 ornamental tree for every 1000 square feet of required open space up to a maximum requirement of 50 trees.
SHRUBS OR HEDGE	1 shrub or hedge for every 20 linear feet of perimeter of the open space up to a maximum requirement of 100 shrubs or hedges.
ALL OTHER PERMEABLE SURFACES	All other permeable surfaces in the open space shall include ground cover to prevent dust and soil erosion. Perennial vegetative ground cover such as sod or turf grass shall be required on at least 80% of the ground cover. Non-living ground cover such as stones, rocks or mulch may be permitted on up to 20% of the ground cover.

- (c) *Site and Foundation Plantings.* All non-residential sites shall include the following general site landscape plantings:

TABLE 34305-6 SITE AND FOUNDATION PLANTINGS

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ORNAMENTAL TREE*	1 ornamental tree for every 40 linear feet of street-facing facades.
SHRUBS OR HEDGE**	1 shrub or hedge for every 20 linear feet of street-facing facade.
ALL OTHER PERMEABLE SURFACES	All other permeable surfaces on the site shall include ground cover to prevent dust and soil erosion. Perennial vegetative ground cover such as sod or turf grass shall be required on at least 80% of the ground cover. Non-living ground cover such as stones, rocks or mulch may be permitted on up to 20% of the ground cover.

* Buildings permitted within 10' of the right-of-way are exempt from this requirement.

** Buildings permitted at the right-of-way (0' setback) are exempt from this requirement.

- (d) **Parking Area.** All off-street parking areas with greater than 15 parking spaces shall provide the following landscape plantings:

TABLE 34305-7 PARKING AREA LANDSCAPE MATERIALS	
ORNAMENTAL OR CANOPY TREE	1 large canopy tree for every 40 spaces; or 1 medium canopy tree for every 25 spaces; or 1 ornamental tree for every 15 spaces
SHRUBS OR HEDGE*	1 shrub or hedge for every 10 linear feet of perimeter landscape strip required by Section 34-308(7) or area along an internal access street or public street.
ALL OTHER PERMEABLE SURFACES	All other perimeter landscape strips or internal landscape islands required by Section 34-308(7) shall be permeable surfaces with perennial vegetative ground cover, such as sod or turf grass.

- (4) **Buffers, Screens, and Fencing.** In addition to any setback requirements, open space requirements, and landscape requirements, development sites shall include buffers and screening. However, appropriate site design may allow buffers and screening requirements in this section to meet other site design requirements with respect to required open space and require landscape materials.

- (a) **Required Buffers.** A continuous opaque buffer area shall be required to ensure that adjacent uses or districts are compatible and that impacts on adjacent properties are minimized, subject to the following:

~~reconsider this table - it is buffering for the sake of buffering~~

TABLE 34305-8 REQUIRED BUFFER AREA		
BUFFER REQUIRED BETWEEN	AND	BUFFER WIDTH
A	All other districts	20'
R-M	All other districts	20'
C-3 or C-O	Any residential district	30'
C-1 or C-2	Any residential district	15'
L-1 or L-2	Any Residential district	30'
L-1	C-1 or C-2	20'
L-1	C-O or C-3	10'
L-2	Any C or R district	30'

All buffers and screens required by Table 34-8, above shall include the following landscape planting. Where a buffer area is also meeting another site development requirement, these landscape planting requirements shall be in addition to the landscape planting requirements otherwise applicable for that area of the site:

- 1 large canopy for every 400 square feet of required buffer; or 1 medium canopy tree for every 300 square feet of required buffer; or 1 ornamental tree for every 200 square feet of required buffer.
 - 1 shrub or hedge for every 10 linear feet of buffer.
 - All landscape planting shall be located to provide the best year-round screening from the buffered property.
- (b) **Screening.** All of the following shall be screened from streets or adjacent property with dense evergreen vegetation, a decorative opaque fence or wall matching the architectural details and materials of the building, or a combination of both.
- Electrical and mechanical equipment such as transformers, air conditioners, of communication equipment and antennas;
 - Permanent or temporary outdoor storage areas;
 - Trash enclosures; and
 - Utility stations;
 - Delivery and vehicle service bays, except that bays do not need to be screened from adjacent property with the same or more intense zoning.

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6. Non-residential parking lots within 30' of residential lots.
- (c) **Fencing.** All fencing for screening, security, or privacy shall meet the following standards.
1. **Front and Street-side Fencing.** All fencing in front of the front building line, or on the street-side on corner lots shall:
 - a. Be limited to no higher than 4 feet; and
 - b. Have a void of at least 33% up to 4 feet, so that a 4-foot high picket fence shall have a picket to void ratio of 2:1 or greater transparency.
 2. **Rear and Side Fencing.** All rear and side fencing located behind the front building line shall:
 - a. Be limited to no higher than 6 feet;
 - b. On corner lots, street-side fencing within 6 feet a pedestrian facility in the public right-of-way shall meet the standards in subsection 1. above.
 - c. All other side or rear fencing may have a solid screen up to 6 feet for all R-districts, or up to 7' in all non-residential districts.
 3. **Other Fencing Design Standards.**
 - a. Any fencing that could potentially create a sight obstruction for vehicles crossing pedestrian areas or entering the street may require greater transparency or additional location restrictions to allow for safe sight distances for the vehicle.
 - b. All fencing located along adjacent lot lines shall be constructed so that either:
 - (1) The face of the fence is on the property line; or
 - (2) The face of the fence is at least 3 feet from the property line. Any areas set back 3 feet or more from the property line, which could become enclosed by other similarly located fences, shall provide at least one gate for access and maintenance equipment.
 - c. All fences shall be constructed so that the finished side faces adjacent property or any public right-of-way.
 - d. Fences shall be constructed out of any of the following materials:
 - (1) Wood or vinyl simulating wood;
 - (2) Wrought iron or aluminum simulating wrought iron;
 - (3) Stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick; or
 - (4) Chain link or vinyl clad chain link:
 - (a) In all R-districts, in the rear or side yard only with a maximum height of 4 feet;
 - (b) In the I-1 and I-2 districts, in the rear and side only, but no closer than 30' from any public street;
 - (c) Prohibited in all C- districts.
 - (5) Electrified fencing in the R-1A or A districts only, and only when associated with a permitted agriculture use of the property.
- (d) **Visibility at Intersections.** Proper lines of sight shall be maintained at all intersections of streets, streets with alleys or driveways, and internal access streets.
1. **Limited-Controlled Intersections.** Traffic on lower class streets shall stop or yield at intersections with equal or higher-class streets. The proper line of sight shall be an unobstructed view from the stopping point on the approaching street to all points three feet above the roadway along the centerline of the intersecting street. The distance of the unobstructed view shall be based upon the design speed of the intersection street, specified in *Table 34305-9 Clear Sight Distance*.

TABLE 34305-9: CLEAR SIGHT DISTANCE	
DESIGN SPEED OF INTERSECTING STREET	INTERSECTION SIGHT DISTANCE*
15 MPH	105'
20 MPH	125'
25 MPH	150'
30 MPH	200'
35 MPH	225'-250'
40 MPH	275'-325'

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45 MPH	325'-400'
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* measured along centerline of intersecting street - Distance is "Y" in associated figure 34-305-1.

SOURCE: AASHTO, Policy on Geometric Design of Highways and Streets (Washington, D.C.; AASHTO, 1990)

2. **Sight Triangle.** No building or other type of visual obstruction shall be placed or maintained within the triangle created by the centerline of the street intersection, the stopping point on the approaching street, and the sight distance specified in *Table 34305-9 Clear Sight Distance* to the centerline of the intersecting street. (See *Figure 334-305-1*)

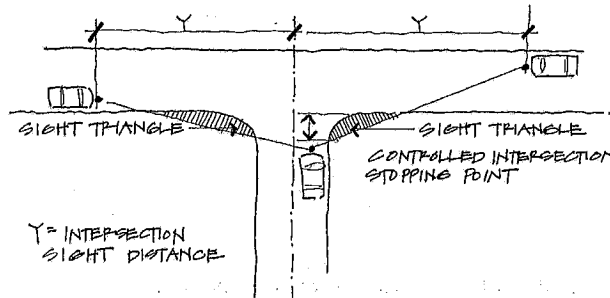


Figure 3054-3-1- Sight Distances on Limited Controlled Intersections. The appropriate "sight triangle" should be based upon the character of the intersection (location and nature of stopping point) and the design speed of the approaching traffic into which the vehicle will be entering. Distance Y represents the Intersection Sight Distance in *Table 34305-9*

3. **Limited Obstructions.** Street trees, light poles, or sign posts are allowed within the sight triangle provided that they do not have any foliage, limbs, or other broad obstructions between 2 and 8 feet.
4. **Fully-Controlled Intersections.** Fully controlled intersections, where signalization establishes and prioritizes safe turning movements, may deviate from the above sight triangle standards if site conditions warrant and based upon a recommendation of the City Engineer.

(5) **Lighting.**

- (a) **Mounting Height.** All exterior lighting shall be limited to the mounting heights specified in the following table:

TABLE 34305-10: MAXIMUM LIGHTING MOUNTING HEIGHT	
DRIVEWAYS AND PARKING AREAS	37.5' in C- and I- districts 25' in all other districts
PEDESTRIAN WALKWAYS, PLAZAS OR COURTYARDS	16'
FACADE LIGHTS	Below the eave or cornice line, provided the light is directed downward
OTHER SITE LIGHTING	12'

- (b) **Shielding.** All exterior lighting shall be shielded as specified in the following table:

TABLE 34305-11: REQUIRED SHIELDING			
WATTAGE OR MOUNTING HEIGHT	SHIELD TYPE		
	FULL CUTOFF ^a	CUTOFF ^b	SEMI-CUTOFF ^c
ALL LIGHTS MOUNTED ABOVE 25'; OR ALL LIGHTS ABOVE 450 WATTS	required	prohibited	prohibited
ALL LIGHTS BETWEEN 100 WATTS AND 450 WATTS LUMENS	permitted	required	prohibited

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ALL LIGHTS BETWEEN 55 WATTS AND 99 WATTS; OR ANY LIGHT MOUNTED BETWEEN 12' AND 25'	permitted	permitted	required
ALL LIGHTS MOUNTED BELOW 12' AND LESS THAN 55 WATTS	No shielding is required; all shielding types permitted.		

- a Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal.
- b Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal.
- c Semi-cutoff fixtures emit no more than 5% of its light above 90% and 20% of its light above 80 degrees.

- (c) *General Standards.* In addition to the Mounting Height and Shielding standards, exterior site lighting shall meet the following general standards:
- 1. All lighting shall be designed and located to not provide direct light or glare onto any adjacent property.
 - 2. All lighting shall be reduced to levels necessary only for security purposes within 1 hour after closing of the business.
 - 3. All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.

34-306 OUTDOOR COMMERCIAL STORAGE

Properties located in any commercial or industrial zoning district shall not store any merchandise, product, equipment, commodity, and bulk material between the Public Street and more than 10 feet in front of the building. This shall not include automobiles for sale at an auto dealership, tractors or motorized implements for sale at a farm implement dealership, or seasonal merchandise. In addition, the outdoor storage of merchandise shall be screened from street view by vegetation or opaque fencing.

Seasonal merchandise is limited to holiday items (example: Christmas Trees), yard and garden items, fireworks stands, seasonal produce stands, and short term events vendors.

34-307. LARGE SCALE HOUSING OR RESIDENTIAL DEVELOPMENT.

The owner of any tract of land comprising an area of not less than five (5) acres in any district except District I-1 and I-2 may submit to the Planning Commission a plan for the use and development of all of the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising five (5) acres or more, and shall present specific evidence and facts showing whether or not the proposed plan meets with the following conditions:

- (1) That property adjacent to the area included in the plan will not be adversely affected.
- (2) That the plan is consistent with the intent and purposes of this Chapter to promote public health, safety, and general welfare.
- (3) That the buildings shall be used only for single-family dwellings, two-family (2) dwellings or multiple dwellings and the usual accessory uses, such as garages, storage space, community or administrative activities.
- (4) That the average lot area contained in the site will not be less than two thousand (2,000) square feet per family.
- (5) That the buildings do not exceed two (2) stories in height. The plan need not provide for the customary street and lot layout, or the normal application of the yard and area requirements to individual building units. If the Planning Commission and the City Council approve the plans, after a public hearing thereon, building permits and certificates of occupancy may be issued even though the location of the buildings to

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be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located. (Code 1973, 40-13; Ord. No. 2255)

34-308. OFF-STREET PARKING AND LOADING.

(1) *Design Objective.* The Design Objective for the parking requirements is to:

- (a) Emphasize the importance of site accessibility from a variety of modes of transportation wherever appropriate, including pedestrians, bicycles, automobiles, and any current or potential future transit service.
- (b) Provide the optimal amount of vehicle parking for individual sites, recognizing that both too little parking and too much parking create negative impacts.
- (c) Ensure the appropriate site location and design features that mitigate the impact of parking lots on other land uses and urban design goals for surrounding district;
- (d) Create the least visible impact of parking on adjacent private and public property;
- (e) Promote parking designs that minimize runoff and incorporate infiltration of stormwater into the ground; and
- (f) Reduce the need to dedicate areas of individual, adjacent sites to underutilized or redundant vehicle parking.

(2) *Required Automobile Parking.* The minimum requirements for off-street parking facilities in Table 308-1 are general and are intended to include all similar uses. Where the classification of use is not determinable from the table, the Director shall determine the appropriate classification. Additional standards for specific zoning districts or specific uses may apply in addition to this table. Each fractional space shall be rounded up to the next whole number. Sites which provide more than 1 of the uses listed in the table on a regular basis shall apportion their parking based on the use most frequently occurring on each portion of the site.

TABLE 308-1: REQUIRED AUTOMOBILE PARKING	
Use	Parking Spaces
Assembly (auditorium, stadium, church, etc.)	1 space per each 3 seats (maximum capacity)
Hospitals, Nursing Homes, and Assisted Living	1 space per each 3 beds; and 1 space for each 2 employees
Lodging	1 space for each rental unit plus 1 space for each 2 employees at maximum employment on a single shift; plus 1 space for each company vehicle regularly parked on the premises. Accessory uses (dining, banquet) shall satisfy their parking requirement separately according to this table.
Industrial Generally	1 space for each two employees at maximum employment on a single shift; and 1 space for each company vehicle regularly parked on the premises
Residential: Detached, Semi-Attached, and Attached Dwellings	2 spaces per dwelling unit
Residential: all others	1.5 spaces per dwelling unit
Businesses - generally	< 60,000 square feet: 3.3 spaces per 1,000 square feet of total building area > 60,000 square feet: 3.3 spaces per 1,000 square feet of gross leasable area
Retail - Large product sales (automobiles, RVs, boats, farm implements, appliances, tree nurseries and garden centers, etc.)	1 space per 20,000 square feet
Restaurants	1 space for each 4 seats of seating capacity; and 1 space per each 2 employees at maximum employment on a single shift
Schools	K through 9: 1 space for each 15 students at maximum capacity 10 through 12: 1 space for each 4 students at maximum capacity College and technical schools: 1 space for each 2 students at maximum capacity
Central Business District	No off-street parking requirements

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- (3) **Bicycle Parking.** The following bike parking spaces are required for all new uses or change of use associated with occupation permits at the rates provided. This table shall also be used as a guide in determining the sufficiency of bicycle parking when applying the bicycle parking credit in sub-section (5)

TABLE 308-2: BICYCLE PARKING	
Use	Parking Spaces
Primary or Secondary School	10% of the number of students at maximum capacity, and 3% of the number of employees
College or University Classrooms	3% of the number of students at maximum capacity, and 1% of the number of employees
Retail and Office	10% of the required automobile spaces
Sports and Recreation Center	5% of the number of automobile spaces
Movie Theater or Restaurant	6% of the number of automobile spaces
Industrial	2% of the number of automobile spaces
Multi-dwelling Housing	1 space per 2 units
Public Transit Stations	Varies based on usage

- (4) **Shared Parking.** In meeting the requirements of Table 308-1, adjacent land uses, lots, or sites may share parking under the following conditions and standards:
- All landowners participating in the shared parking shall execute the necessary cross-access easements to facilitate shared parking and record all documents for the easements with the County.
 - A written agreement for the joint use of parking facilities shall be executed by the parties and approved by the City.
 - All shared parking spaces shall be within a reasonable proximity of the main entrance of any building sharing the parking and provide direct pedestrian access to the entrance either by way of pedestrian alleys and passages, or by way of public sidewalks in the streetscape. In general, locations greater than 600' shall not qualify unless exceptional circumstances justify.
 - Parking requirements shall be the cumulative requirements of the uses sharing the parking, except where different categories of uses (Retail or Service, Employment, Civic, or Residential) are participating in the sharing agreement and are likely to generate distinctly different times of peak parking demand. The following table is a base guide for shared parking. Each use should provide a percentage of parking required by these regulations according to Table Y Shared Parking. Whichever time period requires the highest total parking spaces among the various uses should be the amount of parking provided subject to the shared parking agreement. Alternative parking allocations may be approved by the City based on industry data or other sufficient evidence and analysis of peak parking demands for specific uses.

TABLE 308-3 SHARED PARKING					
Land Use	Percentage of Required Parking Spaces by Time Period				
	Weekday Day & Evening		Weekend Day & Evening		Nighttime
	6 AM TO 5 PM	5 PM TO 1 AM	6 AM TO 5 PM	5 PM TO 1 AM	1 AM TO 6 AM
Employment	100 %	10 %	5 %	5 %	5 %
Retail or Service	75 %	75 %	100 %	90 %	5 %
Restaurant	50 %	100 %	75 %	100 %	25 %
Entertainment & Recreation	30 %	100 %	75 %	100 %	5 %
Church	5 %	25 %	100 %	50 %	5 %
School	100 %	10 %	10 %	10 %	5 %
Residential	25 %	90 %	50 %	90 %	100 %
Lodging	50 %	90 %	75 %	100 %	100 %

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- (5) **Parking Credits.** A credit may be given to the parking requirements in Table 308-1 under the following conditions. The credits may be cumulative.
- (a) **On-street Parking Credit.** On-street parking within 300 feet of any lot line may be credited to the parking requirement at a rate of one parking credit for every two on-street parking spaces. On-street parking spaces within the distance parameters may be counted more than once by multiple users. On-street parking in front of any residentially zoned property shall not count towards non-residential uses.
 - (b) **Bicycle Parking Credit.** Bicycle parking facilities within 200 feet of the primary building entrance may be credited at a rate of one parking credit for every three bicycle parking spaces, up to a maximum of 15% percent of the required vehicle parking. The applicant shall provide sufficient justification that the site can be reasonably accessed by bicycles and that land uses on the site are common bicyclist destinations in order to receive the bicycle parking credit. The bicycle parking requirements in Table 308-2 shall be used to determine the sufficiency of bicycle parking in applying the credit.
 - (c) **Public Parking Credit.** Public parking within 600 feet of any lot line may be credited at a rate of one parking credit for every three public parking spaces. Any space eligible towards the credit shall not be leased and must be generally available to the public. The City, or other public entity in charge of management of the public parking facilities reserves the right to restructure the eligibility for parking credits through a parking district management program, subject to approval of the City Council.
- (6) **Maximum Parking.** No use shall provide more than 10% percent over the minimum required parking in Table 308-1 without exhausting all options for Parking Credits or Shared Parking, and shall only be permitted to exceed 10% of the minimum requirements by incorporating two or more of the following mitigating design features. No site shall be permitted to provide more than 25% of the required parking in Table 308-1 in any circumstance.
- (a) The surface of lesser used or overflow parking areas shall be a porous surface, excluding gravel and rock, that allows all stormwater to be infiltrated below the surface, subject to the approval by the City Engineer. Any porous surface used shall demonstrate that it has at least the same or better performance standard as the required standard parking surface and does not present any maintenance issues;
 - (b) The site shall be required to provide additional area, equal to or greater than the area of parking in excess of the requirement in Table 308-1, as public or common open space. This additional open space shall be designed as pedestrian-accessible open space, and shall be in addition to any other required open space requirements for the site. Alternatively, the excess parking area may be designed as pedestrian accessible open space that has the capability of accommodating overflow parking at limited peak times, such as a plaza surface or stabilized green surface which can accommodate cars on limited occasions;
 - (c) Landscape material requirements for the site shall be increased by 15% percent above the minimum amount required in Section 34-305 and shall be allocated to provide enhanced buffering of all on-site parking ;or
 - (d) Internal landscape areas for the on-site parking shall be increased by and additional 5% percent above the minimum percentage required.
- (7) **Parking Design.**
- (a) **Stall and Aisle Dimensions.** Parking lot dimensions shall be according to the following Table 308-4:

TABLE 308-4: STALL AND AISLE DIMENSIONS					
SEE FIGURE 301-1	90°	60°	45°	30°	PARALLEL
A - STALL WIDTH	9'	8.5'	8.5'	8.5'	8'
B - CURB OR END WIDTH	9'	10'	12'	17'	25'
C - STALL DEPTH	20'	21.57'	20.15'	17.36'	25'
D - AISLE WIDTH, TWO-WAY	23'	22'	20'	20'	20'
D - AISLE WIDTH, ONE-WAY	16'	15'	12'	12'	12'
D - AISLE WIDTH, ONE-WAY SINGLE-LOADED	14'	12'	12'	12'	10'

* Dimensions may vary up to 5% of the dimension in the table to adapt for specific site conditions. For 90° stalls, up to two feet of the stall depth may include an overhang of landscaped, non-pedestrian areas.

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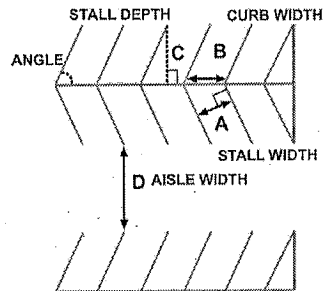


Figure 304308-1 Parking Lot Dimensions.
Dimensions A through D labeled on this figure this figure shall be within 5% of the dimensions given in Table 308-4

- (b) **Accessible Parking Space Requirements.** Parking facilities accessible for physically handicapped persons shall be provided according to the most recent standards of the Americans with Disabilities Act and associated guidelines, including quantity, size, location, and accessibility. Applicants must clearly demonstrate compliance with these standards or in the alternative, demonstrate why the standards are not applicable to their project or parcel. Accessible parking requirements shall meet the requirements of the International Building Code as adopted by the City Council.

- (c) **Landscape and Screening.** All parking areas shall provided the following landscape in addition to any other landscape materials required for the site.

1. All parking areas shall have the following landscape areas:

TABLE 308-5: PARKING LANDSCAPE AREAS			
	15 to 40 spaces	40 to 100 spaces	100 or More spaces
Perimeter Landscape Strip	6' wide	10' wide	12' wide
Internal Landscape Islands	N/A	5% of surface area	7.5% of surface area

2. All required landscape areas shall be planted according to the Landscape standards in Section 308-4-305.
3. Internal landscape islands shall be at least 100 square feet in total area and no less than 5 feet wide in any single dimension.
4. Landscape islands shall be dispersed through the parking area so that no expanse is greater than 150' without a landscape island or perimeter landscape strip.
5. Parking areas permitted within 30' of any street frontage shall be screened by a 2.5' to 4' ornamental fence or low landscape hedge, or a combination of each. Parking areas required to be to the side any building may be screened with an ornamental wall, matching the materials and architectural features of the building, extending at the front building line.
6. Parking areas within 30' of any residential property shall be screened with landscape and screening meeting the standards of Section 308-4-305.
- (8) **Off-street loading requirements.** No building or structure used for any commercial, business, industrial or institutional use shall be erected (nor shall any such existing building or structure be altered so as to increase its gross floor area by twenty-five (25) percent) without prior provision for off-street loading space in conformance with the following minimum requirements:
- (a) Types of loading berths. Required off-street loading space shall be provided in berths which conform to the following minimum specifications:
- (i) When buildings are constructed adjacent to an alley, the alley can be used for required loading berth area.
- (ii) Type "A" berths shall be at least sixty (60) feet long by ten (10) feet wide by fourteen (14) feet (six) 6 inches high, inside dimensions.

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- (iii) Type "B" berths shall be at least thirty (30) feet long by ten (10) feet wide by fourteen (14) feet six (6) inches high, inside dimensions.
- (iv) Type "C" berths shall be located in the rear of a lot and may utilize part of an adjacent alley. The building setback shall be a minimum of five (5) feet from the property line along the alley for the entire width of the lot.
- (b) Number of loading spaces required. The following numbers and types of berths shall be provided for the specified uses, provided, however, that in any C- 2 district, one type "C" berth may be substituted for one type "B" berth. The uses specified below shall include all structures designed, intended or arranged for such use.

Use	Aggregate Gross Floor Area (sq. ft.)	Berths	Required Type
Freight terminals, railroad yards, industrial plants, manufacturing or wholesale establishments, warehouses	12,000-36,000	1	A
	36,000-60,000	2	A
	60,000-100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
Auditoriums, motels, convention halls, sports arenas	25,000 - 150,000	1	B
	150,000 - 400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
Hospitals, sanitariums, nursing homes, convalescent homes and similar institutional uses	25,000 - 100,000	1	B
	Over 100,000	2	B
Department stores, retail establishments, restaurants, funeral homes, and commercial establishments	7,000 - 24,000	1	B
	24,000 - 50,000	2	B
	50,000 - 100,000	3	B
	Each additional 50,000 or fraction thereof	1 additional	B
Hotels or office buildings	25,000 - 40,000	1	B
	40,000 - 100,000	2	B
	Each additional 100,000 or fraction thereof	1 additional	B
Schools	Over 140,000	1	B

- (c) Uses not specifically mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above mentioned use which, in the opinion of the Development Services Director, is most similar to the use not specifically mentioned.
- (d) Concurrent different uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the Development Services Director, but in no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area.
- (e) Location of required loading facilities. The off-street loading facilities required for the uses mentioned in this Section 34-308 shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.
- (f) Manner of using loading areas. No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this Chapter. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the City Engineer.
- (g) Modification of requirements. The City Engineer may modify the off-street loading requirements as they apply to any individual case only for good cause shown and he shall set reasonable safeguards and conditions to ensure that any such modification conforms to the intent of this Section 34-308. Modification may be granted if it is demonstrated to the satisfaction of the City Engineer that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.

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- (h) Signs. The owners of the property shall provide, locate and maintain loading signs as specified by the City Engineer. Such signs shall not be counted against allowed advertising sign area.

(Ord. No. 3947-4/2004)

34-309. SIGNS AND BILLBOARDS

- (1) *Design Objective.* The design objectives of this section are to:
- Preserve the unique character of the City, and the distinct areas and districts within the City.
 - Enhance the visual quality of the community reflected by the priority of buildings, open spaces, and landscape.
 - Improve safety of pedestrians, motorists or other users of the public rights-of-way and open spaces
 - Promote economic viability by assuring that the City will be a visually pleasant place to visit, conduct business, and live.
 - Provide effective and efficient means of communication among various property owners.
 - Protect property values and private/public investments in property by minimizing adverse effects of signs on property.
- (2) *Sign Types.* The following sign types are distinguished for the purposes of the sign allowances in this Section. Where any particular sign application involves a sign type that does not clearly fall within any single category, or could fall within more than one category, the Development Services Director shall interpret the particular application based on the most similar sign type, with consideration given to the design objectives and intent of this Section.

TABLE 309-1: SIGN TYPES	
TYPE	DESCRIPTION
Wall Sign	A sign painted, printed or attached to the exterior surface of a building, awning, or other fixed surface, extending no higher than the cornice line of a flat roof building or the eave of a pitched roof building, and aimed at communicating messages to vehicles in the roadway or pedestrians at a distance from the building.
Window Sign	A sign hanging in or painted on a window with messages visible from the outside of the building but designed and located in a manner that permits views through the window to the interior of the building.
Roof Signs	Any sign mounted or extending above the cornice line of a flat roof building, or above the eave of any pitched roof building, and aimed at communicating messages to vehicles in the roadway or pedestrians at a distance from the building.
Ground Signs	A sign that is mounted to the ground independent from any building aimed at communicating messages to vehicles in the roadway or pedestrians at a distance from the building or site. Ground signs encompass the following specific sign types: <i>Monument Sign:</i> A type of Ground Sign where the entire bottom of the sign is mounted on the ground or ornamental surface structure, and where the surface area of the structure does not exceed 50% of the sign area of the sign mounted upon it. <i>Pole Sign:</i> A type of Ground Sign placed upon a pole or support that elevates the sign above the ground level by more than 6 feet.
Drive-through Service Sign	A sign designed to give information that facilitates a business transaction at a drive-through service location.
Pedestrian Signs	A sign aimed at communicating directly with pedestrians in front of or immediately adjacent to the building or site or to communicate messages to individuals internal to a site. Pedestrian signs may be located on the edges of awnings, hanging below a canopy or awning, projecting from a wall, mounted on a wall or window, or on the ground.
Incidental / Directional Sign	A sign aimed at communicating messages to vehicles entering a site, or internal to a site.
Political Signs	A sign that is not permanent both in terms of its duration of display and in the manner of construction, which allows easy removal of the sign.
Billboard	A sign or sign structure advertising an establishment, a message, merchandise, service, or entertainment which is not located, sold, produced, manufactured or furnished at the location on which the sign is located.

Comment [gs3]: Replace with existing definition

- (3) *District Sign Allowances.* Sign allowances on individual sites in the City are established by zoning districts. Each site in a zoning district shall have the sign allowance given below. Additional standards in other sections of this Chapter can limit the quantity, size, amount, design, application or location of specific sign types on a specific property beyond this base sign allowance.

TABLE 309-2: RESIDENTIAL SIGN ALLOWANCES	
Sign type	Allowance
Applicability	The sign allowances in this table apply to the R-1, R-1A, R1-S, R-4N, R-2, R-3, R-4 and A zoning districts.

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Wall Signs	1 sign up to 4 square feet for any approved Home Occupation provided no other sign type is used for that purpose.
Window Signs	Prohibited.
Roof Signs	Prohibited
Ground Sign	R-3 and R-3G District Only: properties upon which a building or group of buildings consisting of 24 or more apartment or condominium style units. A District Only: 2 non-illuminated signs up to 20 square feet for approved commercial activities. Approved Civic Uses may have one illuminated or non-illuminated sign, up to 32 square feet. Approved Civic Uses having direct frontage on 3 or more streets may have 2 signs, up to 32 square feet, only 1 of which may be illuminated. Academic elementary, middle and high schools may have one (1) detached ground sign of no more than 100 square feet in area, with a maximum height of no more than 20 feet. Such signs shall bear no donor company advertising or company logo.
Reader Board	Prohibited
Political Signs	See 34-309(a)
Pedestrian	1 sign up to 4 square feet for any approved Home Occupation provided no other sign type is used for that purpose. In District R-2 and R-3 Only: 1 non-illuminated sign, up to 4 square feet for each principal entrance to the building.
Incidental / Directional Sign	Prohibited
Billboard Sign	Prohibited

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309.3 C-O COMMERCIAL/OFFICE SIGN ALLOWANCES*	
Sign Type	Allowance
Applicability	The sign allowances in this table apply to the C-O zoning district.
Wall Signs	2 signs, up to 16 square feet each.
Window Signs	Allowed as one of the permitted wall signs, provided it occupies no more than 30% of the window area
Roof Signs	Prohibited
Ground Sign	Monument Signs Allowed, Pole Signs Prohibited. *One monument sign shall be permitted. Each sign shall have a maximum area of thirty-two (32) square feet, a maximum height of 5 feet, and a maximum width of 10 feet. The horizontal dimension of the sign shall be larger than the vertical dimension. A second monument sign shall be permitted on any lot with a minimum street frontage of 500', provided that said lot is under a single ownership, and that each sign is a minimum of 250' apart. Only one of the permitted monument signs may be illuminated. The monument sign shall be a minimum of 5' away from the driveway. No electronic moving message signs are allowed.
Reader Board	Prohibited
Political Signs	See 34-309(a)
Pedestrian	1 Pedestrian Ground sign may be permitted, provided it replaces one of the permitted Wall Signs. 1 non-illuminated sign, up to 4 square feet for each principal entrance to the building.
Incidental / Directional Sign	Prohibited
Billboard Sign	Prohibited

* Any residential use permitted in this district is allowed signs according to Table 309-2.

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309-4 NEIGHBORHOOD CENTER SIGN ALLOWANCES	
Sign Type	Allowance
Applicability	The sign allowances in this table apply to the C-1 zoning district.
Wall Signs	Each lot shall have a total Wall Sign area allowance of 1/2 square foot for each linear foot of building frontage, up to a maximum of 150 square feet, except that Ground Sign allowances may be transferred to the Wall sign allowance on any site that does not use any Ground Signs. Each building may have up to 3 Wall Signs, and no single wall sign shall be greater than 125 square feet, and no greater than 25 feet in any direction. Any Wall Sign projecting more than 12 inches from the wall shall be limited to no more than 20 square feet. The area for a projecting sign shall count towards the total Wall Sign area allowance at a rate of 1.5 times that actual area of the projecting sign. Projecting signs shall not extend more than 5 feet from the wall and shall maintain at least 8 feet clear area above the ground.
Window Signs	Each building may have Window Signs on all first-story windows. Window Signs shall not exceed more than 30% of the first-story window area. Any Window Signs on upper stories shall count towards the area requirement for Wall Signs, but may be in addition to the quantity limit. Upper story Window Signs shall not exceed more than 20% of the window area.
Roof Signs	Prohibited
Ground Sign	Each lot shall have a total Ground Sign area allowance of 1/2 square foot for each linear foot of lot frontage, up to a maximum area of 150 square feet. No Ground Sign shall exceed 100 square feet. Each lot shall be allowed 1 Ground Sign for each 50 linear feet of lot frontage Ground Signs shall be separated by a minimum of 35 feet. Required Setbacks: 15 sq. ft. or less: 5 feet plus 1 ft. for every sq. ft. (or fraction thereof) over 5 sq. ft. 15 sq. ft. to 30 sq. ft.: 10 feet plus 1 ft. for every 3 sq. ft. (or fraction thereof) over 15 sq. ft. 30 sq. ft. to 50 sq. ft.: 15 feet plus 1 ft. for every 4 sq. ft. (or fraction thereof) over 30 sq. ft. 50 sq. ft. to 150 sq. ft.: 20 feet plus 1 ft. for every 5 sq. ft. (or fraction thereof) over 50 sq. ft. Maximum Height: 35 feet. Ground Sign area allowance may be increased by 25% of the allowance for the site for any lot that only uses only monument signs for its Ground Signs. Monument Signs shall be no higher than 6 feet. Ground Sign area allowance may be transferred to the Wall Sign area allowance at a rate of 1.5 times the allowance for any lot that provides no Ground Signs. This shall be in addition to the area allowance for Wall Signs and can be allocated to one additional Wall Sign for the building.
Drive-through Signs	The total drive-through sign allowance shall be 60 square feet, and no more 1 sign for each service location. No individual Drive-through Sign shall be more than 32 square feet. Drive-through signs shall be no higher than 7 feet. Drive-through Signs shall be set back at least 30 feet from any property line. Drive-through Signs mounted on a building shall follow any applicable building setback.
Political Signs	See 34-309(a)
Pedestrian	Each lot shall be allowed 1 Pedestrian Sign for each primary building entrance, and 1 Pedestrian Sign per each 50 feet of linear building frontage. No single Pedestrian Sign shall exceed 8 square feet. Any pedestrian sign hanging above a pedestrian walkway, such as signs affixed to awnings or canopies, shall maintain at least 7 feet clear area from the walkway.
Incidental / Directional Sign	Each lot shall be allowed 1 Incidental / Directional Signs for vehicle entrance to the site, plus 1 for each 2 acres of the site. No single Incidental / Directional Signs shall exceed 6 square feet.
Billboard Sign	Prohibited

* Any residential use permitted in this district is allowed signs according to Table 309-2.

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TABLE 309-5: DOWNTOWN SIGN ALLOWANCES	
Sign Type	Allowance
Applicability	The sign allowances in this table apply to the C-2 zoning district.
Wall Signs	Each lot shall have a total Wall Sign area allowance of 1 square foot for each linear foot of building frontage, up to a maximum of 100 square feet, except that the Ground Sign allowance may be transferred to the wall sign allowance for any site that has no Ground Signs. Each building may have up to 3 Wall signs Wall signs shall be no higher than 30'. Any Wall Sign projecting more than 12 inches from the wall shall be limited to no more than 40 square feet. The area for a projecting sign shall count towards the total Wall Sign area allowance at a rate of 1.5 times that actual area of the projecting sign. Projecting signs shall not extend more than 6 feet from the wall and shall maintain at least 8 feet clear area above the ground.
Window Signs	Each building may have Window Signs on all first-story windows Window Signs shall not exceed more than 30% of the first-story window area. Any Window Signs on upper stories shall count towards the area requirement for Wall Signs, but may be in addition to the quantity limit. Upper story Window Signs shall not exceed more than 20% of the window area.
Roof Signs	Prohibited
Ground Sign	Each lot shall have a total Ground Signs area allowance of ½ square foot per lot for each linear feet of lot frontage, up to a maximum of 100 square feet. No single Ground Sign shall exceed 50 square feet. Each lot shall be allowed 1 Ground Sign for each 50 linear feet of lot frontage Ground Signs shall be separated by a minimum of 35 feet. Required Setbacks: 15 sq. ft. or less: 5 feet plus 1 ft. for every sq. ft. (or fraction thereof) over 5 sq. ft. 15 sq. ft. to 30 sq. ft.: 10 feet plus 1 ft. for every 3 sq. ft. (or fraction thereof) over 15 sq. ft. 30 sq. ft. to 50 sq. ft.: 15 feet plus 1 ft. for every 4 sq. ft. (or fraction thereof) over 30 sq. ft. Maximum Height: 35 feet. Ground Sign area allowance may be increased by 25% of the allowance for the site for any lot that only uses monument signs for its Ground Signs. Monument Signs shall be no higher than 6 feet. Ground Sign area allowance may be transferred to the Wall Sign area allowance at a rate of 1.5 times the allowance for any lot that provides no Ground Signs. This shall be in addition to the area allowance for Wall Signs and can be allocated to one additional Wall Sign for the building. [Or consider prohibiting Free-standing signs downtown altogether? All sign districts currently have the same allowances for ground / free-standing signs]
Drive-through Signs	The total drive-through sign allowance shall be 32 square feet, and no more 1 sign for each service location. No individual Drive-through Sign shall be more than 24 square feet. Drive-through signs shall be no higher than 7 feet. Drive-through Signs shall be set back at least 30 feet from any property line. Drive-through Signs mounted on a building shall follow any applicable building setback.
Political Signs	See 34-309(a)
Pedestrian	Each lot shall be allowed 1 Pedestrian Sign for each primary building entrance, and 1 Pedestrian Sign per each 50 feet of linear building frontage. No single Pedestrian Sign shall exceed 8 square feet. Any pedestrian sign hanging above a pedestrian walkway, such as signs affixed to awnings or canopies, shall maintain at least 7 feet clear area from the walkway. Any pedestrian sign temporarily placed in the right-of-way shall maintain at least 6' wide clear area for pedestrians and shall be removed during non-business hours.
Incidental / Directional Sign	Each lot shall be allowed 1 Incidental / Directional Sign for each vehicle site entrance, plus 1 for each ½ acre of the site. No single Incidental / Directional Signs shall exceed 4 square feet.
Billboard Sign	Each lot may be allowed 1 Billboard, up to 18 square feet. Maximum Height: 7 feet.

* Any residential use permitted in this district is allowed signs according to Table 309-2.

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TABLE 309-2: GENERAL COMMERCIAL SIGN ALLOWANCES	
Sign Type	General Business District
Applicability	The sign allowances in this table apply to the C-2 zoning district.
Wall Signs	Each lot shall have a total Wall Sign area allowance of 1/2 square foot for each linear foot of building frontage, up to a maximum of 300 square feet, except that Ground Sign allowances may be transferred to the Wall sign allowance on any site that does not use any Ground Signs. Each building may have up to 4 Wall signs Wall signs shall be no higher than 30'. Any Wall Sign projecting more than 12 inches from the wall shall be limited to no more than 40 square feet. The area for a projecting sign shall count towards the total Wall Sign area allowance at a rate of 1.5 times that actual area of the projecting sign. Projecting signs shall not extend more than 5 feet from the wall and shall maintain at least 8 feet clear area above the ground.
Window Signs	Each building may have Window Signs on all first-story windows Window Signs shall not exceed more than 30% of the first-story window area. Any Window Signs on upper stories shall count towards the area requirement for Wall Signs, but may be in addition to the quantity limit. Upper story Window Signs shall not exceed more than 20% of the window area.
Roof Signs	Each building may have 1 Roof Sign up to 200 square feet, except that roof signs shall be counted towards the Wall and Ground Sign allowance at a rate of 2 square feet for each 1 square foot of Roof Sign. Roof Signs shall not exceed more than 15 feet above the highest part of the roof structure. Roof Signs shall be set back at least 5 feet plus one-half the total height of the sign to the outside wall toward which the sign faces.
Ground Sign	Each lot shall have a total Ground Signs area allowance of 1/2 square foot per lot for each linear foot of lot frontage. No single Ground Sign shall exceed 200 square feet. Each lot shall be allowed 1 Ground Sign for each 50 linear feet of lot frontage Ground Signs shall be separated by a minimum of 35 feet. Required Setbacks: 15 sq. ft. or less: 5 feet plus 1 ft. for every sq. ft. (or fraction thereof) over 5 sq. ft. 15 sq. ft. to 30 sq. ft.: 10 feet plus 1 ft. for every 3 sq. ft. (or fraction thereof) over 15 sq. ft. 30 sq. ft. to 50 sq. ft.: 15 feet plus 1 ft. for every 4 sq. ft. (or fraction thereof) over 30 sq. ft. 50 sq. ft. to 125 sq. ft.: 20 feet plus 1 ft. for every 5 sq. ft. (or fraction thereof) over 50 sq. ft. Over 125 sq. ft.: 35 ft. Maximum Height: 45 ft. Ground Signs area allowance may be increased by 25% of the allowance for the site for any lot that only uses only monument signs for its Ground Signs. Monument Signs shall be no higher than 6 feet. Ground Sign area allowance may be transferred to the Wall Sign area allowance at a rate of 1.5 times the allowance for any lot that provides no Ground Signs. This shall be in addition to the area allowance for Wall Signs and can be allocated to one additional Wall Sign for the building.
Drive-through Signs	The total drive-through sign allowance shall be 80 square feet, and no more 1 sign for each service location. No individual Drive-through Sign shall be more than 32 square feet. Drive-through signs shall be no higher than 7 feet. Drive-through Signs shall be set back at least 30 feet from any property line. Drive-through Signs mounted on a building shall follow any applicable building setback.
Political Signs	See 34-309(a)
Pedestrian	Each lot shall be allowed 1 Pedestrian Sign for each primary building entrance, and 1 Pedestrian Sign per each 50 feet of linear building frontage. No single Pedestrian Sign shall exceed 8 square feet. Any pedestrian sign hanging above a pedestrian walkway, such as signs affixed to awnings or canopies, shall maintain at least 7 feet clear area from the walkway.
Incidental / Directional Sign	Each lot shall be allowed 1 Incidental / Directional Signs for each vehicle site entrance, plus one sign for each acre of the site. No single Incidental / Directional Signs shall exceed 6 square feet.
Billboard Sign	See Sub-section (6) below

* Any residential use permitted in this district is allowed signs according to Table 309-2.

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TABLE 309-7: I-1 AND I-2 ZONING DISTRICT SIGN ALLOWANCES	
Sign Type	Allowances
Wall Signs	Each lot shall have a total Wall Sign area allowance of 20% of all street-facing walls, up to a total allowance of 300 square feet per building. Each building may have up to 4 Wall signs Wall signs shall be no higher than 30'. Any Wall Sign projecting more than 12 inches from the wall shall be limited to no more than 60 square feet. The area for a projecting sign shall count towards the total Wall Sign area allowance at a rate of 1.5 times that actual area of the projecting sign. Projecting signs shall not extend more than 5 feet from the wall and shall maintain at least 8 feet clear area above the ground.
Window Signs	Each building may have Window Signs on all first-story windows Window Signs shall not exceed more than 30% of the first-story window area. Any Window Signs on upper stories shall count towards the area requirement for Wall Signs, but may be in addition to the quantity limit. Upper story Window Signs shall not exceed more than 20% of the window area.
Roof Signs	Each building may have 1 Roof Sign for each 100 linear feet of building frontage, except that roof signs shall be counted towards the Wall and Ground Sign allowance at a rate of 1 square foot for each 1 square foot of Roof Sign No single Roof Sign shall exceed 200 square feet. Roof Signs shall not exceed more than 15 feet above the highest part of the roof structure. Roof Signs shall be set back at least 5 feet plus one-half the total height of the sign to the outside wall toward which the sign faces.
Ground Sign	Each lot shall have a total Ground Signs area allowance of 1/4 square foot per lot for each linear foot of lot frontage. No single Ground Sign shall exceed 200 square feet. Each lot shall be allowed 1 Ground Sign for each 50 linear feet of lot frontage Ground Signs shall be separated by a minimum of 35 feet. Required Setbacks: 15 sq. ft. or less: 5 feet plus 1 ft. for every sq. ft. (or fraction thereof) over 5 sq. ft. 15 sq. ft. to 30 sq. ft.: 10 feet plus 1 ft. for every 3 sq. ft. (or fraction thereof) over 15 sq. ft. 30 sq. ft. to 50 sq. ft.: 15 feet plus 1 ft. for every 4 sq. ft. (or fraction thereof) over 30 sq. ft. 50 sq. ft. to 125 sq. ft.: 20 feet plus 1 ft. for every 5 sq. ft. (or fraction thereof) over 50 sq. ft. Over 125 sq. ft.: 35 ft. Maximum Height: 45 ft. Ground Sign area allowance may be increased by 25% of the allowance for the site for any lot that only uses only Monument Signs for its Ground Signs. Monument Signs shall be no higher than 6 feet.
Drive-through Signs	The total drive-through sign allowance shall be 80 square feet, and no more 1 sign for each service location. No individual Drive-through Sign shall be more than 32 square feet. Drive-through signs shall be no higher than 7 feet. Drive-through Signs shall be set back at least 30 feet from any property line. Drive-through Signs mounted on a building shall follow any applicable building setback.
Political Signs	See 34-309(a)
Pedestrian	Each lot shall be allowed 1 Pedestrian Sign for each primary building entrance, and 1 Pedestrian Sign per each 50 feet of linear building frontage. No single Pedestrian Sign shall exceed 8 square feet. Any pedestrian sign hanging above a pedestrian walkway, such as signs affixed to awnings or canopies, shall maintain at least 7 feet clear area from the walkway.
Incidental / Directional Sign	Each lot shall be allowed 2 Incidental / Directional Signs for each vehicle site entrance, plus 1 per each acre of the site. No single Incidental / Directional Signs shall exceed 6 square feet.
Billboard Sign	See Sub-section (6) below

(a) Political Signs

- (1) Neither the width or the height of the sign may exceed three (3) feet.
- (2) Signs shall be placed not less than six (6) feet from the back of the curb, or edge of the pavement if no curbs exist.
- (3) Signs must be placed at least fifty (50) feet from a corner.
- (4) Permission must be obtained ~~from~~ from the property owner abutting the City right-of-way prior to installing any sign.

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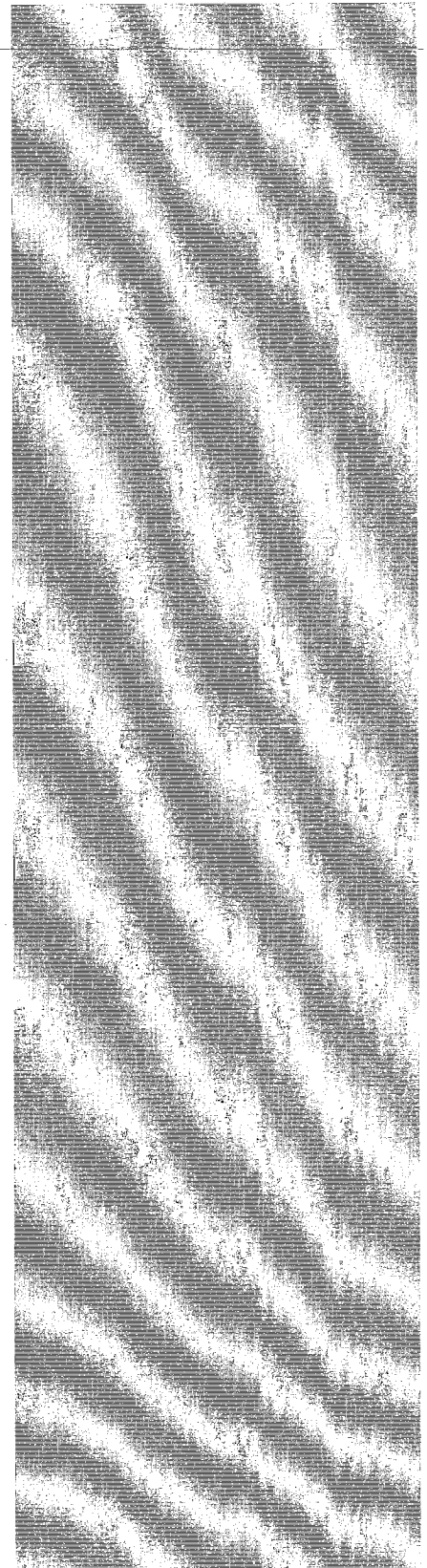
- (5) Signs shall not be installed more than three (3) weeks in advance of any primary, regular, or special election and shall be removed the day after election day.
- (6) The provisions of this section shall apply only to right-of-way owned by the City and shall not apply to City-owned parking lots or other City-owned real estate.
- (7) Political signs placed on City-owned right-of-way that do not conform to the foregoing terms and conditions shall be removed by the Hastings Police Department.

Ord. No. 3207-3/91)

- (4) *Exemptions.* The following signs are exempt from the permit process and allowed in addition to any signs included in the sign allowance for each zoning district.
 - (a) Professional name plates or address signs not exceeding two square feet in surface area shall be permitted in all districts.
 - (b) Business Identification or Operation Signs. Up to two signs per each occupational license, not exceeding three square feet in area and four square feet total may be allowed in the C-1, C-2, C-3, I-1, and I-2 Zoning Districts
 - (c) Flags. Up to three flags per lot not to exceed 24 square feet each may be allowed in any zoning district.
 - (d) Incidental signs identifying a warning, hazard or other notice on private property provided no sign exceeds 2 square feet.
 - (e) Political. Political signs in residential districts, up to the amount allowed by this Chapter are exempt from the permit requirements.
- (5) *Standards Applicable to All Signs.* The following standards are applicable to all signs in addition to the sign allowance requirements of each zoning district.
 - (a) *General Health, Safety and Welfare Standards.*
 - 1. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape or other means of pedestrian, maintenance or emergency ingress and egress to the building or premises.
 - 2. All signs shall be constructed and fastened to supporting structures according to applicable building and electrical codes.
 - 3. No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.
 - (b) *Traffic Safety.*
 - 1. No sign or associated structure shall be erected at the intersections of any street in such a manner as to obstruct free and clear vision as determined by the City Engineer considering the type of intersection or access, the control of traffic movements, the topography or other natural features, and the speed of on-coming traffic.
 - 2. No sign or associated structure shall be erected where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device
 - 3. No sign may be erected using words and symbols that mimic traffic control symbols, emergency vehicle lights or otherwise interfere with, mislead or confuse traffic.
 - (c) *Illumination and Animation.* Where illuminated signs are permitted in the zoning district the following standards apply:
 - 1. Any illumination shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The light from an illuminated sign shall not create a negative impact on residential uses in direct line-of-sight to the sign.
 - 2. External light sources shall be directed and shielded to limit direct illumination of any object other than the sign.
 - 3. Any computer generated changeable sign display must have a constant display for at least eight seconds, and take no longer than two seconds to change to a new display.
 - 4. Any change of message must occur simultaneously for the entire sign face.
 - 5. Flashing, blinking, oscillating, scintillating, rotating or intermittent turning on- and-off of any illuminating device is prohibited. Time/weather informational signs and official warning and regulatory signs erected by the city or state are exempt from this regulation.
 - (d) *Limitations on Public Property.* No sign shall be erected on or above any public property except:
 - 1. A sign erected by a public officer or public employee in the performance of a public duty.

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2. A projecting Wall Sign or Pedestrian Sign authorized in a specific sign district where the building is otherwise authorized to be located at or near the right-of-way in a manner in which building appurtenances extend over the right-of-way. Examples include signs mounted to canopies, awnings, marquees or signs projecting from a building build to the property line.
 - (e) *Non-commercial Message Substitution.* Any sign allowed by permit under this chapter may contain, in lieu of any other message or copy, any lawful non-commercial message regardless of content or viewpoint of the message, so long as the sign complies with the size, height, area and other requirements of this chapter.
- (6) *Billboards.* Billboards shall be allowed in Districts C-3, I-1 and I-2 provided that no billboard will be allowed within 300' of any residential zoning district. Billboards in these districts shall be subject to the following provisions:
- (a) A billboard shall be defined as any sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
 - (b) Each billboard shall be setback at least 25' from the street right-of-way line. No part of the sign shall extend more than 5 feet into the setback from the public right-of-way line.
 - (c) No billboard in the City limits shall be located within 150' from the right-of-way line of any road intersection measured in any direction from the right-of-way line. No billboard in the City's extra-territorial jurisdiction shall be located within 250' from the right-of-way line of any road intersection measured in any direction from the right-of-way line provided this restriction shall not apply to the intersection of frontage roads with state highways. ~~See figure A for illustration~~
 - (d) There shall be no more than two (2) billboards per mile, measured from section line to section line regardless of which side of the roadway the billboards are located.
 - (e) No billboard in the City limits shall be located within a 750' radius of another billboard. No billboard in the extra-territorial jurisdiction shall be located within a 1500' radius of another billboard.
 - (f) No billboard within the City limits shall be located within 500' of the property line of: a National Register historic site; school; church; hospital; care facility; cemetery; public building, park or playground. No billboard within the City's extra-territorial jurisdiction shall be located within 1000' of the property line of: a National Register historic site; school; church; hospital; care facility; cemetery; public building, park or playground.
 - (g) No billboard shall be allowed whenever property zoned AG, Residential, C-O, C-1 or C-2 is located between the billboard and the roadway to which said billboard is oriented.
 - (h) No billboard shall be erected or maintained upon or immediately above the roof of any building.
 - (i) Billboards may be single- or double-faced but no billboard shall have more than one face per side of the structure and the sign face shall not exceed 378 square feet. Double-stack billboards are prohibited.
 - (j) Billboards shall have either a monopole or pedestal support.
 - (k) No billboard shall exceed 35' in height measured from the average grade of the surrounding area to the highest point of the billboard.
 - (l) Lighting on any billboard shall be shielded to light the sign face only. Light trespass from the sign face is prohibited.
 - (m) Attention attracting devices are prohibited except for lighted message signs displaying time, date, temperature or weather or alert information. Lighted message sign displaying other information or advertising shall be prohibited.
 - (n) Any billboard structure existing as of the effective date of this ordinance may be restored at its current location provided that any restored billboard shall not exceed the size, height, and other limits of the existing structure. Any billboard existing as of the effective date of this ordinance may be replaced at the same location. Such replacement shall comply with the requirements of paragraphs (h) – (m).
 - (o) Any billboard that is allowed to deteriorate to the point of being a public nuisance or a threat to the public safety, health or welfare because it has become so damaged, decayed, dilapidated, structurally unsafe or of such unstable condition that partial or complete collapse is possible, shall be caused to be removed. The owner shall remove the billboard and structure within 30 days of receiving notice that the City has declared the billboard a public nuisance or dangerous structure. Failure to so remove shall result in a monetary fine of up to \$100.00 per day that the billboard and structure remain on-site. After 60 days from the notice mentioned in this section, the City may cause the demolition and removal of the billboard and structure. If the City causes the removal, it shall assess all costs of the removal and



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disposal to the owner of the property personally, and/or assess the costs against the real estate. (Ord. No. 3946-4/2004)

(7) Permits and Applications

- (a) *Permit Required.* Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect any sign in the city without first obtaining a sign permit for each sign. The regulations set forth in this section shall not be construed to require any permit for a change of copy on any sign, repair or repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.
- (b) *Application.* Application for a permit shall be made to the Development Services Director upon a form provided by the Development Services Director and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations, including, but not necessarily limited to the following:
 - (1) Name and address of the owner of the sign;
 - (2) Name and address of the owner or person in possession of the premises where the sign is located or to be located;
 - (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the premises; and,
 - (4) Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring and components, materials of the sign and method of attachment and character of the structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the applicable provisions of Chapter 28 of this Code.
- (c) *Issuance of Permit.* The Development Services Director shall issue a permit for the erection of a sign within the city when an application has been properly made and the sign complies with all appropriate laws and the provisions of this Code. The Development Services Director may, in writing, suspend or revoke a permit issued under provisions of this section whenever the sign for which the permit was issued is no longer in conformance with all appropriate laws and the provisions of this Code. No permit for a sign shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit constitute a defense in an action to abate an unlawful sign.
- (d) *Fee.* Applications for permits shall be filed together with a permit fee for each sign. The fee for a permit shall be calculated on a basis of _____ (cents or dollars) per square foot, provided a minimum fee of ten dollars (\$10.00) shall be charged in all cases. This calculation shall be based on the largest face of the sign. The amount may be amended from time to time in accordance with a schedule of fees approved by the City Council.

(8) Interpretation of Sign Dimensions. The following shall be used in interpreting dimensional standards in this Section for signs:

- (a) *General Area Calculation.* Signs mounted on a standard geometric shape, such as a triangle, circle, or rectangle, shall be measured by the standard mathematical formula for that shape. Signs mounted on an irregular shape shall be measured by the smallest area of a collection of standard geometric shapes (circle, triangle or rectangle) that can encompass the entire area of the irregular shape. No more than 3 geometric shapes may be used.
- (b) *Ground Signs.* The area of the Ground or other ground-mounted signs shall be computed by the entire area of the face of the structure, cabinet or module enclosed by the border of the frame.
- (c) *Wall or Window Signs.* The area of Wall or other building-mounted signs shall be computed by means of the smallest continuous perimeter figure which encloses the outer limits of the writing, emblem or other display, using no more than 3 standard geometric shapes. Gaps in writing, emblems or other display which are more than 2 times the width of the tallest element of the sign area, and which do not otherwise alter the surface upon which the sign is mounted, may be subtracted from the calculation of the sign area. Gaps in writing, emblems or other display which are more than 2 times the width of the tallest element of the sign area shall be interpreted as two separate signs for the purpose of any sign quantity limitations.
- (d) *Decorative Elements.* Decorative embellishments such as pole covers, supporting framework, roofing and support structures which are included to enhance the aesthetics and improve the architectural compatibility of the sign with the site and building may be excluded from the area calculation if they contain no writing, emblem or other display.
- (e) *Double-Faced Signs.* In computing area of a double-faced sign, the area of the largest side shall be considered the total area of the sign. However, if any interior angle formed by the faces of the multi-

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faced sign, or other volume of the sign structure results in any portion of the sign faces being separated by more than 3 feet, then all sides of the sign shall be considered in calculating the sign area.

- (f) *Height.* Sign height is measured from the lowest point of the ground directly below the sign to the highest point on the sign or sign structure.

34-310. Child care facilities.

- (1) Any child care facility which provides care for nine (9) or more children, shall provide one off-street parking space on the premises for each employee of that program.
- (2) No child care facility for nine (9) or more children may be established in any residential district if the proposed location for such facility lies within twelve hundred (1200) feet of any existing child care facility for nine (9) or more children. The foregoing provisions requiring a 1200-foot separation between child care facilities shall not apply to day nurseries which are located within public, private and parochial academic, elementary and junior high or middle school buildings.
- (Ord. No. 3139-8/89)

34-311. Accessory uses and buildings.

- (1) *In General.* Within the schedule of district regulations certain buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat, glare, magnetic or other type of radiation, electrical interference or any other deleterious effect which is injurious, damaging, unhealthful or disturbing to adjacent property, the users thereof, or the users of the subject property. Such uses shall be on the premises of the main use.
- (2) *Accessory Uses of Principal Buildings.* Any accessory use may be conducted in the principal building, provided it is constructed as an integral part of the main building and meets all regulations affecting the main building; except,
- (a) that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, but shall not occupy more than thirty (30) percent of the required rear yard.
- (b) No more than one (1) garage or carport space shall be permitted for each two thousand (2000) square feet of lot coverage.

All portions of the main building, including those used for accessory uses shall be subject to the standards and lot coverage requirements for the district.

(3) Accessory Uses of Accessory Structures – Residential.

- (a) Residential zoned and developed property shall be permitted detached accessory buildings, limited to the following:
1. Garage.
 2. Tool shed.
 3. Hobby shop.
 4. Greenhouse.
 5. Children's playhouse or similar structures.
- (b) Detached accessory buildings shall be permitted according to the following planning and design standards.

Size	Quantity	Setbacks	Design Standards
144 s.f. or less	No limits but no more than 10% of lot area	10' from principal structure 10' from other structures (lots more than 50' width) 6' from other structures (lots 50' width or less)	None

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		3' from side or rear property line. Behind the constructed front building line or principal building	
145 s.f. to 440 s.f.	1 per 4000 s.f. of lot area	10' from principal structure 10' from other structures (lots more than 50' width) 6' from other structures (lots 50' width or less) 3' from side or rear property line; 1' if borders an alley. Same permitted front setback line as principal buildings	Shall match the materials, design, style and color of the principal building
More than 440 s.f.	Permitted in R/A and R-1A only. Maximum of 5% of lot area	10' from principal structure 10' from other structures 10' from side or rear lot lines 10' behind the constructed rear building line of principal building	None

* Accessory building footprints contribute to the overall lot coverage limits applicable in the zoning district, and the quantity and sizes may be limited beyond the above limitations by the overall lot coverage requirements on individual lots.

- (4) **Specified Accessory Uses.** The following are hereby found to be accessory uses so long as they do not conflict with the general requirements for accessory uses, as set forth in subparagraph (1) above:
- (a) In all Districts except I-1 and I-2: servants quarters.
 - (b) In all Districts: temporary real estate sales office, located on the property being sold, and limited to the period of sale.
 - (c) As to multiple family dwellings: recreation areas, including tenant use swimming pools and minor recreation buildings, tenant trash collection centers, power generators, vending machines for tenant use and other similar uses.
 - (d) District R-3 and I-2: food service and vending machines for tenants only, private garages for motor vehicles, apartment for maintenance personnel, low level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flag poles, cooling towers and other similar uses.
 - (e) Districts I-1 and I-2: security and screen fencing, radio and microwave towers to heights as set out in this chapter, gate house, loading equipment, dwellings incidental to industrial activities, and other similar uses.
 - (f) As to motels: a restaurant, banquet room, liquor, notions and magazine counters, vending machines, beauty and barber shops, clubs, flower and gifts shops, provided all are within the main building and designed to service primarily the occupants and patrons of the motor hotel.
 - (g) As to hospitals: residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food and prescription service, and vending machines, laundry and other similar services for hospital personnel and patients.
 - (h) As to utility buildings: outside storage of materials and equipment, provided all outside storage is screened from view from off the premises.
 - (i) As to single family residences: private swimming pools, gardens, pets lawfully kept under the code, television and radio receiving antennae not exceeding sixty (60) feet in height, signs as permitted in this Chapter, parking areas, tool sheds not exceeding one hundred (100) square feet, play equipment, storage of one (1) tenant owned boat, camping trailer or pickup camper, the overnight parking of a truck of one ton rating or less, and other similar uses. Any accessory use, other than a residential building or garage, which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one third its height.
- (5) No private drive or walk shall be permitted across property zoned R-1 to C-0 inclusive, for the purpose of providing access between parcels located in districts zoned C-1 to I-2 inclusive.
- (6) The determination of the eligibility of a proposed use as an accessory use shall be made by the Development Services Director. An appeal can be made from his decision, as set out in Section 34-706(A) (Ord. No. 2255, Chapter 1, 3109-1/89, 3335-8/93)

34-312. Manufactured homes.

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- (1) A Type A manufactured dwelling or a Type B manufactured dwelling shall be a permitted use in a District of the City of Hastings, only if it is located and installed according to (i) the same setbacks and minimum square footage which would apply to a site-built, single-family dwelling unit on the same lot on which the Type A or Type B manufactured dwelling is to be placed, and (ii) the standards for foundation systems for a Type A manufactured dwelling shall meet the requirements of Section 28-103 of this Code, (iii) the standards for foundation systems for a Type B manufactured dwelling shall meet the requirements applicable to site-built, single-family dwelling units in Chapter 28 of this Code, (iv) as to Type A manufactured dwellings, the standards for utility connections under City building codes which are applicable to manufactured homes, and (v) as to Type B manufactured dwellings, the standards for utility connections under City building codes which are applicable to site-built, single-family dwelling units.
- (2) Except when placed in a mobile home court, a Type A manufactured dwelling must meet the following additional standards:
 - (a) The dwelling shall have no less than nine hundred square feet of floor area per dwelling unit;
 - (b) The dwelling shall have no less than an eighteen foot exterior width;
 - (c) The roof of the dwelling shall be pitched with a minimum vertical rise of two and one-half inches for each twelve inches of horizontal run;
 - (d) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
 - (e) The dwelling shall have a non-reflective roof material which is or simulates asphalt or wood shingles, tile or rock; and
 - (f) The dwelling shall have wheels, axles, transporting lights and removable towing apparatus removed.
- (3) Wherever placed, a Type A manufactured dwelling must also meet the following additional standards:
 - (a) Any addition or renovation to a dwelling must be built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto, or comparable standards of the Nebraska Department of Health.
 - (b) Accessory buildings shall not be structurally supported by or attached to a Type A manufactured dwelling unless engineering calculations are submitted to substantiate any proposed structural connection, as provided in the relevant portion of the edition of the CABO One and Two Family Dwelling Code which is then in effect in the City.
 - (c) A Type A manufactured dwelling may be placed over a basement only when the manufacturer's setup instructions therefor specifically authorize such placement.
- (4) When a Type A manufactured dwelling bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards, as promulgated by the United States Department of Housing and Urban Development, or any successor regulations thereto, it shall not be required to meet the otherwise applicable standards for buildings in the City of Hastings, including those set forth in the Building Code of the City of Hastings.

(Ord. No. 3428-10/94)

34-313. Sexually Oriented Businesses

The intent of this section is to regulate the type and location of the use of sexually oriented businesses through a content neutral ordinance in order to address the secondary effects of this type of land use and to protect the health, welfare and safety of the patrons of such business and the citizens of the City.

- (1) As used in this chapter the following terms are specifically defined as follows:
 - (a) **ADULT BOOKSTORE, ADULT VIDEOS STORE OR ADULT NOVELTY STORE:** A commercial establishment which has a substantial portion of its stock-in-trade, or derives a substantial portion of its revenues or devotes a substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for sale or rental, for any form of consideration, any one or more of the following:
 - (i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, laser or compact discs, or other

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visual representations which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas," or

- (ii) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or sadomasochistic use or abuse of the user or others.
 - (iii) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas" or if the business advertises the sale or rental of any such material in a way that can be seen or heard from the outside of the location.
- (b) **ADULT CABARET** means a nightclub, bar, restaurant, café, or similar commercial establishment that regularly, commonly, habitually, or consistently features:
- (i) Persons who appear in a state of nudity or semi-nudity; or
 - (ii) Live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - (iii) Films, motion pictures, video cassettes, slides, photographic reproductions, or other image producing devices that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 - (iv) Persons who engage in "exotic" or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- (c) **ADULT MOTION PICTURE THEATER** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly, commonly, habitually, or consistently shown that are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- (d) **ADULT THEATER** means a theater, concert hall, auditorium, or similar commercial establishment that regularly, commonly, habitually, or consistently features persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are distinguished or characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- (e) **DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON** means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."
- (f) **ESTABLISHMENT** means and includes any of the following:
- (i) The opening or commencement of any sexually oriented business as a new business;
 - (ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented businesses;

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- (iii) The additions of any sexually oriented business to any other existing sexually oriented business; or
 - (iv) The relocation of any sexually oriented business; or
 - (v) A sexually oriented business or premises on which the sexually oriented business is located.
- (g) **LIVE THEATRICAL PERFORMANCE** means a play, skit, opera, ballet, concert, comedy, or musical drama.
- (h) **NUDE, NUDITY or a STATE OF NUDITY** The showing or depiction of the human post-pubertal male or female genitals, pubic area or buttocks with less than a full opaque covering, the showing or depiction of covered male genitals in a discernibly turgid state, or the showing or depiction of the female breast with less than a full opaque covering of any portion thereof below the top of the areolae of the nipple.
- This definition shall include the entire portion of the human female breast below the top of the areolae of the nipple, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing.
- (i) **OPERATE OR CAUSE TO BE OPERATED** means to cause to function or to put or keep in a state of doing business. Operator means any person on the premises of a sexually oriented business who is authorized to exercise operational control of the business, or who causes to function or who puts or keeps in operation, the business. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner, part owner, or licensee of the business.
- (j) **PERSON** means an individual, proprietorship, partnership, limited liability company or partnership, corporation, association, or other legal entity.
- (k) **PREMISES** means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business registration pursuant to Section 5 of this ordinance;
- (l) **REGULARLY FEATURES OR REGULARLY SHOWS** means at least thirty percent (30%) of the gross floor space or retail floor space are devoted to the purpose, or at least thirty (30%) of the annual gross sales of the business are derived from that purpose.
- (m) **SEMI-NUDE OR SEMI-NUDITY** means the appearance of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- (n) **SEXUALLY ORIENTED BUSINESS** means any business enterprise that:
- (i) Regularly features or regularly shows the sale, display or rental of goods that are designed for use in connection with "specified sexual activities," or that emphasize matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or
 - (ii) Regularly features or regularly shows entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "specified anatomical areas" or "specified sexual activities"; or the providing of services that

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provide "specified sexual activities" or "specified anatomical areas" ancillary to other pursuits, or allow participation in "specified sexual activities" ancillary to other pursuits.

(o) SPECIFIED ANATOMICAL AREAS means:

- (i) The human male genitals in a discernibly turgid state, even if fully and opaquely covered;
- (ii) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.

(p) SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25%) percent on the date this Ordinance takes effect or on the date of the issuance of a sexually oriented business registration.

(2) Sexually oriented businesses allowed in the City of Hastings are classified as follows:

- (a) Adult bookstore, adult novelty stores, or adult video stores;
- (b) Adult cabarets;
- (c) Adult motion picture theaters;
- (d) Adult theaters;

(3) Such business shall not be established, operated, caused to be operated or substantially enlarged within five hundred feet (500') of:

- (a) a church or other buildings primarily used for religious services or associated church structure such as a parish or fellowship hall;
- (b) a childcare facility;
- (c) a property line of a lot devoted to a residential use, either single or multiple family;
- (d) a park;
- (e) a hospital;
- (f) community recreation center;
- (g) public library;
- (h) facility for youth service such as youth center, boys or girls club, scout, 4-H or other youth program meeting building;
- (i) another sexually oriented business.

(4) Such business shall not be established, operated or caused to be operated, within one thousand feet (1000') of a public or private educational facility including but not limited to nursery schools, preschools, elementary schools, middle schools, high schools, special education schools and community colleges. School includes the school grounds and playgrounds.

(5) For the purposes of Section 34-313(3)-(4), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Section 34-313(2). The presence of any political subdivision boundary

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shall be irrelevant for purposes of calculating and applying the distance requirements of this Section. The distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to any intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(Ord. No. 4143-10/2007)

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) The base of the tower shall be set back from all property lines, utility easements and rights of way equivalent to the height of the tower, including turbine blades. Any facility mounted on a building shall be set back from the edge of the building equivalent to the height of the facility measured from the building mount.
- (2) Maximum tower height, measured to the heights point of the turbine blades:
 - (a) In Residential districts 60 feet;
 - (b) In Agricultural districts 100 feet;
 - (c) In Commercial and Industrial Districts 80 feet.
- (3) Noise. Small wind energy systems shall not exceed 60 dba measured at the closest neighboring inhabited 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) All building permit applications shall be accompanied by engineered drawings and specifications for the tower, base, footings, and other facilities ~~facilities~~ from the manufacturer or designer.
- (6) All small wind energy systems shall be located, constructed and operated to comply with any applicable FAA Regulations or Guidelines.
- (7) All small wind energy systems shall be in compliance with the National Electric Code.
- (8) ~~Utility Notification~~ 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.
- (9) All small wind energy systems shall have ~~utility~~ utility company approved metering transfer switches.
- (10) If a wind generator is inoperable for more than one year, the owner shall be notified that they must, within 3 months of receiving notice, restore to working order or removed the system.
- (11) No signs other than manufacturer, safety and warning labeling shall be placed on the tower of turbine. For systems which exceed 12 volts, "High Voltage" warning signs shall be posted on or near the system.
- (12) The wind generator system shall not have any illumination unless required by FAA regulations or guidelines.
- (13) Any climbing devices shall be removed below 12 feet to prevent unauthorized climbing.
- (14) The tower shall be freestanding without the aid of guy wiring.
- (15) Turbine blades, whether horizontal or vertical shall be a minimum of 12 feet above the adjacent grade.

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- (16) 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.

34-315. Telecommunication Facilities and Support Structures

In districts where telecommunication facilities and support structures are allowed as a conditional or restricted use, the following specific conditions shall apply:

- (1) *Applicability.* These provisions shall apply to all new telecommunication facilities. Ordinary maintenance of existing telecommunications facilities and support structures, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Ordinance: (1) antennas used by residential households solely for broadcast radio and television reception; (2) satellite antennas used solely for residential or household purposes; and (3) television and AM/FM radio broadcast towers and associated facilities.
- (2) *Definitions.* The following terms shall have the meaning giving for the purposes of administering this section:
- (a) *Accessory Equipment.* Any equipment serving or being used in conjunction with a telecommunications facility or support structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
 - (b) *Alternative Support Structure.* Any structure that exists for purposes other than supporting telecommunication facilities, but which may support telecommunication facilities and serve the interest of stealth design or co-location.
 - (c) *Antenna.* Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.
 - (d) *Collocation.* The act of siting telecommunications facilities in the same location on the same support structure as other telecommunications facilities. Collocation also means locating telecommunications facilities on an existing structure (for example: buildings, water tanks, towers, utility poles, etc.) without the need to construct a new support structure.
 - (e) *Ordinary Maintenance.* Ensuring that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation or of the support structure itself. Ordinary maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunications facility and relocating the antennas of approved telecommunications facilities to different height levels on an existing support structure upon which they are currently located.
 - (f) *Stealth Telecommunications Facility.* Any telecommunications facility that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer. The structure utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples. However, any structures that are not commonly occurring on similar sites or in the district, or which are required to be designed out of scale with the ordinary occurrence of these structures to accommodate the telecommunications facilities shall not be considered "stealth."
 - (g) *Telecommunication Facility Support Structure(s).* A structure designed to support telecommunications facilities including, but not limited to, Monopoles, Towers, Utility Poles and other freestanding self-supporting structures.
 - (h) *Telecommunications Facility(ies).* Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not

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limited to, cellular telephone service, personal communications service (PCS), and paging service. A telecommunication facility can consist of one or more antennas and accessory equipment or one base station.

- (3) *Specific Standards.* Conditional Use Permits for telecommunication facilities shall be reviewed according to the following specific standards:

- (a) *Minimum separation.* Any new telecommunications support structure shall be separated from any other telecommunications tower by a minimum distance of $\frac{1}{2}$ mile. Separation distance shall be measured by a straight line between the bases of the telecommunications facility support structures. Telecommunication facilities located on existing alternative support structures and telecommunication facilities located in Industrial zoning districts shall not count in determining minimum separation distances. If the applicant demonstrates that adequate coverage cannot be achieved by any means meeting these separation requirements, and no alternative support structure or co-location is possible, the City may consider lesser separation distances.
- (b) *Separation from existing residential uses.* A telecommunications facility, tower or antenna shall be located a distance of at least 3 times its height from any lot used solely for single-family or two-family dwellings, or zoned for use solely for single-family or two-family dwellings. The distance shall be measured from the base of the telecommunications facility support structure to the lot line of any property so zoned or used.
- (c) *Antenna support facilities.* To minimize adverse visual impacts, antenna shall be located on the following support facilities in order of priority. Where a lower ranked priority is proposed, the applicant shall demonstrate that the higher ranked priority was not feasible.
 - (i) Location on existing alternative support structure.
 - (ii) Co-location on existing telecommunications facility support structure.
 - (iii) New telecommunications facility support structure.
- (d) *Antenna type.* To minimize adverse visual impacts, the antenna type used shall be the following alternatives, in order of priority hierarchy. Where a lower ranked alternative is proposed, the applicant must demonstrate by substantial evidence that higher ranked options are not technically feasible.
 - (i) Stealth, if locating on existing alternative support structure.
 - (ii) Panel.
 - (iii) Whip.
 - (iv) Dish.
- (e) *Future co-location.* Wherever technically feasible, the facility owner shall provide for future co-location on the facility by other service providers and for public purposes or demonstrate by substantial evidence that it is not feasible. At a minimum, a monopole tower must be built to have the capacity to accommodate two (2) antenna arrays. At a minimum, a self-support, lattice or guyed tower must be built to have the capacity to accommodate three (3) antenna arrays. The owner of a tower shall not charge providers seeking to co-locate in excess of the fair market value for the space, as determined at the time of the request for co-location. In the event of a dispute, the parties shall select an independent appraiser to determine fair market value. If the parties cannot agree on the selection of an appraiser, the City shall select one. All appraisals shall be performed at the expense of the parties.
- (f) *Site and Design Standards.* All telecommunication facilities shall meet the following minimum site and design standards.
 - (i) Setbacks:
 - (A) Telecommunication facility support structures shall be set back from any property line a distance equal to the height of the structure. The City may approve or require a lesser setback where it more effectively removes the support structure from visibility from the right-of-way or adjacent property zoned or used for lesser intense uses, and where no additional impacts on adjacent and similarly zoned property will occur.

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- (B) Telecommunication facilities on alternative support structures shall meet the general setback requirements for all structures in the district.
- (ii) *Height.*
 - (A) Telecommunication facility support structures shall be a maximum of:
 - 1. 90 feet in Commercial Districts
 - 2. 120 feet in Agriculture Districts
 - 3. 120 feet in Industrial Districts as a restricted use, except up to 200 feet through the conditional use permit review.The City may require that the maximum heights be lower than specified above if lower heights meet adequate coverage requirements. The maximum height may be further limited on individual applications in order to minimize impacts on adjacent property or the public rights-of-way, when considering all other issues associated with the design, location, coverage goals, and other issues associated with the specific facility. Where the above heights are demonstrated by the applicant to not provide adequate coverage requirements, and where no other alternative for adequate coverage by any providers exists, the City may permit support structures that exceed these heights, provided the site context or additional mitigation measures ensure protection of adjacent property and all other standards of this section are met.
 - (B) Telecommunication facilities located on alternative support structures shall be limited to the permitted height for structures in the applicable zoning district. In addition, facilities may only exceed the height of the existing structure up to 20' and shall be setback from the edge of the structure a distance equal to the height that the facilities exceed the height of the existing structure.
- (iii) *Antenna Design.* When antennas are located on alternative support structures, they shall meet the following design standards:
 - (A) Directional or panel Antennas shall not exceed ten (10) feet in length and two (2) feet in width.
 - (B) Omnidirectional or whip Antennas shall not exceed twenty (20) feet in length and not exceed seven (7) inches in diameter.
 - (C) Cylinder-type Antennas shall not exceed ten (10) feet in length and not exceed twelve (12) inches in diameter.
 - (D) Satellite and microwave dishes shall not exceed ten (10) feet in diameter. Dish antennas greater than three (3) feet in diameter shall be screened with an appropriate architectural treatment that is compatible with or integral to the architecture of the building to which they are attached.
 - (E) Other Antenna types not specifically mentioned above shall be permitted if they are not significantly greater in size and will have a visual impact no greater than the Antennas listed above.
 - (F) All antenna types shall be of a color that is identical or similar to the color of the supporting structure to make the Antenna and related Accessory Equipment visually unobtrusive.
 - (G) Unless otherwise required by the Federal Communications Commission, the Federal Aviation Administration, or the City, telecommunication facility support structures shall have a galvanized silver or gray finish.
- (iv) *Accessory Equipment Standards.*
 - (A) Accessory equipment shall meet the setback requirements of the applicable zoning districts and be no greater than 30 feet from the support structure.
 - (B) The compound area surrounding the support structure shall be of sufficient size to accommodate accessory equipment for at least 3 telecommunications providers.
 - (C) Ground mounted accessory equipment and support structures shall be secured and enclosed with fence not less than 6 feet in height as deemed appropriate by the City. The City may waive this requirement if it is deemed that a fence is not appropriate or needed at the proposed location.
 - (D) An equipment building, shelter or cabinet must not exceed 500 square feet and 12 feet in height, including the support structure for the equipment

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- building. A single equipment building or shelter may be up to 1200 square feet if it is used by more than one telecommunication provider.
- (E) They City may require that the building or shelter be designed and faced with suitable material comparable to other structures in the vicinity or the requirements that will be imposed on any new structures in the vicinity.
- (v) *General Site Design.*
- (A) Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission or the Federal Aviation Administration (FAA).
- (B) Signs located at the Telecommunications Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
- (C) In all districts, the City may impose reasonable landscaping requirements, similar to that of all other structures in the zoning district, surrounding the Accessory Equipment. Requirements beyond what is required for similar structures in the district may be required where a proposed facility poses the potential for impacts on adjacent property or the right of way greater than uses ordinarily occurring in the district.
- (4) *Application Submission Requirements.* Complete applications shall be scheduled for review according to the City's conditional use permit review requirements. All conditional use permit application for telecommunication facilities shall contain the following:
- (a) An application form signed by applicant.
- (b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application
- (c) Zoning Drawings detailing proposed improvements. Drawings must depict improvements related to the requirements listed in this Section, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
- (d) In the case of a new Support Structure:
- (i) Statement documenting why collocation or alternative support structures cannot meet the applicant's requirements. Such statement may include such technical information and other justifications as are necessary to document the reasons why they are not a viable options; and
- (ii) The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unacceptable or infeasible due to technical, physical, or financial reasons. If an existing tower or monopole is listed among the alternatives, applicant must specifically address why the modification of such structure is not a viable option.
- (e) Number and type of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure, its design in relation to the design standards and options for antenna types.
- (f) Distance from any residential use or residentially zoned property
- (g) Distances from all other existing telecommunication facility support structures within a 1 mile radius.
- (h) Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
- (i) A statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates.
- (j) An application fee.
- (5) *Minimum Requirements and Other Laws.* The standards of this section shall be considered the minimum requirements to begin to review compatibility with surrounding areas, and additional requirements may apply through the discretionary review process. A telecommunications facility owner shall certify to the City that all franchises/licenses required by law for the provision of telecommunication services in the City have been obtained and shall file a copy of these with the City. The construction, operation and repair of a facility shall be in accordance with all applicable local, State and Federal requirements. The construction, operation and repair shall be performed in a manner

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consistent with the applicable industry standards, including the Electronic Industries Association. The facility must be designed to meet or exceed current standards and regulations of the FAA and FCC, including emissions standards, and any other agency of the local, State or Federal Government with the authority to regulate the facility prior to issuance of a building permit by the City. A statement shall be submitted by a licensed engineer certifying compliance with this Subsection.

- (6) *Abandonment and Removal.*
- (a) Abandonment. Any telecommunications facility or support structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.
 - (b) Removal. The owner of the telecommunications facility or support structure shall remove the facility within six (6) months of its abandonment. The City shall ensure and enforce removal by means of its existing regulatory authority.

34-316. Pedestrian Overlay Design Standards

(a) *Design Objective.* The Design Objective of the Pedestrian Overlay Design Standards is to:

1. Enhance the community character in more compact commercial or mixed use development patterns;
2. Improve the design of commercial and mixed use areas to allow a close relationship to supporting neighborhoods;
3. Create character and identity through a wide variety of diverse architectural details within a range of compatible building forms and scales;
4. Integrate new buildings into the existing context of the community;
5. Emphasize the relationship and orientation of buildings and sites to public streetscapes and open spaces, and to compliment investment in the public realm;
6. Improve the pedestrian level of service through directness, continuity, street crossings, visual interest and amenity, and security;
7. Encourage quality construction and improve sustainability with durable, adaptable, and re-usable buildings.

(b) *Applicability.* These standards apply to mixed-use activity centers, small scale commercial districts near neighborhoods, or other similar areas where diverse, walkable environments are desired. Specifically, they apply as an overlay to Commercial Zoning Districts where this type of environment is desired based on planning context. Application of the overlay shall be through the same procedures as rezoning property, but may occur in conjunction with rezoning of the base zoning districts. The Pedestrian Overlay shall be designated by a "Ped" following the base zoning district (i.e. C-1-Ped).

(c) *Streetscapes and Lot Frontages.*

1. Required Building Frontage. The primary façade shall occupy at least 75% of the required front building line along the frontage, except:
 - a. Where the primary building entrance is accessed by a courtyard, plaza or similar civic open space along the streetscape, the front building line may be setback as much as 25'. At least 50% of the lot frontage along the street shall be either building façade or an alternate street wall between 2.5 and 4 feet, and matching the materials or ornamentation of the building.
 - b. On secondary or support streets that are not the primary pedestrian and retail streets for the area, the Director may approve an exception for a building façade that occupies as little as 30% of the front building line, provided it does not impair the design standards for the public streetscape and is consistent with the site design of adjacent property. The Director may require landscape elements, low ornamental walls or similar design details as alternate street walls, particularly at any corner location.
 - c. Where on-site parking is permitted to the side of the building, according to parking standards, the primary façade can occupy as little as 60% of the front building line. An alternative street wall of between 2.5' and 6' feet and matching the materials or ornamentation of the building shall be at the extension of the front building line to screen parking areas.
 - d. Buildings designed for Civic Uses may have greater setbacks provided the building façade orients to the street and any space between the building and public street is designed as Civic Open Space.

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2. Primary Entrance Feature. Any façade that faces a public street or civic open space shall contain a single-story primary entrance feature subject to the following:
 - a. The primary entrance feature shall have enhanced architectural details such as a canopy or arcade, recessions of up to 5', and decorative moldings, framing, or roof and awnings.
 - b. Primary entrance features shall occur at least every 75' along a building frontage. Where a single tenant occupies more than 75' of building frontage, the façade shall be differentiated by horizontal massing techniques specified in sub-section (f), and primary entrance features may occur every 125' along the building frontage.

(d) Lot Access and Internal Circulation.

1. Driveways. All situations where a sidewalk or pedestrian facility intersects with an internal vehicle circulation should be treated by one of the following manners:
 - a. The material, layout and grade of the pedestrian access should be continuous as it crosses the grade; or
 - b. A crosswalk differentiated from vehicle surfaces by different materials, texture or color, or a speed table. Crosswalks shall not exceed 32 feet. Where crosswalks would exceed 32 feet, curb projections shall be used to shorten pedestrian crossing distances.
2. Internal Access Streets. Any single block, lot or development site larger than 5 acres shall provide a system of internal access streets to establish connectivity and mobility within the site and coordinate with streets and blocks adjacent to the site. Internal access streets shall:
 - a. Be designed according to the public street design standards in the Subdivision Regulations, including the standards for, vehicle lanes, parking lanes, streetscape design;
 - b. Organize the site into smaller "blocks" between 1 and 4 acres for buildings, open space, and parking; and
 - c. Be treated as public streets for interpretation and application of setbacks, build to lines, curb cuts and driveway access, and building and lot frontage standards.
3. Pedestrian Access and Circulation. All development sites shall include direct pedestrian connections and circulation routes at the same or greater frequency as is provided by streets, driveways, and internal access streets.
 - a. Generally. At a minimum pedestrian access and circulation within a site shall provide dedicated pedestrian facilities directly connecting each of the following:
 - i. All public entrances of all buildings;
 - ii. The public sidewalk on adjacent streets or internal access streets;
 - iii. On-site parking areas;
 - iv. Required open space and other site amenities; and
 - v. Adjacent sites, where pedestrian access between sites via the sidewalks on streets or internal access streets is remote.
 - b. Sidewalk widths. Internal sidewalk widths shall meet the following requirements:

TABLE 316-1: INTERNAL SIDEWALK WIDTHS

<u>Location</u>	<u>Minimum Width</u>
<u>In general</u>	8'
<u>Along any building façade abutting a parking area or along parking with vehicle overhangs</u>	8'
<u>Along any building façade with a primary entrance</u>	12'

(e) Open Space Design. Open space shall be required as provided in the Subdivision Regulations Where site development occurs without subdivision of land, and where the lot does not have access to open space required by Section 34-305, open space shall be provided on the lot subject to the following:

1. Commercial or Mixed-use Buildings. On-site open space shall be 5% of the building footprint plus an additional 1% for each story of the building greater than 2 stories.
2. Large Buildings. On-site open space for buildings with over 50,000 square feet footprints shall be 8% of the building footprint plus an additional 1% for each story of the building greater than 2 stories.

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3. Residential. Any residential buildings shall provide at least 200 square feet per dwelling unit, except that up to 40% of this requirement may be accommodated by outdoor decks, balconies or similar private or common open space.
4. Design. On-site open space shall meet the Type, Design Standards and Location Criteria of the Section 34-305.

(f) Building Design. Any facade that faces a public street, Internal Access Street, or Civic Open Space shall contain the following facade design features.

1. Facade Components. Each facade shall have components differentiated with a change in materials, projections or ornamental architecture to decrease vertical massing (base, top, and mid-section) and horizontal massing (structural bays and facade breaks) for longer building facades. Standards for decreasing vertical and horizontal massing are:
 - a. Base. The base shall be directly at grade and support storefront window sills, and consist of the lower 5% to 25% of the building height, but never more than the first story.
 - b. Top. The top shall be the upper most 5% to 15% of the facade and differentiated with a continuous horizontal architectural treatment such as a cornice line or parapet. Except that on pitched roof structures, the eave and roof structure shall be the top. Where any buildings of 4 stories or more are permitted, the upper story may be differentiated as the top.
 - c. Mid-section. The mid-section shall be all portions of the facade that are not the base or body, and may consist of primary materials, secondary materials and window openings.
 - d. Horizontal Massing. Any building with a front facade with a width greater than 150' shall have differentiated horizontal massing through any combination of the following:
 - i. Differentiated structural bays every 25' to 50', demonstrated by a vertical expression line of trim or ornamental architectural elements that distinguish it from the rest of the facade;
 - ii. An intervening courtyard or plaza meeting the requirements of sub-section (e), resulting in no single portion of horizontal facade greater than 75'.
2. Facade Openings. Each facade shall have openings at street level and upper levels according to the following:
 - a. Between 60% and 90% of all street-level facades between 2 and 10 feet above grade shall be transparent with views to the interior of the building. No window starting at a level of greater than 3.5 feet above the street level should be included in the calculation. Where the interior operation or program of the building warrants screening from the street, a closed display window of at least 2.5 feet may be substituted along up to 50% of the linear distance of the facade.
 - b. No more than 20' of building frontage shall exist at the street level without window or door openings. On secondary or support streets that are not the primary pedestrian and retail streets of the District, the Director may approve facades with greater than 20' of building frontage without window and door openings.
 - c. Upper level openings shall occupy between 20% and 50% of the facade and consist of punched and regularly spaced openings to create a rhythm and pedestrian scale for the facade.
 - d. Corner buildings with two street frontages may designate one frontage as the primary frontage; however, at least the first 30' of secondary frontage from the corner shall meet the above minimum opening requirements.

(g) Site Screening. Any delivery and service areas, external support equipment, site utility areas, or other similar high-impact elements of site and building design shall be subject to the following:

1. All delivery or service areas and loading docks shall be located on a discrete facade, and internal to the block wherever possible.
2. Any rooftop equipment shall be screened from view of the adjacent public streetscape or other public or common opens spaces by a parapet on flat roofs, or located on a discrete pitch for pitched roofs.
3. Any service areas, loading docks, service equipment, or other site utility area that is visible from adjacent property or public right-of-way shall be screened with a landscape buffer.
4. Any service use that involves vehicle service bays on a primary or secondary facade shall be located on only secondary or support streets, shall have the service bay portion of the building set back at least 30' from the lot frontage, and shall not have service bays that occupy more than 40% of a single facade.

34-317. South Burlington Design Overlay District

[reserved]



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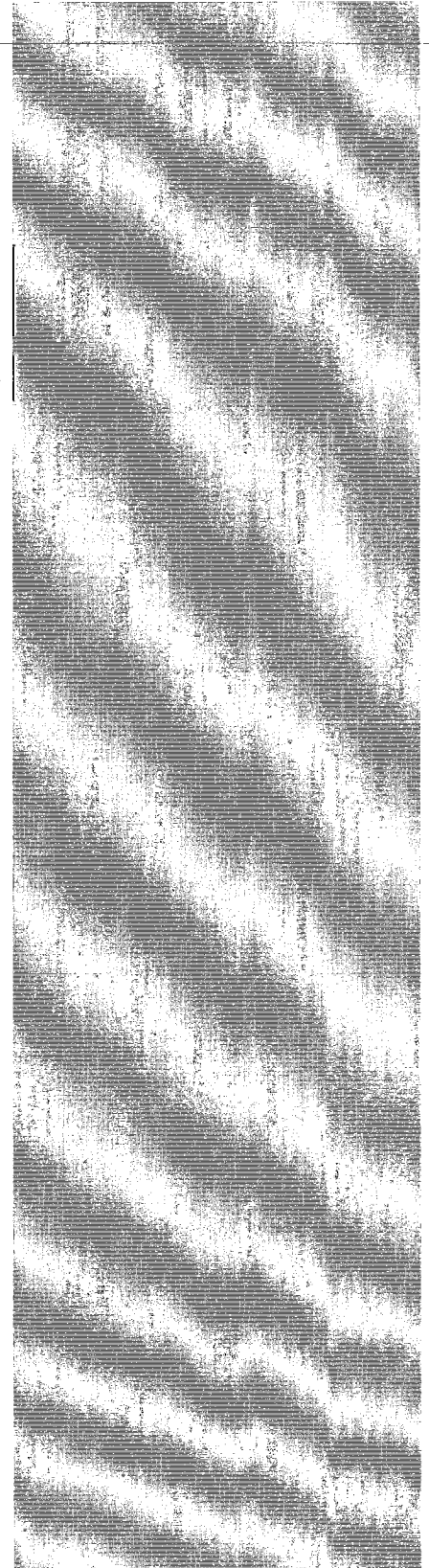
34-318. Highway 6 Corridor Design Overlay District

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34-319. Urban Industrial Overlay District

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Article IV. Standards for Conditional Uses.

- 34-401. Scope of article.
- 34-402. General standards for all conditional uses.
- 34-403. Application requirements.
- 34-404. Specific standards for conditional uses --

34-401. Scope of article.

Conditional uses may be approved by the Hastings City Council following a public hearing and receipt of a recommendation from the Planning Commission in accordance with the required findings set forth in this Chapter and the additional standards set forth in this article. In considering an application for a conditional use, the Commission and the Council shall require the applicant to produce satisfactory evidence of compliance with both the general and applicable specific standards set forth in this Article. The Commission may recommend and the Council may impose any conditions they deem reasonable and necessary to further the purposes and intent of this Article, to protect the public health, safety and welfare, and to meet the planning goals set forth in the City's Comprehensive Plan.

34-402. General standards for all conditional uses.

- (1) The Planning Commission shall hold a public hearing to review the required submission documents of each application for a conditional use to assure that the proposed development will integrate compatibility with existing land uses and with permitted uses that may be established within any area to be affected by the proposed development. No conditional use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from development permitted without a conditional use. The Commission, following its public hearing, shall forward its recommendation on the application to the Hastings City Council, which shall have final authority following a public hearing to either approve the application, with or without conditions, or to reject the application:
 - (a) Pedestrian and vehicular traffic circulation and safety.
 - (b) Reasonable and economic extension of public utilities and facilities.
 - (c) Noise, fumes, dust or other environmental pollution.
 - (d) The maintenance of logical and efficient development patterns and land use mixtures.
 - (e) The maintenance of property values in accordance with established and permitted land uses.
- (2) Where the approval of a conditional use application would result in the interface of residential and non-residential uses, any approval of the conditional use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.
- (3) All standards contained in this Chapter are minimum standards. More restrictive conditions may be recommended by the Planning Commission and imposed by the Hastings City Council where necessary to ensure compliance with the Comprehensive Plan or the purpose and intent of the zoning regulations.

34-403. Application requirements.

- (1) Applications for a conditional use permit shall be submitted to the Development Services Department at least three (3) weeks prior to the Planning Commission's scheduled monthly meeting date. The application shall be signed by the property owner as indicated on the Adams County Register of Deeds Office records at the time of application. The application shall be submitted on forms provided by the Development Services Department and shall be accompanied by the following, unless waived by the Department:

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- (a) A site plan drawn to scale indicating the property location, scale, north point, adjacent property for a distance of three hundred (300) feet, location of all buildings and uses within the site, access points and traffic circulation.
 - (b) Existing and proposed topographic contours.
 - (c) Detailed site development plans.
 - (d) Detailed building plans, including elevations.
 - (e) Site profiles and drainage plans.
 - (f) Detailed parking and landscaping plans.
 - (g) Detailed underground utility plans.
 - (h) Other graphic materials necessary to fully depict the proposed development.
- (2) A detailed narrative statement shall be submitted with the application for the conditional use permit. Such narrative shall explain the intent of the project, the factors which make the project desirable to the general public and to the surrounding areas, the features and details of the project development, schedule and timing of the development program, and any material or information which the applicant believes to be relative to the case. Where it deems necessary, the Commission or the City Council may require, in addition to the narrative statement:
 - (a) Marketability or economic feasibility studies.
 - (b) Geologic or soil boring and test.
 - (c) Traffic counts in the area.
 - (d) Other detailed technical material as necessary to fully explain the proposed development.
- (3) Upon approval of the conditional use permit by the Hastings City Council, development shall be completely in accordance with the approving plan. Minor revisions to the plan may be approved by the Planning Commission following the public hearing.
 - (a) Major revisions to the plan are subject to the same public hearing requirements by the Planning Commission and the Hastings City Council as required for the original conditional use permit.
- (4) The Council may require landscaping and planting as necessary to preserve compatibility with the surrounding area. If required, the conditional use permit shall contain provisions for permanent maintenance of the landscaping and/or planting.
- (5) In any case where the Council determines that the design of a proposed structure may effect the compatibility of a proposed development with the area in which it is proposed to be located, the Council may require changes in the design or may reject the proposed development if no suitable correction can be made.
- (6) All buildings, structures and activities, including permitted uses proposed within a conditional use permit development plan application, shall be analyzed with respect to minimum yard requirements maximum lot coverage, and maximum height limitations, in relationship to the development concept as a complete and functional unit. General requirements for each use should be based upon zoning districts where such uses are permitted as a matter of right. However, every use should comply with the general requirements of this Chapter, including but not limited to signs, off-street parking and loading.
- (7) The Hastings City Council in approving a conditional use permit development plan may at its option relax the minimum dimensional requirements of this Chapter, when the Council finds such variances are in the best interest of the total development plan, will not adversely effect adjacent property and the public health, safety and general welfare of the community are not compromised. The Council shall not allow a use under this Section which is not permitted as a permitted principal use, a permitted accessory use or as a conditional use under the schedule of district regulations for the zoning district in which the property is located.
- (8) The Hastings City Council shall require adequate guarantee of compliance in approving all conditional use permits. Such guarantee may be a performance bond in the total amount necessary to assure compliance, such bond to be reduced as stages of construction are completed and the public liability for assuring compliance is correspondingly reduced. Alternatively or in concert with a bond, such guarantee may be a stipulation in the event of the applicant's failure to comply, authorizing the City to take the steps necessary to assure compliance, including performing the construction or maintenance itself, and charge all costs thereof as an assessment against the property.

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- (9) The Development Services Department staff shall submit a written report to the Planning Commission and the Hastings City Council with findings as to how the application complies with the requirements of this Chapter. No permit should be approved until the Hastings City Council is satisfied all requirements of this Chapter have been met.
- (10) Concept tentative approval. Applications for a conditional use permit shall be for either concept approval or final approval. Applications for concept approval may be accompanied by schematic preliminary design plans rather than detailed final design construction plans.
- (a) Concept approval shall be valid for a period not to exceed eighteen (18) months unless otherwise extended after additional public hearings by both the Planning Commission and the Hastings City Council.
- (b) No construction shall take place on the site until final approval has been granted by the Hastings City Council unless expressly authorized by the Council at the time of concept approval. In which case said construction shall be limited to incidental site grading, not including excavation for building sites or water retention areas.

34-404. Specific standards for conditional uses.

- (1) Hospitals, sanitariums, convalescent centers, nursing or rest homes, rehabilitation centers, correctional institutions, psychiatric institutions and similar institutions.
- (a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan. This standard may be waived by the Hastings City Council if the Council finds such waiver is in the best interest of the total development plan, will not adversely affect adjacent property and existing uses thereon, and does not compromise the public health, safety and general welfare of the community.
- (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns, parking areas, including the total number of parking spaces provided, and a general description of the building uses.
- (c) Minimum lot size:
1-10 beds 1/2 Acre (21,780 sq. ft.)
11-20 beds 1 Acre (43,560 sq. ft.)
For each add'l 1/2 Acre (or greater if 10 beds required by the City Council)
- (d) Minimum yard requirements - The City Council may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.
- (e) Maximum lot coverage by all buildings - 20%
- (f) Maximum height of structures - Same as required for permitted uses in the zoning district where the site is located.
- (g) Off-street parking - Adequate off-street parking shall be provided in connection with any permitted use. The minimum for each use to be as provided in Section 34-308(A).
- (h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: asphaltic compound or concrete, lawn grass, natural or ornamental shrubbery, trees, or other approved landscaping material.
- (i) Walls and screening - Where it deems necessary, the City Council may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen. If the conditional use permit is granted, the wall or screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to occupancy.
- (2) Churches and other places of religious worship.
- (a) The site shall have direct access from a street or avenue of city arterial street or greater designation on the City's major thoroughfares plan depicted in the Comprehensive Plan.
- (b) A site plan, drawn to scale, shall be provided with the application for the conditional use permit. Such site plan shall show the location of all buildings and structures on the site, ingress and egress points, circulation patterns and the total number of parking spaces provided.

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- (c) The minimum lot size for a church in any district where they are permitted as a conditional use shall be fourteen thousand (14,000) square feet, minimum lot width shall be one hundred (100) feet.
 - (d) Minimum yard requirements - The City Council may specify such yards as in its judgement will adequately protect the integrity of surrounding areas and uses, provided that no yard shall be less than required for the district in which the property is located.
 - (e) Maximum lot coverage - Same as is required for permitted uses in the zoning district where the site is to be located.
 - (f) Maximum height of structures - Same as is required for permitted uses in the zoning district where the site is located.
 - (g) Off-street parking - At least one (1) parking space shall be provided for each three (3) occupants based upon maximum seating capacity of the nave, or for each three (3) occupants based upon the maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the Uniform Building Code which has been adopted by the City. Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete placement.
 - (h) Landscaping - All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees or other approved landscaping materials.
 - (i) Accessory uses such as day nurseries and kindergartens must be approved in the original application or by subsequent amendment to the conditional use permit.
 - (j) Signs-Churches may have one illuminated or non-illuminated sign per church, not more than thirty two (32) square feet in area on the church premises, indicating activities and services therein provided. Exceptions shall be allowed for churches located on property or premises having direct frontage on three (3) or more streets who shall be allowed two (2) signs indicating activities and services on such premises or property, provided that only one (1) sign may be illuminated.
- (3) Natural resource extraction.
- (a) A site plan, drawn to scale, shall be submitted with any application for a conditional use permit. Such site plan shall show the following information:
 - (i) Graphic (and legal) description of the petition area.
 - (ii) Existing topographic contours (not less than ten (10) foot contour intervals).
 - (iii) Finished topographic contours when extraction is completed (not less than ten (10) foot contour intervals).
 - (iv) Existing and proposed buildings and structures on the site.
 - (v) Principal access points which will be used by trucks, and equipment including ingress and egress points and internal circulation.
 - (vi) Indication of the existing landscape features.
 - (vii) Location and nature of other operations, if any, which are proposed to take place on the site.
 - (b) A narrative statement shall also be submitted with the application for a conditional use. Such narrative shall set forth in detail the following definitive information:
 - (i) Method of drainage.
 - (ii) Method of fencing or barricading the petition area to prevent casual access.
 - (iii) Estimated amount of material to be removed from the site.
 - (iv) Estimated length of time necessary to complete the operation.
 - (v) Description of operations or processing which will take place on the site during and after the time the material is extracted.
 - (vi) Plan or program of regrading and shaping the land for future use.
 - (vii) Proposed hours of operation.
 - (viii) Other pertinent information that may pertain to the particular site.
 - (c) General requirements.
 - (i) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free; further, where access roads intersect arterial streets, suitable traffic controls shall be established.
 - (ii) A strip of land at the existing topographic level, and not less than fifteen (15) feet in width, shall be retained at the periphery of the site wherever the site abuts a public right-of-way. That periphery strip shall not be altered except for access points.

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- (iii) All banks shall be left with a slope ratio of no greater than 4:1 (25% slope) unless it can be shown to the Planning Commission's satisfaction that a greater slope is not detrimental to the beneficial future use of the subject property.
 - (iv) Sufficient attention should be paid to drainage of the site, both during the extraction period and after the site has been regraded. Where a finished grading plan indicates that surface water will be conducted from the site onto adjacent lands, the plan will be subject to the approval of the Public Works Department.
 - (v) During periods of inactivity, the owner of the pit shall take whatever precautions as are necessary to prevent the site from becoming an attractive nuisance.
- (4) Junk yards.
- (a) The term "junk yard" shall include, for the purposes of this section, the terms auto-wrecking yard and salvage or scrap yard.
 - (b) All junk yards, in addition to the conditions implied herein, shall comply with the provisions of Chapter 18 of the Hastings City Code.
 - (c) General requirements:
 - (i) The proposed site shall not be located within five hundred (500) feet of any school, hospital, public building, residential subdivision, or place of public assembly.
 - (ii) A site plan, drawn to scale, shall be provided with the application. Such site plan shall state the legal description of the property, the location of all buildings and structures on the site, access points, off-street parking areas, vehicular circulation and prominent topographical features, if any, of the site or adjacent lands within three hundred (300) feet of the site.
 - (iii) The minimum lot size for junk yard in any district where they are permitted as a conditional use shall be two (2) acres. The minimum lot width shall be one hundred and fifty (150) feet.
 - (iv) The junk yard shall be completely enclosed and obscured from the public view by a solid fence or wall eight (8) feet in height, by topography, and evergreen planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the application. If the permit is granted, the screening which is approved shall be fully constructed, inspected and approved by the Development Services Director prior to the yard being utilized.
 - (v) Failure to maintain the screen as specified shall be cause for the permit to be rescinded and the junk yard shall be removed at the cost of the owner of the land upon which it is located.
 - (vi) Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface run-off from the property onto adjoining lands or streams. Where it deems necessary, the City Council may require the submission of a site drainage plan. A drainage plan which carries water off of the site shall be subject to the approval of the City Engineer.
 - (vii) Failure to prevent such contamination of the domestic water supply or to prevent excessive surface run-off from the site onto adjoining lands or streams shall be cause for the permit to be rescinded and the junk yard to be removed at the cost of the owner of the land upon which it is located.
- (5) Storage of vehicles in impound yard.
- (a) No dismantling, processing or salvaging of vehicles or repair work to vehicles may be performed in an impound yard.
 - (b) The minimum size of an impound yard shall be one (1) acre.
 - (c) There shall not be stored in an impound yard at any time more than one (1) vehicle for each (10 x 35) 350 square feet of available storage space in the impound yard.
 - (d) A fence, sufficient to control access to the impound yard, shall be constructed around the impound yard. The fence shall be not less than six (6) feet in height.
 - (e) The surface of the impound yard shall at all times be covered with concrete, asphalt or crushed rock.
 - (f) Weeds, grass and other bushes shall not be permitted to grow more than six inches above the ground at any time in an impound yard.
 - (g) Vehicles may not be stacked in an impound yard, but must at all times be stored directly upon the surface of the impound yard.
 - (h) Any lights on an impound yard must be cut off lighting, so as to not allow light to escape outside of the boundary of the impound yard.
 - (i) The impound yard may not be located closer than 250 feet from property which is zoned to allow residential use nor within 100 feet of a residence, except when such residence is located on a property

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zoned for industrial use and is being used as an accessory use to a proper industrial use on said property.

- (j) Vehicles stored in an impound yard must be removed from the yard within nine (9) months of the time when they are first placed therein; provided however, an impounded vehicle may, upon request of a prosecuting attorney, be kept in an impound yard for so long as such prosecuting attorney requests. To assist in the enforcement of this requirement, the operator of the impound yard shall at all time do the following:
 - (i) The operator shall keep a book, listing all vehicles which arrive at the impound yard in the order in which they arrive; and the date of arrival, and include therein the name and address of the person from whom each vehicle is received, the name and address of the party controlling the disposition of the vehicle, the name of the manufacturer of the vehicle, the model and type number of the vehicle, and motor number and license number thereof. Said information shall be placed on the record book within 48 hours after a vehicle is placed in the impound yard.
 - (ii) Any person who shall make any false entry or statement concerning matters required to be set out in the record book shall be deemed guilty of a misdemeanor, and may be fined in the amount of \$100 per violation. Each separate vehicle for which a false entry or not entry is made shall constitute a separate violation.
 - (k) The provisions of subparagraph (i) shall not prohibit the use of property for residential purposes, when said use arises after the establishment of an impound yard in compliance with the provisions of this Section. However, said residential use shall not affect the validity of the use of the impound yard, for so long as said impound yard shall remain in existence on the continuous basis.
- (6) Off-street parking spaces and structures.
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of the principal building or structure, the location of the proposed parking lot or structure, the dimensions of the lot, access points, circulation patterns, total number of parking spaces provided, and the details of the parking structure, if such is contemplated.
 - (b) The minimum lot size for any off-street parking structure in any district where they are permitted as a Conditional Use shall be ten thousand (10,000) square feet, minimum lot width shall be eighty (80) feet.
 - (c) Minimum yard requirements--The City Council may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicle traffic.
 - (d) Maximum lot coverage--None.
 - (e) Maximum height of structures--Same as is required for a permitted use in the zoning district where the site is located.
 - (f) Landscaping--All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen shrubs of at least five (5) feet in height or screened with privacy fencing at least five (5) feet in height.
 - (g) Paving, drainage and parking stall size:
 - (i) The off-street parking area, including all ingress and egress points, shall be covered with asphaltic or concrete pavement.
 - (ii) Parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size and shall be marked.
 - (iii) If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the City Engineer.
- (7) Townhouses, row houses, and office buildings built to a common wall(s).
- (a) A site plan, drawn to scale, shall be provided with the application. Such site plan shall show the location of all buildings and structures on the site, courts and open space areas, circulation patterns, ingress and egress points, parking areas (including the total number of parking spaces provided), and a general floor plan of the principal buildings.
 - (b) Minimum lot requirements.
 - Lot area--2,000 sq. ft.
 - Lot width--20 ft.
 - (c) Minimum yard requirements:
 - Front yard--20 ft.

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Side yard--at the common wall(s)--none

Other--10 ft. rear yard--10 ft.

- (d) Maximum lot coverage--Same as is required for permitted uses in the zoning district where the site is located.
 - (e) Maximum height of structure--Same as is required for permitted uses in the zoning district where the site is located.
 - (f) Off-street parking:
 - (i) Town houses, row houses--At least two (2) parking spaces shall be provided for each dwelling unit.
 - (ii) Office buildings--Per use, the minimum to be as provided in Section 40-308. All parking spaces shall be at least eight and one-half (8 1/2) feet by twenty (20) feet in size, and all driveways, maneuvering areas and parking areas shall be covered with asphaltic or concrete pavement.
 - (g) Ground cover--All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or drive-ways shall be covered with one or more of the following: lawn grass, shrubbery, trees or other approved landscaping materials.
 - (h) Building standards and agreements:
 - (i) The applicant or his agent shall provide with his application a property line wall(s) agreement for the land, building and development in question.
 - (ii) The City Council requires that the design and construction of the property line walls be reviewed by the Development Services Director and the Fire Department to insure compliance with pertinent Building and Fire Codes.
- (8) Standards for mobile home parks.
- (a) The minimum size of a proposed mobile home park shall be two (2) acres, except as otherwise required for the pertinent use district.
 - (b) Proposed sites of five (5) acres or less shall have adequate access to dedicated streets having a minimum right-of-way of sixty (60) feet. All other sites shall have direct access to a collector street.
 - (c) Density for proposed mobile home parks shall not exceed eight (8) units per gross acre.
 - (d) All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one (1) or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.
 - (e) All mobile home parks shall meet the standards set forth in Article V of this Chapter.
- (9) Standards for self service storage facilities.
- (a) Site plan:
 - (i) The plan shall be drawn at a scale of one inch equals 20 feet. Said plan shall include all building locations, drives, parking, fencing and signage. A landscape plan shall also be incorporated as part of the submittal and must be included as part of the site plan or submitted on a separate sheet. Building elevation shall also be included on the plan along with specification of the colors of buildings and materials to be used.
 - (ii) Site drainage shall be incorporated in the plan so that storm water run-off from the site will not increase as a result of the proposed development. The facility shall be designed to control the storm water run-off from at least 25-year return frequency storm as certified by the City Engineer.
 - (b) Minimum site areas: None.
 - (c) Building setbacks shall be the same as in the C-3 District.
 - (d) The site shall abut and have direct access to a city street.
 - (e) Other requirements:
 - (i) The storage facility shall be enclosed by a six foot high, sight-proof fence whenever the site abuts residentially zoned or developed property. Said fence, when abutting any residential district, shall be solid or semi-solid and constructed to prevent the passage of debris or light, and constructed of either brick, stone, masonry units, wood or similar materials. Chain-link fence may be used so long as it has slats installed to prevent the passage of light through the unit. The side and rear of a building located upon the site may serve as fencing.
 - (ii) Landscaping shall be provided in the areas outside the fences between the fence and the property line.
 - (iii) Two parking spaces shall be provided, plus one additional space for each employee. Internal drives and parking shall comply with Section 34-308 of this Chapter for paving requirements.

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- (iv) Building heights shall be limited to one story (not to exceed fourteen (14) feet at the eaves), unless waived for an existing building by the Planning Commission and the City Council.
 - (v) Buildings shall be separated a minimum of thirty (30) feet from one another within self service storage facilities. Storage bays within a single building shall not be interconnected by interior doors or other interior means providing access from one storage bay to another. The dimensions of any storage bay shall not exceed twenty-two (22) feet in the narrowest dimension or thirty-six (36) feet in the widest dimension.
 - (vi) A sign shall be limited to one ground pole sign at the entrance to the premises. Not more than thirty-two (32) square feet in area shall be permitted with a maximum height of ten (10) feet.
 - (vii) All exterior lighting shall be of cut-off type to prevent off-site glare. Each tenant storage space shall be provided with separate interior lighting.
 - (viii) All storage shall be kept within an enclosed building.
 - (ix) Loading docks shall be prohibited and loading areas to storage bays shall be at the same elevation as the means of vehicular access thereto.
 - (f) Commercial activity: It shall be unlawful for any owner, operator or lessee of any self service storage facility or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a self service storage facility. Violation of this Section shall be subject to the provisions of Section 34-804 of the Hastings City Code. Any violation may be cause for revocation of the conditional use permit by the City Council.
 - (g) Repair, reconditioning and fabrication prohibited:
 - (i) Because of the danger from fire or explosion caused by the accumulation of vapors from gasoline, diesel fuel, paint, paint remover and other flammable materials, the repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline storage tank is prohibited within or outside any structure on a tract of land designated as a self service storage facility.
 - (ii) This provision shall be posted and be included in the tenant lease agreement.
 - (h) An approved plan shall be valid for a period of twenty-four (24) months following the date of approval by the Council. If construction has not been started within said twenty-four (24) month period, the plan shall be null and void unless the time for start of construction has been extended by the Council.
- (Ord. No. 3218-6/91)
- (10) Standards for the keeping, harboring and maintaining of animals.
 - (a) A site plan drawn to scale shall be provided with the application. Such site plan shall show the location of all existing and/or proposed buildings, the height location and type of fencing to be provided.
 - (b) The minimum area available for the harboring of animals shall be one (1) acre.
 - (c) A narrative statement indicating the total number of animals by species proposed to be kept on the property. The method and frequency of disposing of animal waste to avoid health and odor problem and other pertinent information regarding the proposed use.
 - (d) Livestock shall only be permitted in areas outside of the corporate limits of the City.
 - (11) Standards for construction and demolition waste landfill sites.
 - (a) The granting of a conditional use permit for a construction and demolition waste landfill shall constitute the City's approval of the construction and demolition waste landfill site as provided for in Nebraska Revised Statute Section 13-1701 et seq.
 - (b) The site for a construction and demolition waste landfill shall be located outside of the corporate limits of the City.
 - (c) The minimum site area for a construction and demolition waste landfill shall be twenty (20) acres, unless, due to unusual circumstances, such area requirement is reduced by the City Council.
 - (d) No solid waste other than construction and demolition waste may be put in a construction and demolition waste landfill.
 - (e) A fence, sufficient to control access and prevent airborne debris from leaving the site, shall be constructed around each portion of the construction and demolition waste landfill site being used for construction and demolition waste activities.
 - (f) No construction and demolition waste landfill operations shall be conducted so that fill will be placed in streambeds or other areas where water courses would be obstructed or where erosion by the stream would remove cover material.
 - (g) Routes used by trucks to and from the construction and demolition waste landfill shall be approved by the Director of the Public Works Division, or his designee.

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- (h) When mud, dirt or spilled debris accumulates on streets from trucks or from construction and demolition waste landfill equipment, it shall be removed by the person holding the conditional use permit.
 - (i) The conditional use permit shall provide a date by which the construction and demolition waste landfill shall be terminated or the conditional use permit renewed.
 - (j) The conditional use permit shall require that when the construction and demolition waste landfill has been brought up to within eighteen (18) inches of the desired grade, it shall be covered and maintained with at least eighteen (18) inches of compacted dirt and seeded in such a manner so as to prevent erosion.
 - (k) Within ninety (90) days following the granting of a conditional use permit, the applicant shall record with the Register of Deeds a permanent instrument notifying the public of the existence of a construction and demolition waste landfill at the site, the type, depth and location of the waste which is to be placed upon the property, as well as the existence of any monitoring systems thereon, and any restrictions on the use of the property which may be provided to protect the integrity of the final cover, liner, monitoring systems or any other components of the containment system.
 - (l) No site shall be approved except on a determination by the City Council that it complies with the provisions of Nebraska law, including the notice and public hearing requirements set forth in Nebraska Revised Statute Section 13-1701 et seq.
- (12) Standards for recreational vehicle parks.
- (a) The minimum size of a recreational vehicle park shall be two acres, except as otherwise required for the pertinent use district.
 - (b) Density for recreational vehicle parks shall not exceed 24 recreational vehicles per gross acre.
 - (c) All areas not devoted to recreational vehicle spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with lawn grass, shrubbery, trees, or other suitable ground cover materials.
 - (d) The council may require suitable screening around all or any part of the site boundary.
 - (e) A recreational vehicle park operation shall have adequate solid waste collection facilities, which will be constructed and maintained in accordance with all municipal health regulations, and shall be designed to bar animals from access to the solid waste. Solid waste shall be removed from the park at least once a week.
 - (f) The recreational vehicle park shall be served by an on-site service building containing a public water supply and public toilet facilities, and by a storm shelter which, for the purposes of this section, shall mean a structure designed to withstand a 200 mile-per-hour wind, and which has a designed occupant load of no less than twenty square feet per recreational vehicle space.
 - (g) Recreational vehicle parks may have accessory uses and buildings including, but not limited to, restroom and shower facilities, convenience facilities, dump stations, playgrounds, and areas for tenting.
 - (h) Convenience facilities of a commercial nature may include, but not be limited to, stores and laundry facilities, and shall be subject to the following:
 - (i) The facilities and related parking shall not occupy more than ten percent of the recreational vehicle park.
 - (ii) The facilities shall be located, designed, and operated for the primary purpose of serving the trade or service needs of park patrons.
 - (iii) In agricultural and residential mobile home districts, the facilities and any signage shall present no visible evidence of their commercial character in a manner which is apparent from any public street.
 - (i) Recreational vehicle parks located in agricultural (A) may have signs subject to the requirements of Hastings City Code Section 34-309(5), and recreational vehicle parks located in commercial business districts (C-3) and light industrial districts (I-1) may have signs subject to the limitations of Hastings City Code Section 34-309(6).
- (13) Standards for kennels.
- (a) All points on the perimeter of any kennel facility, dog run or exercise area shall be at least 100 feet from any property line.
 - (b) Outdoor exercise areas, runs, or yards when provided for training or exercising, shall be restricted to use during daylight hours.
 - (c) A site plan, drawn to scale shall be provided with the application showing all existing and proposed buildings and structures, fencing and landscaping.

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- (d) A narrative statement shall be provided with the application describing:
 - (i) The maximum total number of animals to be kept on the premises at any time.
 - (ii) The expected male/female mix of animals at any time.
 - (iii) The type of kennel enclosure including the size of the enclosures.
 - (iv) The type and height of fencing.
 - (v) The type and size of year-round shelters.
 - (vi) The source and location of water supply.
 - (vii) The sanitary maintenance plan, including provision for collection and disposal of excrement and other waste solution or material.
 - (viii) Lighting.
 - (ix) Landscaping and other visual and noise barriers.
 - (x) Surface drainage.
 - (xi) Expected weekly traffic related to the keeping of animals.
 - (xii) Hours of operation.
 - (e) The total number of animals on the premises at any one time will be established as part of the conditional use permit process.
 - (f) The applicant must demonstrate that:
 - (i) The location and operation of the kennel is appropriate for housing multiple animals and will be consistent with the health and safety of the animals and of the neighbors.
 - (ii) The location of the kennel on the property will have no significant adverse effect on the peace and quiet or sanitary conditions of the neighborhood.
 - (iii) The kennel will be operated in a manner that it will cause no nuisance to the public.
 - (iv) The kennel will be operated in a safe, sanitary, and humane condition.
- (Ord. No. 3396-5/94, 3397-6/94, 3637-5/98, 3636-6/98, 3763-9/2000, 3852-3/2002, 3879-11/2002, 3947-4/2004, 4003-5/2005 and 4053-12/2005)

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Article V. Mobile Home Park Regulations.

34-501. Definitions.
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34-504. Compliance with other laws.
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34-506. Mobile home park standards -- Electrical power.
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34-513. Convenience establishments.
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34-515. Nonconforming mobile home parks.

34-501. Mobile home park regulations.

- (1) Definitions: as used in this Chapter the following terms are specifically defined as follows:
- (a) Cul-de-sac. A minor street with a permanent turn-around at its end which turn-around has a greater diameter than the width of the right-of-way.
 - (b) Dead-end street. A right-of-way that terminates without a cul-de-sac or a temporary turn-round and the terminus of which has the same width as the width of the right-of-way.
 - (c) Duplex mobile home. A mobile home designed for occupancy of two (2) families and containing two (2) separate dwelling units.
 - (d) Major street. A neighborhood right-of-way designed to collect and distribute a heavy volume of traffic (in case of this Chapter, the traffic generated by one hundred (100) or more mobile home spaces).
 - (e) Minor street. A neighborhood right-of-way designed to carry a small amount of traffic and to provide access and service to a limited number of mobile home spaces (in the case of this Chapter, less than one hundred (100) mobile home spaces).
 - (f) Mobile home. A detached single or two family dwelling unit with the following characteristics:
 - (i) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - (ii) Designed to be transported after fabrication on its own wheels, on flatbeds or other trailers or detachable wheels and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities.
 - (iii) Placed upon impermanent foundation or otherwise so placed as to permit moving of the unit to another location during its usable life.
 - (g) Mobile home park. Any parcel or adjacent parcels of land in the same ownership which is managed for occupancy by two (2) or more mobile homes. The term does not include tourist facilities for travel trailers, campers or other recreation vehicles as defined herein.
 - (h) Permit. A license issued for and allowing the establishment and management of a mobile home, camper or trailer park as defined in this Chapter.
 - (i) Reserved for future use.
 - (j) Right-of-way. Land set aside for the accommodation of traffic movement, whether dedicated or not.
 - (k) Space. A defined land area in a mobile home park which is described by boundary lines measured in terms of:
 - (i) Its depth expressed as a mean distance between the front and rear of the space, measured in the general direction of the front and rear space lines.

(Ord. No. 3397-6/94)

34-502. Mobile home park regulations - applicability.

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Except as provided in Section 34-515, all mobile home parks within the City of Hastings shall be constructed, operated and maintained in accordance with the standards set forth in this Chapter. It shall be unlawful for any person to own or operate a mobile home park which does not meet the standards of this Chapter.

34-503. Mobile home park annual permit required.

No person may construct, operate or maintain a mobile home park without first obtaining an annual permit in accordance with this Chapter and Chapter 35 of the Hastings City Code. The annual permit shall be posted in a conspicuous location on the premises of the mobile home park at all times. An annual inspection by the Development Services and Fire Department shall be approved and conducted before permits are issued on or before the May 1 deadline.

34-504. Compliance with other laws.

Mobile home parks shall be constructed, operated and maintained in conformance with all applicable state and local statutes, ordinances, or regulations. Mobile home parks shall be inspected specifically for compliance with zoning, health, and building safety regulations prior to the issuance of the annual mobile home park permit.

34-505. Mobile home park standards - mobile home spaces.

- (1) Space occupancy. No mobile home space shall contain more than one (1) mobile home or duplex mobile home. No other dwelling unit shall occupy a mobile home space.
- (2) Minimum space requirement. All single mobile home spaces have a minimum of three-thousand (3,000) square feet of land area. A duplex mobile home space shall have a minimum of four thousand five hundred (4,500) square feet of land area.
- (3) Mobile home separation. No part of any mobile home or accessory building shall be placed closer than fifteen (15) feet from any other mobile home or its addition. All mobile homes and accessory structures shall be placed at least five (5) feet from the front space line.
- (4) Access. Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets shall not be permitted.

34-506. Mobile home park standards - electrical power.

All mobile home spaces shall be serviced by 215/230 volt power supply. The electrical power supply connected to the mobile home shall be in accordance with all applicable building safety codes and with the requirements of the utility supplier.

34-507. Mobile home park standards - streets and storm drainage.

- (1) Surface. All streets within a mobile home park shall be surfaced with asphalt or concrete to a minimum surface width of thirty-four (34) feet.
- (2) Right-of-way. Any street within a mobile home park that services one hundred (100) spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of fifty (50) feet. All other streets shall have a minimum right-of-way width of forty (40) feet. Streets within mobile home parks are not required to be dedicated as public right-of-ways.
- (3) Cul-de-sac streets. No street within a mobile home park shall dead-end except for cul-de-sac streets which are no more than six-hundred fifty (650) feet in length and having a minimum turning radius of fifty (50) feet at the termination point of the cul-de-sac.

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- (4) Intersections. No street within a mobile home park shall extend more than six hundred and fifty (650) feet in length between street intersections. Intersecting streets shall cross at ninety (90) degree angles from an alignment point, one-hundred (100) feet from the point of intersection. No street intersection shall be closer than one-hundred twenty-five (125) feet from any other street intersection.
- (5) Street frontage. Double frontage spaces are prohibited except that reverse frontage lots may back against streets bordering the mobile home park.
- (6) Street layout. Streets shall be laid out so that their use by through traffic will be discouraged.
- (7) Street grades. Street grades shall not exceed six (6) percent; street grades within one hundred (100) feet of intersections shall not exceed three (3) percent.
- (8) Street curves and visibility. The radius of street curves (between intersections) shall exceed one hundred (100) feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for minimum distance of one hundred fifty (150) feet.
- (9) Drainage. All spaces and street shall be designed to ensure proper drainage. All areas of the mobile home park shall be designed to prevent the accumulation of standing ground water.
- (10) Crosswalks. Pedestrian crosswalks not less than ten (10) feet in width may be required in blocks longer than three hundred thirty (330) feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping center, convenience establishments, service buildings or other community facilities.

34-508. Mobile home park standards - water and sewage.

All mobile homes in mobile home parks shall be connected to water and sewage systems approved by the City before they may be occupied.

34-509. Mobile home park standards - refuse.

A mobile home park operation shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week.

34-510. Mobile home parks standards - fuel.

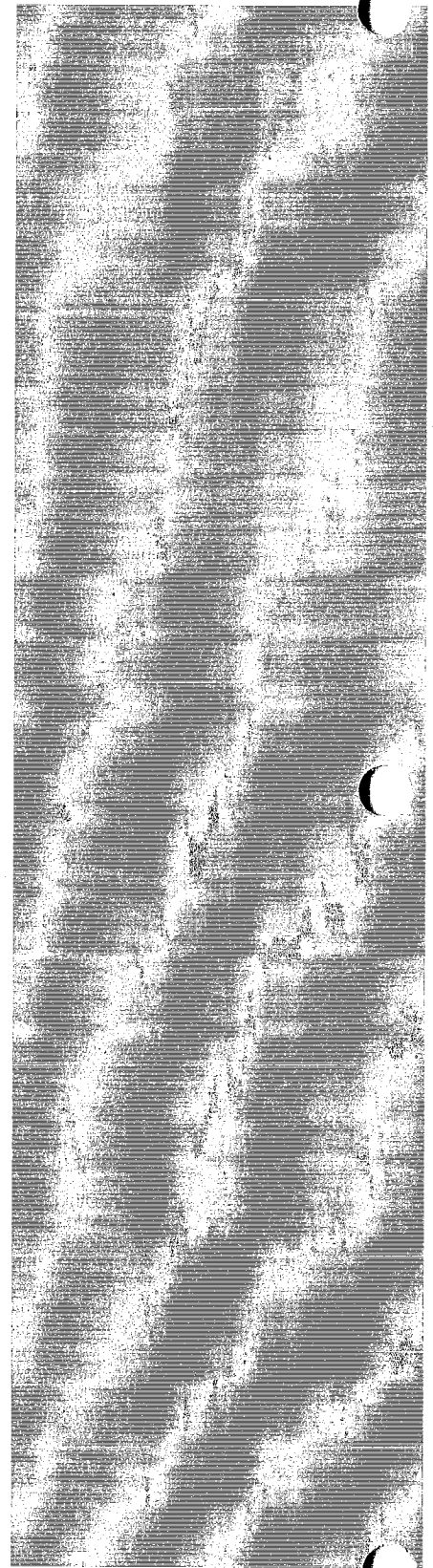
Liquified gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home.

34-511. Mobile home park standards - tie down and storm shelters.

Mobile park operator shall provide tie down anchors for each mobile home space within the park and suitable storm shelter facilities within the park adequate to accommodate all of the residents.

34-512. Reserved.

34-513. Convenience establishments.



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Convenience establishments of a commercial nature, including stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, beauty shops and barber shops may be permitted in mobile home parks subject to the following restrictions: Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park, and shall present no visible evidence of their commercial character from any portion of any district outside the park. Such convenience areas shall be considered accessory uses to the principal use of mobile homes, may be permitted without a zoning change and shall be discontinued if the mobile home park is discontinued.

34-514. Construction standards and responsibility.

Complete responsibility for standards established by this Chapter and for construction within a mobile home park shall rest with the owner of such park.

34-515. Nonconforming mobile home parks.

- (1) Mobile home parks shall be subject to the permit requirement set forth in Section 34-503 of this Chapter.
- (2) Mobile home parks licensed prior to December 1, 1988, are not subject to the requirements of Sections 34-505 through 34-508 of this Chapter. They shall continue to be licensed based on the requirements of Chapter 38 of the Hastings City Code and the terms and conditions set forth in their Special Use Permit. Thereafter, said parks shall have a period of two (2) years in which to comply with the above listed provisions.
- (3) All mobile home parks shall comply with all provisions of this Chapter except for those sections specifically exempted in Section 34-515 (2) above.
- (4) Any mobile home park exempt from certain sections of this Chapter as provided in sub-sections 2 and 3 hereof shall conform to all sections of this Chapter within any area first constructed, operated or maintained after the date which this Section was initially enacted or within any area which is substantially altered, remodeled, reconstructed, or rebuilt after that date.

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Article VI. Nonconformities.

34-601. Intent.
34-602. Nonconforming lots of record.
34-603. Nonconforming uses of land.
34-604. Nonconforming structures.
34-605. Nonconforming uses of structures.
34-606. Repairs and maintenance.
34-607. Mapping of future nonconformities.
34-608. Uses under conditional use permit provisions not nonconforming uses.
34-609. Cessation of automobile wrecking yards, salvage yards and junk yards.
34-610. Nonconforming parking, loading, signs -- Other characteristics of use.
34-611. Continuity of prior special use permits and variances.

34-601. Intent.

Within the districts established by this ordinance or amendments that may later be adopted there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of this ordinance, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their perpetuation. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of land or structure, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding on the same properties, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

34-602. Nonconforming lots of record.

- (1) In any district, notwithstanding limitations imposed by other provisions of this Chapter, permitted principal uses and structures, and accessory buildings may be erected on any single lot of record before the effective date of the adoption of this Chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
- (2) If two (2) or more lots, or combination of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of this ordinance which makes any or all of the existing lots nonconforming as to lot width or area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or sold which does not meet lot area and width requirements established by this ordinance. No division of the parcel shall be made which leaves remaining any lot in single ownership with width or area below the requirements of this ordinance; provided, however, that if a series of two or more lots or portions of lots are in single ownership and can be used or subdivided in such a manner that each comes within ten (10) percent of meeting lot area and lot width requirements for the district, each may be used as an individual lot.
- (3) Within any residential zoning district, there may exist legally platted lots of record, which, due to zoning changes subsequent to the time said lots were platted, no longer conform to the requirements of the district

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in which they are located, as to the width, area or depth requirements. The owner of any such single lot may erect a single family dwelling thereon, notwithstanding any such nonconformity, so long as the owner complies with the height, setback, and other regulations applicable to the residential district in which the lot is located. In those districts permitting two (2) or more family dwellings per lot, a nonconforming lot of record shall be limited to a single family dwellings structure. For the purposes of this subsection, a single lot is defined as any lot of nonconforming width, area, or depth, but in no event less than fifty (50) feet in width and five-thousand (5000) square feet in area.

34-603. Nonconforming uses of land.

- (1) Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Chapter, and where such use involves no individual structure other than small or minor accessory buildings as determined by the Development Services Department, the use may be continued so long as it remains otherwise lawful, provided:
 - (a) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of the adoption of this Chapter.
 - (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption of this Chapter.
 - (c) If any such nonconforming use of land ceases for any reason for a period of more than two (2) years, any subsequent use of land shall conform to the regulations specified by this Chapter for the district in which such land is located. Said cessation shall be deemed to be presumptive evidence of abandonment.
 - (d) No additional structure not conforming to the requirements of this Chapter shall be erected in connection with such nonconforming use of land.
 - (e) Discontinuance. The lawful use of a lot of record for storage or advertising signs, and which contains no buildings, and which use for storage or signs is not permitted by this Chapter or by an amendment thereto, shall be discontinued within two (2) years from August 26, 1968 or the date of the adoption of this Chapter.

34-604. Nonconforming structures.

- (1) Where a lawful structure exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (a) Except as described in Section 34-604 (1) (f), no such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - (b) Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than sixty (60) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter.
 - (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (d) Additions to existing nonconforming single family residential structures. Nothing in these regulations shall prevent the issuance of a permit to expand an existing nonconforming single family residential structure located in a residential zoning use district, providing the addition conforms to the use, setback, height, parking and other regulations applicable to the residential district in which the building is located.
 - (e) Nothing in this section shall prevent the expansion or alteration of an existing structure which has a non-conforming setback (minimum yard) resulting from a governmental taking action, provided the addition conforms to the use building setback, building height, parking and other regulations applicable to the district in which the building is located.
 - (f) Additions to such structure may be constructed in conformance with all of the following restrictions:
 - (i) Such addition must be an addition to a single family dwelling;
 - (ii) The addition may continue along the existing building line of the structure as it existed at the time of the application for a building permit for said addition, provided that the addition may not reduce

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the distance between the lot line and the building line from that which existed at the time of the application for a building permit for said addition;

- (iii) The addition may not encroach into any required side, front or back yard setback when there was no such encroachment by the original structure at the time of the application for a building permit for said addition;

- (iv) The addition may not be constructed closer than 3 feet to any lot line;

(Ord. No. 3446-1/95)

34-605. Nonconforming uses of structures.

- (1) If lawful use involving individual buildings or structures, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - (a) The lawful use of a building existing on August 26, 1968 may be continued although such use does not conform to the provisions of this Chapter. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, or to a conforming use, such use shall not thereafter be changed to a nonconforming use of less restrictive classification.
 - (b) Whenever the use of a building becomes nonconforming through an amendment to this chapter or zoning district map, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of a more restrictive classification.
 - (c) A nonconforming use of a building may not be enlarged, extended, nor may the building be reconstructed, or altered unless such use is made to conform to the regulations of the district in which it is located.
 - (d) Any structure and premises, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the use regulations for the district, and the nonconforming use may not thereafter be resumed.
 - (e) When a building containing a conforming use is damaged by fire, explosion, Act of God or the public enemy to the extent of more than sixty (60) percent of its replacement cost, it shall not be restored, rebuilt or repaired unless it is made to conform to the regulations of the district in which it is located. If a building containing a nonconforming use is damaged by fire, explosion, Act of God or the public enemy to the extent of less than sixty (60) percent of its replacement cost may be restored; provided; that such restoration is completed within six (6) months of the date of destruction; and further provided that any necessary litigation shall not be counted as part of the six (6) months allowed for restoration.
 - (f) In the event that a nonconforming use of any building or premises is discontinued, or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to regulations of the district in which it is located, except that no time shall be considered against said two (2) year time period if it is caused by government action impeding access to the premises.

34-606. Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement on non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be. Nothing in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

34-607. Mapping of future nonconformities.

Upon the effective date of the Ordinance adopted September 26, 2010, all future amendments to the zoning map which include nonconforming structures, land or use of structures created as a result of the amendment shall be mapped. Mapping shall be accomplished within ninety (90) days of the adoption of said Ordinance,

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and any amendment thereto, and shall be kept current by the Development Services Director as conditions change.

34-608. Uses under conditional use permit provisions not nonconforming use.

A use existing before the effective date of this Chapter which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered to have been granted a conditional use permit for all structures and uses existing on the property at the time of adoption of this Chapter.

34-609. Cessation of automobile wrecking yards, salvage yards and junk yards.

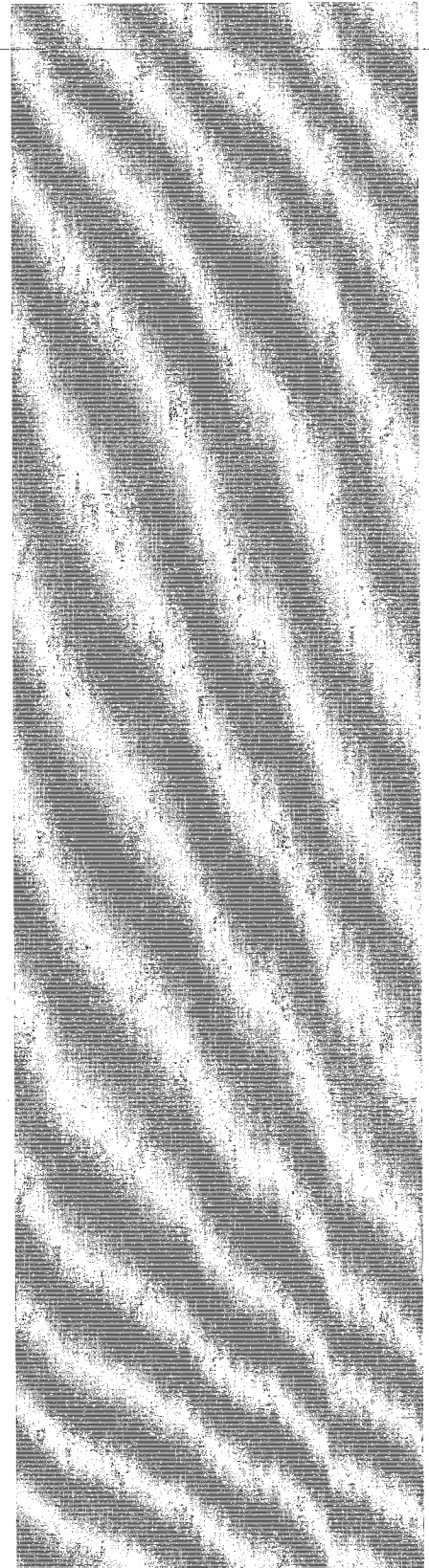
Any automobile wrecking yard, salvage yard or junk yard in existence in any residential district after the effective date of adoption of this chapter shall, at the expiration of three years from such date, become a prohibited and unlawful use and shall thereafter be discontinued.

34-610. Nonconforming parking, loading, signs or other characteristics of use.

If the characteristics of a use, such as signs, off-street parking, off-street loading, lighting, or other matters required by this Chapter in relation to specified uses of land, water areas, structures or premises, are not in accord with the requirements of this Chapter, no change shall be made in such characteristics of use which increases nonconformity with such requirements. Change shall be permitted in the direction of conformity to these requirements of this Chapter.

34-611. Continuity of prior special use permits and variances.

Any valid special use permit or variance granted prior to enactment of this Chapter shall be permitted to continue in accordance with such special use permit or variance.



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Article VII. Administration, Enforcement and Appeals.

34-701. Administration.
34-702. Permits required.
34-703. Revocation of permits.
34-704. Certificate of compliance.
34-705. Board of Adjustment.
34-706. Powers and duties.
34-707. Planning Commission.
34-708. Hastings City Council.
34-709. Development Services Department.

34-701. Administration.

The City Planning Director or his duly authorized representative shall be responsible for processing all applications required to be reviewed by the Planning Commission, the Hastings City Council and the Board of Adjustment under the terms of this Chapter. The City Development Services Director or his authorized representative shall have the power to enforce the provisions of this Chapter, including any conditions approved by the City Council or by the Board of Adjustment when approving conditional use permits, or planned district rezonings. He shall be provided the assistance of the City Attorney, Planning Director, City Engineer and such other City officials and employees as may be necessary to carry out these duties.

34-702. Permits required.

No building or other structure shall be erected, constructed, reconstructed, moved, nor shall there be any alteration, as defined in Section 34-103, without first obtaining a permit from the Building Inspector, to be issued in accordance with the terms of this Chapter. Applications for permits shall be filed with the Development Services Director upon forms prescribed by him, setting forth among other things, the legal description of the lot, tract or parcel of land, together with a general description of the building or structure to be constructed, erected or altered thereon, including the approximate size, shape and location of the building or structure upon the lot, tract or parcel and the intended use. No such permit shall be issued for any building, structure or construction unless the same is in conformity in every respect with all the provisions of this Chapter. The Development Services Director shall be empowered to act within the provisions of this Chapter upon and shall approve or deny all applications for permits. In the event of refusal to issue a permit upon an application, as herein provided, the applicant may perfect an appeal to the Board of Adjustment, as provided in Section 34-706. For each application there shall be charged and collected from the applicant, a nonrefundable fee, in accordance with a schedule of fees approved by the City Council. There shall be a separate permit for each building or structure to be erected, constructed, reconstructed, moved or altered.

34-703. Revocation of permits.

A permit may be revoked by the Development Services Director at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is a departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation or was issued by mistake, or that any of the provisions of this Chapter are being violated. Revocation shall be in the form of a written notice to the property owner or his authorized representative and the posting of the property with a notice to stop work. No unauthorized work is to take place on the property immediately from and after the posting of notice to stop work. Any unauthorized work or removal of the notice to stop work by any person other than the Development Services Director or his authorized representative shall constitute a violation of this Chapter.

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34-704. Certificate of compliance.

Subsequent to the effective date of this Chapter, no change in the character of use or in the occupancy classification of land or of a building shall be made, nor shall any new building be occupied, until approved by the Development Services Director. Every certificate shall state that the new occupancy complies with all provisions of this Chapter. No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been approved for compliance, and no building or premises shall be occupied until such certificate is issued. A certificate shall be required for all lawful nonconforming uses of land or buildings created on or after August 26, 1968. Application for such certificates for nonconforming uses shall be filed with the Development Services Director by the owner or lessee of the land or building occupied by such nonconforming use within two (2) years from August 26, 1968. It shall be the duty of the Development Services Director to issue a certificate for a lawful nonconforming use, but failure to apply for such certificate for nonconforming use or failure of the Development Services Director to issue such certificate of nonconforming use, shall be considered evidence that such nonconforming use did not lawfully exist on August 26, 1968. A record of all certificates shall be kept on file in the office of the Development Services Director, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy. (Ord. No. 2255, Sec. 1.)

34-705. Board of adjustment.

In accordance with the provisions of Nebraska State Statutes Section 19-907 there is hereby established a Board of Adjustment, hereinafter referred to as the Board. The Board shall consist of five (5) regular members plus one (1) additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend or serve for any reason; each to be appointed for a term of three (3) years and removable for cause by a majority of the elected members of the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any office becoming vacant. Only one (1) member of the Board shall be appointed from the membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in his immediate loss of membership on the Board and require the appointment of another Planning Commissioner to the Board. The Board shall adopt rules for the conduct of its meetings.

- (1) Meetings of the Board shall be scheduled on a regular monthly basis. Special meetings may be held at the call of the chairman or in his absence, the vice chairman. The chairman or in his absence the vice chairman may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicate such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Development Services Department and shall be a public record.

34-706. Powers and duties.

The Board of Adjustment shall in accordance with the provisions of Nebraska Revised Statutes, Section 19-910, have only the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation relating to the location of structures.
- (2) To hear and decide, in accordance with the provisions of this Chapter, requests for interpretation of this Chapter or the official Zoning Map.
- (3) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this Chapter would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such

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relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.

- (4) No such variance shall be authorized by the Board unless it finds that all four of the following conditions have been found to exist and the merits of the situation support such authorization.
- (a) The strict application of the zoning regulations would produce undue hardship.
 - (b) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - (c) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.
 - (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. In no instance, shall a variance be granted which would allow the use of land or a building which is not permitted within the zoning use district in which the property is located. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

In exercising the above mentioned powers, the Board may, in conformity with the provisions of Sections 19-901 to 19-915 of the Nebraska Revised Statutes, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any regulation or to effect an variation in such regulation.

34-707. Planning Commission.

The City Planning Commission shall consist of nine (9) members plus an alternate appointed by the Mayor and confirmed by the City Council. Each member shall be appointed for a three (3) year term and shall hold office until reappointed or until a successor member shall have been appointed. In the event of a vacancy, a successor shall be appointed for the remaining unexpired term of the Commission member being replaced. The alternate member shall only serve during the absence or inability of one of the nine (9) regular members of the Planning Commission and vote on a matter before the Commission. The Planning Commission shall exercise those powers and duties required of a city plan or planning commission under Nebraska state statute and the Hastings City Code. The Commission shall be provided the assistance of the City Attorney, the Planning Director, the City Engineer and such other City officials and employees as may be necessary to carry out their duties.
(Ord. No. 3563-11/96)

34-708. Hastings City Council.

The Hastings City Council is the legislative body for the City of Hastings. The City Council shall perform all statutory legislative planning functions required of cities of the first class under the Nebraska Revised Statutes.

34-709. Development Services Department.

The Development Services Department is responsible for reviewing all applications required under this Chapter, submitting a report to the Commission on all such applications and presenting a written report to the Hastings City Council on all recommendations of the Planning Commission on any planning matters within the City's jurisdictional limits.

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Article VIII. Amendments, Fee Schedule and Legal Provisions.

34-801. Amendments and procedure.
34-802. Conditional use permit procedure.
34-803. Other amendments.
34-804. Violations and penalties.
34-805. Enforcement.
34-806. Savings clause.
34-807. Interpretation, purpose and conflict.
34-808. Fees.
34-809. Severability.

34-801. Amendments and procedures.

- (1) Amendments to the zoning map, the text of this Chapter or any part of the Comprehensive Plan, may be initiated in the following manner.
 - (a) By motion and majority vote of the Hastings City Council.
 - (b) By motion and majority vote of the Planning Commission.
 - (c) By petition of the record owner(s) of the property involved or his/her agent.
 - (i) Individuals, other than attorneys at law acting as an agent for a property owner(s), shall submit a notarized statement from the property owner(s) authorizing said individual to act as their agent.
 - (ii) Agency authorization shall be required when submitting any application required under this Chapter, applications for a conditional use permit, a variance, an appeal from an administrative decision, or for an interpretation of the zoning ordinance or zoning map.
 - (d) Amendments to the text of the zoning ordinance or the comprehensive plan, may also be initiated by any interested person(s), the City Attorney or the Planning Director.
- (2) Amendment procedure.
 - (a) Petitions for amendments set forth in Section 34-801 (1) of this Chapter, shall be submitted to the Development Services Department a minimum of fifteen (15) working days prior to the next regularly scheduled monthly meeting of the Planning Commission on forms prescribed by the Planning Commission and filed with the Development Services Department.
 - (b) The Development Services Department shall note on the application the date it was filed and make a permanent record of all the information and documents.
 - (c) All such applications shall be scheduled public hearing at the first meeting of the Planning Commission held a minimum of three (3) weeks (15 working days) following the date the application is filed with the Development Services Department. Any such hearing may for good cause or otherwise be continued to a specific time and date, following a motion and majority vote of the Commission. The Commission at its discretion, may also for good cause, continue any hearing to a specific time and date, provided the applicant shall have first agreed to such continuance. Without the concurrence of the applicant, the Commission shall be required to render its decision on the application during the same meeting at which time the hearing is held.
 - (d) Notice of the hearing shall be published not less than ten (10) days prior to the date of the public hearing.
 - (e) In addition to the published notice herein described, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least (10) ten days prior to the date of the scheduled planning hearing. The posted notice shall also include the tentative date for the City Council hearing and include a statement that in the event of any changes in dates, notice will be posted on the bulletin board in the City offices. It shall be unlawful for anyone to remove, mutilate, destroy or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor.

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- (f) Upon the final hearing of such application, the Commission shall approve or deny the same and a report of such action, together with a recommendation for final approval or denial, shall be made by the Commission to the City Council.
 - (g) Before Council action upon any application for amendment or conditional use permit, the City Clerk shall set a time and place for a hearing thereon, notice of which hearing shall be published at least one time in a newspaper of general circulation in the City, ten (10) days prior to the date of such hearing. In addition to the publication of notice herein described, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy or change such posted notice prior to such hearing. Any person so doing, shall be deemed guilty of a misdemeanor.
 - (h) If the record title owners on any lots included in a proposed change of zoning are non-residents of the City, then a written notice of such hearing shall be mailed to them by certified mail addressed to their last known addresses at least ten (10) days prior to such hearing. These provisions in reference to notice, shall not apply in the event of a proposed change in these regulations or in district boundaries throughout the entire area of the City, but only the requirements of Section 19-904, Nebraska Revised Statutes, as amended, shall apply.
- (3) Protest procedure. In case of a protest against an amendment, revision or change or in case of a protest against a conditional use permit, such protest must be presented, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change or of those immediately adjacent on the sides and in the rear thereof, extending three hundred (300) feet therefrom and of those directly opposite thereto, extending three (300) hundred feet from the street frontage of such opposite lots. Such revision or amendment shall not become effective except by the favorable vote of three fourths (3/4) of all the members of the City Council.
- (Ord. No., 2255, Sec. 1; Ord. No. 2432, Sec. 1; Ord. No. 2438, Sec. 1.)

34-802. Conditional use permit procedure.

The procedure for submitting an application for a conditional use permit shall be the same as that required for an amendment set forth in Section 34-801 (2) (a) through (h) of this Chapter. The specific application content requirements for a conditional use permit are set forth in Section 34-403 of this Chapter.

34-803. Other amendments.

Amendments to the comprehensive plan, zoning regulations, building code or other regulations adopted under the authority of Sec. 19-924 through 19-929 and Sec. 19-901 through 19-922, Nebraska Revised Statutes; shall follow the same procedure set forth in Sec. 34-801 (2) (a) through (g) of this Chapter except that it shall not be required that the affected property be posted.

34-804. Violations and penalties.

The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist, or the lessee or tenant of an entire building or premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, take part in or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00). Each and every day that such violation continues after notification is delivered to said person by depositing the same in the U.S. mail postage prepaid, shall constitute a separate offense. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Chapter, the appropriate authorities of the City in addition to other remedies may institute injunction, mandamus, or other appropriate action or

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proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate such violation or to prevent the occupancy of said building, structure, or land.

34-805. Enforcement.

It shall be the duty of the Development Services Director to enforce the provisions of this Chapter. He shall be provided the assistance of the City Attorney, the Chief of Police, the Planning Director and such other City officials and employees as may be required to carry out his duties.

34-806. Savings clause.

This Chapter shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any Chapter, or part of any ordinance hereby repealed; this Chapter shall in no manner affect rights or causes of action, either civil or criminal, nor in suit that may have already occurred or grown out of any ordinance or part of any ordinance hereby repealed.

34-807. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if this Chapter imposes a greater restriction, this Chapter shall control.

34-808. Fees.

The fees required for application submitted under this Chapter shall be adopted by separate resolution of the Hastings City Council. The fee schedule should include, but not be limited to the following:

- (1) Application for rezoning of land.
- (2) Application for amendment to the text of the Zoning Code.
- (3) Application for a conditional use permit.
- (4) Application for a variance.
- (5) Appeal from an administrative action or determination.
- (6) Application for amendment to the comprehensive plan.
- (7) Application for planned district rezoning.

34-809. Severability.

If any section, subsection, sentence, clause, or phase of this Chapter is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

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CHAPTER 38 SUBDIVISIONS

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ARTICLE I GENERAL

38-101. Purposes of chapter.

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38-105. Plats; Delinquent taxes and assessments

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38-108. Definitions

38-101. PURPOSES OF CHAPTER.

In accordance with the Nebraska Revised Statutes and in order to promote the welfare of the public this Chapter shall have the following purposes with respect to the division of land:

- (1) To implement the comprehensive plan and any other official plan, program or policy developed under the guidance of that plan by applying broad, long-range planning and community design standards as the division of land occurs.
- (2) To promote good civic design in the arrangement, improvement and relationship of open spaces, community facilities, blocks, streets and lots.
- (3) To allow urban design standards and development patterns to support different contexts, land uses and character areas identified in the comprehensive development plan.
- (4) To evaluate individual development applications as segments of the entire community, allowing for public and private investments to be coordinated across areas and over time.
- (5) To prevent the premature division of land that by its permanence may negatively impact efficient long-term growth and development of the community.
- (6) To ensure that all blocks and lots are served by necessary infrastructure and services, including utilities, transportation, storm drainage, public safety and community facilities.

38-102. JURISDICTION.

This Chapter applies to all land within the corporate limits of the City, and all unincorporated land within two miles of the corporate limits of the City.

38-103. DUTIES OF OWNER OR DEVELOPER GENERALLY.

In the subdivision or re-subdivision, the owner or developer shall exercise due regard to the Purposes of this Chapter and in particular the alignment and location of streets; to adequate surface drainage; to safe and balanced movement of traffic and other modes of transportation; and to provide for roadway surface, utilities and recreation as identified in this chapter.

38-104. ANNEXATION OF SUBDIVIDED LAND – AUTHORIZED

The Mayor and City Council may by ordinance, except as provided in Neb. Rev. Stat. 19-2501 to 19-2508 and amendments thereto, at any time, include within jurisdiction of this Chapter, lots, tracts, streets, or highways that are deemed to be in accordance with the Comprehensive Plan.

1. *Ordinance of Acceptance.* If a majority of all the members of the City Council vote for the annexation under this section, an ordinance shall be prepared and passed by the City Council declaring the annexation of such territory to the corporate limits of the City, and extending the limits accordingly. An accurate map or plat of such territory and the dedication of public areas and facilities, certified by the

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surveyor, and acknowledged and proved as provided by law in such cases, shall at once be filed in the office of the Register of Deeds of the County, together with a certified copy of the ordinance declaring such annexation, under the seal of the City.

2. *Status of Inhabitants.* All additions to the City which have been approved and accepted, or which may be laid out in accordance with the provisions of this Chapter, shall be and become parts of the City for all purposes. The inhabitants of such additions shall be entitled to all rights and privileges and be subject to all laws, or regulations of the City.

38-105. PLATS; DELINQUENT TAXES AND ASSESSMENTS

No plat subdividing real estate within the jurisdiction of this Chapter shall be signed by the City Engineer and Surveyor or filed with the Register of Deeds unless accompanied by written statements of the County Treasurer and the City Treasurer certifying that there are no delinquent taxes or assessments against the real estate being subdivided.

Prior to the submission of the preliminary plat application, the applicant shall contact the Development Services Department and schedule a pre-application meeting with city staff to discuss the application. The pre-application meeting shall take place a minimum of seven (7) calendar days prior to the submission deadline. At the time of the pre-application meeting, the applicant shall provide the information required in Sections 38-202(2)(a)-(m).

38-106. PROHIBITED ACTS

- It shall be unlawful for the owner of land, his agent or representative to subdivide land into two (2) or more parts for purposes of building development, whether immediate or future, within jurisdiction of this Chapter without first having obtained acceptance and approval in accordance with the provisions of this Chapter. Persons violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00) per day. Each day that such violation exists shall be treated as a separate offense.

38-107. IMPROPER SUBDIVISIONS; WAIVER OF OBJECTIONS

Pursuant to the authority granted the City Council in Neb. Rev. Stat. 76-2, 110 (Reissue 1981), the City Council does hereby waive notice to the City of, or any objections it may have to, any and all conveyances purporting to subdivide real estate within, and two miles beyond, the corporate limits of the City of Hastings, which were filed of record in the office of the Register of Deeds of Adams County, Nebraska, on or before May 29, 1984, where such conveyances, or the recording thereof, have failed to comply with any requirement relating to subdivision approval. All such conveyances are hereby validated.

38-108. DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) **Corporate limits.** The original plat of the city, together with all other plats, lands, lots, subdivisions and outlots or parcels of ground annexed or contiguous thereto, filed and recorded in the Office of the Register of Deeds of the county as additions thereof, and not heretofore or hereafter vacated or otherwise disconnected as provided by law.
- (2) **Extrajurisdictional area.** The area on the official zoning maps of the city, over which the city exercises land use control, extending two (2) miles beyond the corporate limits, and which is identified on the map by section lines, half-section lines or quarter-section lines. The jurisdictional area may be adjusted with changes to corporate limits.

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- (3) Flood plain. Those lands within the zoning jurisdiction of the City of Hastings which have been or may hereafter be covered by flood water, which lands shall be within areas designated as "100 year frequency flood areas" or "1% annual frequency flood" in official studies previously completed or to be completed in the future by the U.S. Corps of Engineers or other studies completed by State Agencies or the Federal Insurance Administration Agency on file with the City Clerk.
- (4) Subdivision. The division of a lot, tract, parcel or acreage of land into two (2) or more sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land shall not be considered to be a subdivision when the smallest parcel of land created is more than ten (10) acres in area, or a previously subdivided, recorded lot which can be split into two parcels in compliance with this chapter and Chapter 40, City Code.
- (5) Water course, drainageway, channel or stream. A natural or man-made depression in which a current of surface water runoff flows following precipitation. (Code 1973, 34-1; Ord. No. 2687)

ARTICLE II APPLICATIONS AND PROCEDURES

38-201. APPROVAL OF SUBDIVISION PLATS.

38-202. PRELIMINARY PLAN.

38-203. FINAL PLAT.

38-204. ADMINISTRATIVE PLATS.

38-205. FILING FEE.

38-201. APPROVAL OF SUBDIVISION PLATS.

No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in Section 34-106 of this code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument effecting a subdivision until it has received the recommendation of the Hastings Planning and Zoning Commission. (Code 1973, 34-4; Ord. Nos. 2687 and 2882)

38-202. PRELIMINARY PLAT.

- (1) *Intent.* Preliminary plat procedures are intended to determine whether the proposed division of land will comply with the long-range comprehensive development plan for the City, will meet the design standards of the subdivision regulations, and will result in buildable lots capable of meeting the existing or proposed zoning standards, and any other policies and laws that may relate to development specific property that are contained in other applicable laws or regulations.
- (2) *Submittal Requirements.* Ten (10) prints of a preliminary plat of any proposed subdivision shall be submitted to the Planning Commission at least fifteen (15) working days before the meeting at which approval is asked. The preliminary plat shall be drawn at a scale no smaller than one hundred (100) feet to the inch, unless otherwise specified. The preliminary plat shall show or be accompanied by the following information:
 - (a) The proposed name of the subdivision and names of adjacent subdivisions, and the legal description.
 - (b) The names of the owner and the engineer, surveyor responsible for the survey and design.
 - (c) Planning Commission and City Council approval block / signature block.
 - (d) The location of boundary lines and their relation to established section lines and legal description of the parcel to be subdivided or fractional lines.

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- (e) The location and width of existing and proposed streets, roads, lots (approximate dimensions), alleys, sidewalks or trails, building lines, easements, parks and other features of the proposed subdivision. The plat shall show an outline of adjacent properties for a distance of at least two hundred (200) feet, and how the streets, alleys, sidewalks or highways in the proposed subdivision will connect with those adjacent which are of record.
- (f) A topographic survey showing physical features of the property, including watercourses, ravines, bridges, culverts, present structures and other features of importance to lot and street layout. The approximate acreage of the property shall be indicated. Topography of the tract may be required if deemed essential to the design of the subdivision and the location, method and system of surface water drainage. Sanitary sewer facilities and water distribution system shall be identified, including sewer and water pipe sizing to be identified on the preliminary plat.
- (g) Approximate gradients of streets and sidewalks. All grades shall be based on city datum.
- (h) Designation of the proposed uses of land within the subdivision, whether for residential, commercial, industrial or public use, such as parks, schools, fire stations, churches, etc., plus zoning of adjacent tracts.
- (i) Centerline profiles of proposed streets may be required by the City Engineer. See Figure 1 Typical Street Sections.
- (j) A landscape plan.
- (k) North arrow, scale and date.
- (l) All Street Names shall be determined by the City Surveyor or Director of Development Services in order to maintain conformity with current streets and to eliminate redundancy or conflicts for Emergency Services.
- (m) A grading plan identifying:
 - (i) Grades of all lots and improvements in the subdivision.
 - (ii) The internal subdivision drainage and resulting runoff.
 - (iii) The drainage area and resulting runoff from land outside the subdivision area which discharges water into or through the subdivision.
 - (iv) Proposal as to how the computed quantities of surface water runoff will be handled, and detention areas.
 - (v) A map showing internal drainage areas and resulting runoff.
 - (vi) A copy of drainage calculations.
- (3) *Approval.* Approval of the preliminary plat by the City Council does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the final plat for record. No grading of streets, or construction shall be done on the subdivision before the final plat is approved by the Planning Commission and by the City Council, except by special permission of the City Council.
(Code 1973, 34-5; Ord. Nos. 2687 and 2839)

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Prior to the submission of the final plat application, the applicant shall contact the Development Services Department and schedule a pre-application meeting with city staff to discuss the application. The pre-application meeting shall take place a minimum of seven (7) calendar days prior to the submission deadline. At the time of the pre-application meeting, the applicant shall provide the information required in Sections 38-203(2)(a)-(j).

- (1) *Intent.* Final plat procedures are intended to create an accurate public record for the sale of lots, to guarantee construction of all public improvements according to the standards in the subdivision regulations, and to ensure that all lots are buildable lots according to the appropriate zoning prior to recording.
- (2) *Submittal requirements.* After the preliminary plat has been approved by the City Council, a final plat for record shall be prepared and submitted to the Planning Commission for recommendation by that body and approval by the City Council. Five (5) prints of the plat shall be submitted to the office of the Commission at least fifteen (15) working days prior to the meeting at which approval is asked. The final plat shall be to a scale of one hundred (100) feet to the inch, unless specified otherwise, and shall show or be accompanied by the following information. All plats are required to be on mylar, not velum when submitted.
 - (a) The name of the subdivision and adjacent subdivisions, the names of streets (to conform wherever possible to existing street names), and the numbers of lots and blocks, in accordance with a systematic arrangement.
 - (b) An accurate boundary survey of the property with bearings and distances, referenced to section or fractional section corner, and showing (in dotted lines) the lines of immediately adjacent streets and alleys with their width and names.
 - (c) Location of lots, streets, sidewalks, public highways, alleys, parks, trails and other features, with accurate dimensions in feet and decimals of feet, with the length and radii of all curves, and with all other information necessary to duplicate the plat on the ground.
 - (d) Location and dimension of utility or other easements.
 - (e) Dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner, and by all other parties who have a mortgage or lien interest in the property, together with any restrictions or protective covenants which are to apply to lots, it being noted that restrictions or protective covenants exceeding zoning or subdividing standards are for the benefit of the subdivision and home owners. Compliance is therefore a responsibility of the subdivision ownership.
 - (f) A waiver of claim by the applicant for damages occasioned by the establishment of grades or the alteration of the surface of any portion of the streets, and alleys to conform to the grades as established.
 - (g) Certification by a registered land surveyor to the effect that the plan represents a survey made by him, and that all the necessary boundary survey monuments are correctly shown thereon.
 - (h) North arrow, scale and date.
 - (i) A report of title given by an abstractor or attorney licensed to do business in the State of Nebraska certified to the date of the original consideration of the final plat by the Hastings City Council, specifying the names and addresses of all persons or entities owning or having any interest in the real estate included in the proposed plat, as shown in the records at the Adams County Courthouse. For the purposes of this subsection, the term "owner" shall include any ownership interest arising by virtue of a deed, lease, contract, lien, mortgage, deed of trust, court order, or other similar instrument, or arising by operation of law.
 - (j) All plats when being submitted to the Planning Department shall bear the signatures of the individuals listed in the ownership report in paragraph (i) above. Said plats shall also bear the signatures of the Adams County Treasurer and the Hastings City Treasurer. The applicant shall at the time the plat is

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submitted advance to the Planning Department, the funds necessary to file the plat with the Adams County Register of Deeds.

(k) The location of building lines on front and side streets.

- (3) All figures and letters shown shall be plain, distinct, and of sufficient size to be easily read, and shall be of sufficient density to make a lasting and permanent record.
- (4) When more than one sheet is used, a key map, showing the entire subdivision at smaller scale with block numbers and street names, shall be shown on one of the sheets, or on a separate sheet of the same size.
- (5) The Commission shall not recommend the platting of a residential subdivision or an individual lot with a front foot width and square foot land area less than the requirements of Chapter 34, Zoning Ordinance.
- (6) Any plat approved by the Hastings City Council shall be delivered to the Planning Director at the time of approval. The Planning Director shall thereupon file the plat with the Adams County Register of Deeds, within five (5) business days of receipt / approval.
(Code 1973, 34-6; Ord. Nos. 2687, 2839 and 3071-7/88)

38-204. ADMINISTRATIVE PLATS.

- (1) *Intent.* Administrative plat procedures are intended to provide expedited review and approval for minor adjustments to legal boundaries and title of property for proper recording, where no public infrastructure is anticipated in association with the application or future anticipated development, and the patterns or ownership and development have otherwise been determined in accordance with the City's long-range comprehensive development plan.
- (2) *Applicability.* A plat effecting a further subdivision of existing lots and blocks may be approved by the City Engineer whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements are involved, and such subdivision complies with all requirements of the Hastings City Code concerning minimum areas and dimensions of such lots and blocks. Such plat need not be reviewed by the Area Planning and Zoning Commission or the City Council.
- (3) *Administrative Plat Requirements.* Any Administrative Plat shall comply with applicable provisions of Chapters 34 and 40 of the Hastings City Code as the City Engineer shall reasonably deem appropriate. A fee for filing such plat shall be charged in an amount equal to that established for a Final Subdivision Plat. (Ord. No. 2882)

38-205. FILING FEE.

The Mayor and Council shall adopt, by resolution, a schedule of fees to be paid by all persons submitting a subdivision plat for approval by the City Planning Commission, the Mayor and Council or the City Engineer. Such fees shall be paid at the time of filing the application. (Code 1973, 34-7; Ord. No. 2687 and 3024-7/87)

ARTICLE III PLANNING AND COMMUNITY DESIGN STANDARDS

- 38-301. Blocks and Street Networks
- 38-302. Parks and Public Facilities
- 38-303. Streets, Alleys and Sidewalks
- 38-304. Lots and Parcels

38-301. BLOCKS AND STREET NETWORKS

- (1) *General Street Networks.* In general, streets shall be laid out in a network that meets the following parameters, based on centerlines of planned and existing streets:

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- (a) Arterial Streets shall occur every $\frac{1}{2}$ mile to 1 mile;
- (b) Collector Streets shall occur every 1000 feet to $\frac{1}{2}$ mile; and
- (c) Local Streets shall occur every 300 feet to 1000 feet.

Exceptions may be made due to extreme topography or natural conditions or similar significant barrier to connectivity. In no case shall blocks be platted for development exceeding 1,320 feet in any direction.

- (2) *Arrangement of Lots / Blocks.* In case a tract is subdivided into larger blocks than normal building lots, such blocks shall be arranged to permit the opening of future streets and logical re-subdivision. (Code 1973, 34-9; Ord. No. 2687)
- (3) *Relation to Existing Streets and Land.* The system of streets designated for the subdivision, except in unusual cases, shall connect with streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted, shall in general be the reasonable projection of streets in nearest subdivided tracts, and shall be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Unless otherwise recommended by the Planning Commission, provision shall be made for the extension of existing dead-end streets. Off-center street intersections with an off-set of less than two hundred (200) feet will not be approved except in unusual cases. Streets with reverse curves shall have a tangent between curves.
- (4) *General Street Arrangement.* Proposed streets shall conform to existing topography as nearly as possible, in order that drainage problems may be reduced. Streets should, wherever possible, follow valleys so as to form a collection system for surface water. Surface drainage across residential lots or along the side or rear lot lines shall be avoided wherever possible. Where such surface drainage on residential lots is necessary, easements shall be provided and the Commission may require installation of pipe, masonry or rip-rap flumes, or such other protective devices in order that adjacent or surrounding property or the welfare of the public shall not be endangered and maintenance will be kept at a minimum. Sizes of pipe and other drainage structures shall be computed with sufficient accuracy to assure their adequacy, particular attention being given to the drainage areas of surrounding land.

38-302. Parks and Public Facilities

Suitable sites for parks, schools, colleges, hospitals, playgrounds, fire stations or other public requirements shall be carefully considered and indicated on the preliminary plan, so that they can be compared with the Comprehensive City Plan, and it can be determined which of such sites, if any, should be indicated on the final plat, and when, and in what manner such areas will be acquired by the public body.
(Code 1973, 34-14; Ord. No. 2687)

38-303. Streets, Alleys, Trails and Sidewalks.

- (1) Major streets – Compliance with Comprehensive Plan. See Figure 1 Typical Street Sections, Appendix A.

(a) For the purpose of facilitating the movement of traffic, certain streets are designated by the major street plan as major streets. A map showing these major streets will be on file in the office of the Planning Department and reference shall be made to this system of major streets before any preliminary plan is approved.

(b) When a proposed subdivision abuts a major street, or is bounded by a line that will in the future lie in a major street, or is divided by a major street, is shown on the major street plan, then the owner of that subdivision shall dedicate, without charge, any land within such subdivision that is necessary to provide conformity with the major street plan, such dedication to be shown on the preliminary plan and final plat.

- (2) Width and gradient.

The minimum width of a street right of way shall be sixty (60) feet and the minimum gradient shall be point five percent (.5%).

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(3) Dead-end streets.

Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets in adjacent land, but cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connecting streets. Such cul-de-sacs shall provide proper access to all lots shall not exceed six hundred (600) feet in length, and a turnaround shall be provided at the closed end, with an outside radius of at least fifty-five (55) feet. Except in unusual cases, cul-de-sacs will not be permitted where the turnaround is not clearly visible from the entrance to the street.

(4) Alleys.

Except in unusual cases, alleys or loading courts shall be provided in business blocks. Alleys are optional in residential districts but should be used for residential formats with narrow lots or building sites, so that vehicle access and parking facilities may be located behind the building lines and streetscapes. Alleys shall have a minimum width of twenty (20) feet of paving for commercial uses, and twenty (20) feet right-of-way with 12 to 16 feet paving for residential uses. In case of intersecting alleys, a cutoff shall be required of at least five (5) feet measured from the point of intersection of the alley lines, the resultant connecting lot line to be at least five (5) feet in length.

(5) Sidewalks, Trails and Streetscape,

All streets shall have sidewalks in the public right-of-way. Sidewalks shall be a minimum of 4 feet wide on local streets and 5' wide on collector or arterial streets. Trails shall be a minimum of 8 feet to a maximum of 10 feet. Sidewalks shall be on both sides of the street, and located at the right-of-way line. The remaining portion of the right-of-way shall be reserved for a tree terrace separating the sidewalk from moving traffic in the roadway. The tree terrace shall be at least 6 feet wide, except where on-street parking is permitted to support commercial uses, the sidewalk may be expanded to the roadway edge and trees may be planted in a 5 feet by 5 feet tree-well included in the expanded sidewalk area. All sidewalks and trails shall be constructed as part of the roadway paving project.

38.304. Lots and Blocks

All portions of the subdivision which are not dedicated as public right-of-way or other public grounds shall be designated as lots or blocks

- (1) *Lots.* All property anticipated for development, either immediate or future, shall be platted as lots shall meet the required zoning standards for the current or proposed zoning for the property specified in the City of Hastings Zoning ordinance.
- (2) *Blocks.* Any property not designated for development, such as common open space or other community amenities shall be designated as a block with ownership and maintenance responsibilities identified on the plat.
- (3) *Lot Lines.* All rectangular lots and all other lots, so far as practicable, shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines. Lots with double frontage are undesirable and should be avoided in most cases. (Code 1973, 34-11; Ord. No. 2687)
- (4) *Utility Easements.* Where alleys are not included in a plat, easements ten (10) feet in width or of such width as determined necessary by the City Engineer, shall be provided on each side of rear or side lot lines, or where necessary for the proper location or relocation of public utilities; provided, however, the requirements of this Section may be waived by the City Engineer and the Manager of Hastings Utilities where they deem appropriate. If necessary for the extension of water or sewer lines, or similar utilities, or for surface drainage, easements of greater width may be required along lot lines or across lot lines. Easements shall connect with any established easements in adjoining property. Easements for sewer or

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water lines shall be approved by the Manager of Hastings Utilities. (Code 1973, 34-12; Ord. Nos. 2687 and 2882)

- (5) *Building Lines.* Building lines shall be shown on all lots intended for residential use, and other classifications as required on lots intended for office, commercial, or industrial use, and shall provide at least the setback required by the zoning regulations.

ARTICLE IV ENGINEERING AND TECHNICAL STANDARDS

38-401. Required Improvements

38-402. Urban Public Street Design Standards

38-403. Private Roadway Design Standards

38-404. Design Standards for Hiker Biker Trails

38-405. Driveway Design Standards

38-401. REQUIRED IMPROVEMENTS

(1) Generally. Except as provided herein below, the owner or developer of a tract to be subdivided shall install, at its own expense, satisfactory curb, gutter, street lights and sidewalks on all property abutting streets or roadways; pavement on roadways; and all water and sanitary and storm sewer lines within the subdivision which are necessary to serve the subdivision. Installation of the above improvements shall be in accordance with the specifications of the city. Water and sewer lines installed will require the approval of an on-the-job inspector before acceptance by the city. The cost of providing this inspection will be the responsibility of the owner or developer of the tract to be subdivided. Sewer lines shall have flow elevations as directed by the city; provided, the requirement that the owner or developer install improvements at its own expense may be satisfied by compliance with any City Council or Board of Public Works policy pertaining to funding of improvements. Street Lights shall be installed within six (6) months from the time streets are opened for traffic.

(a) In a subdivision of lots, located within one (1) mile of the city limits but not adjacent or contiguous to city limits, the requirements for public sewer and water installations, curb and gutter, sidewalks and trails, plus concrete paved road may be waived only by the City Council after a recommendation by the Planning Commission and recommendation from the Board of Public Works or a waiver of sanitary sewer and water.

(b) In a subdivision of lots located more than one (1) mile from the city limits, the requirements for public sewer and water installations, curb, gutter, street lights and sidewalk / trail, plus concrete paved road may be waived only by the City Council, after a recommendation by the Planning Commission, and the following be accomplished:

(i) Individual water supply and waste disposal systems may be installed when no public water supply system or public sanitary sewer system are available to the property, but such individual systems must be installed in compliance with applicable city ordinances.

(ii) Subdivision streets, other than county roads, shall be constructed and surfaced with Portland Cement Concrete or asphaltic concrete, in accordance with specifications of the City Engineer. Curb, gutter and sidewalk may be omitted.

(2) Pavement. Portland cement concrete or asphaltic concrete may be used for the roadway surface. Curb and gutter shall be of Portland cement concrete. All curb and gutter and roadway surface shall comply with the specifications of the city. Storm water run-off shall be adequately handled through inlets, catch basins or other drainage constructions in accordance with a drainage plan.

(3) Sidewalks / Trails. All sidewalks / trails shall be constructed of Portland cement concrete. Sidewalks shall comply with the specifications of the city.

(4) Inspection. The City Engineer shall make three (3) inspections of all pavement construction:

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- (a) First inspection to check compaction of subgrade before subbase is applied.
- (b) Second inspection to check subbase for compaction, material, sizes, thickness, etc., before prime coat is applied.
- (c) Final inspection after roadway is completed.
- (d) Twenty-four hours' notice shall be given to the City Engineer regarding any requested inspection.

(5) Bond provisions. After a plat has been duly approved by the Planning Commission and Council, as required in these rules, and after said plat has been duly recorded with the Register of Deeds as required by law, construction may begin on buildings within the subdivision. No building permit shall be issued for a building within such subdivision until the owner or developer has extended all required improvements to and in front of such lot, provided for such improvements pursuant to any City Council or Board of Public Works policy pertaining to funding of improvements as permitted in subparagraph (1) above, or furnished a surety bond conditioned upon the completion of all required improvements in compliance with the specifications of the city. Such surety bond shall be in an amount to be calculated by the City Engineer. Such calculation shall be reasonable and shall not be less than the estimated actual cost of the installation of the required improvements.

(a) The above surety bond shall guarantee the proper installation of the required improvements for the entire block upon which a lot for which a building permit is requested, fronts. Such installation shall be completed within two (2) years of the effective date of the bond unless the City Council, after recommendation of the Planning Commission, gives special permission to the developer to extend the period for a specific time. In case installation of required improvements is not completed as specified, the city may proceed to construct, reconstruct or install all or any portion of the required improvements using proceeds from the surety bond. Any excess money shall be refunded to the guarantor.

(b) Upon final inspection and approval by the city, such surety bond or unused portion thereof shall be released, provided the owner or developer shall first furnish or cause to be furnished a surety bond conditioned upon the endurance of the improvements, excluding normal wear and damage beyond the control of the owner. Said guarantee shall remain in effect for a period of one (1) year from the date of final approval. The amount of such maintenance bond shall not be less than twenty percent (20%) of the amount of the bond guaranteeing the installation. If, at the end of one (1) year following the date of final approval, there has appeared to be no failure due to faulty or substandard construction of required improvements, then said maintenance bond shall be refunded in full.

(Code 1973, 34-15; Ord. No. 2687, 3279-10/92, 3754-11/2000, 3827-8/2001 and 4042-9/2005)

38-402. URBAN PUBLIC STREET DESIGN STANDARDS

Section 1. GENERAL

This standard shall apply to all public streets located within the City or located within an area to be annexed upon subdivision approval.

The design of public streets in the City of Hastings generally conforms to the *Minimum Design Standards* of the State of Nebraska Board of Public Roads Classifications & Standards, *A Policy on Geometric Design of Highways and Streets* of the American Association of State Highway and Transportation Officials (AASHTO). Details of street construction shall conform to the *City of Hastings Standard Specifications for Municipal Construction* and the *Hastings Standard Plans*.

Section 2. POLICIES

2.1 General

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The City of Hastings street system is designed to promote the safe and efficient movement of vehicular and pedestrian traffic from point of origin to point of destination and to provide an infrastructure element which can be readily maintained.

2.2 Intersections with Major Streets

Where control of access permits, the intersections of collector streets with major streets shall be spaced approximately one half mile apart, with the intersection location dependent upon maintaining the required sight distances. Intersections of local streets with major streets, where permitted, shall be approximately one quarter mile apart, with the intersection location dependent upon maintaining the required sight distances. Block length of local streets shall not exceed 600' in length.

2.3 Provisions for Future Extensions

In new developments, streets which are intended to be extended beyond the limits of the development shall be paved to those limits and shall be designed to provide for the proper handling of surface drainage, storm runoff and the future projection of the street and utilities into the adjacent property. The developer shall be responsible for obtaining and paying the costs for any easements required to permit grading or construction of approved temporary drainage measures beyond the limits of the development.

2.4 Reviewing Agencies

All plans for construction of public street improvements shall be reviewed and approved by the Public Works and Utilities Department. Approval signature blocks shall be provided on all plan submissions. Signature blocks shall include City Engineer/Public Works Director and Director of Engineering, or other authorized agent for Hastings Utilities. Work shall not commence on subdivision development by consultants or contractors until this approval has been granted by said agencies.

Section 3. DESIGN AND CONSTRUCTION

3.1 Design Speed

The following design speeds shall be applied for the design of public streets:

Street Classification	Design Speed
Local Streets	25 mph
Collector Streets	30 mph
Major Streets	Determined by Public Works or Traffic Study

3.2 Sight Distances

Unobstructed sight distances as set forth in Figures SD-1, SD-2, SD-3 and SD-4 of APPENDIX A, shall be provided at all street intersections and alley accesses for vehicular and pedestrian traffic safety. Fences, walls, signs or other obstructions shall not be placed in the public street and shall not be placed in the sight triangles as set forth in Figures SD-1, SD-2, SD-3 and SD-4 except that chain-link fences free from shrubbery and vines may be placed on private property within the sight triangles at uncontrolled or yield controlled intersections.

3.3 Horizontal Street Alignment

3.3.1. Intersections

a. Angle of Intersection

Streets shall intersect as near as possible at right angles. In no case shall the angle of intersection vary more than 10 degrees from a right angle.

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b. Intersection Separation

Where the streets do not continue through the intersection (T-Type) a minimum separation of at least 200 feet, as measured between the centerlines, shall be maintained.

c. Intersections on Curvilinear Streets

Where a curvilinear street intersects another, a straight tangent section shall be required at the approach to the intersection. The length required for this tangent is dependent upon the radius of the approaching curve. The minimum length of this tangent, as measured from the right-of-way of the intersected street to the point of curvature, shall be as shown in the following table:

Centerline Radius	Minimum Tangent Length
100 ft.	110 ft.
150 ft.	100 ft.
175 ft.	90 ft.
200 ft.	80 ft.
225 ft.	75 ft.
250 ft.	70 ft.
275 ft.	65 ft.
300 ft.	60 ft.
350 ft.	50 ft.
400 ft.	20 ft.
450 ft. and over	No Tangent Required

d. T-Type Intersections on Horizontal Curves

T-Type intersections may be permitted along the outside of any horizontal curve provided the minimum sight distances are provided, based on the design speed of the intersected curved street, and that the minimum approach tangent length is provided in the case of a curvilinear approaching street.

T-Type intersections may be permitted along the inside of a horizontal curve provided that the centerline radius of the curve is 525 feet or greater, and that the minimum sight distances, based on the design speed of the intersected curved street, and the minimum approach tangent length, in the case of a curvilinear approaching street, are provided.

3.3.2. Curvilinear Alignment

a. Horizontal Curves

All changes of horizontal alignment between intersections shall be connected by circular curves. The minimum centerline radius for curves on local streets shall be 100 feet. The minimum centerline radius for collector streets shall be 385 feet. The minimum centerline radii for curves on major streets shall be determined by the Public Works Department.

b. Tangents Between Horizontal Curves

A straight tangent having a minimum length of at least 100 feet shall be provided between adjacent non-compound horizontal curves where the sum of the radii of the curves is less than 600 feet.

3.3.3. Cul-de-Sacs

Geometry and details of standard symmetrical and offset type cul-de-sacs for the various property line radii are shown on Figure S-1. Length of cul-de-sac shall not exceed 600' in length, including bulb of said cul-de-sac.

Center Island

- a. Center Islands are not recommended.

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- b. A curbed center island having a diameter of 30 feet may be placed at the center of the cul-de-sac. The center island shall be landscaped using approved plant materials not exceeding a maximum mature height of 24 inches and certain designated street trees conforming to the requirements of the *Design Standards for Street Trees*. Trees placed in the center island shall be trimmed up to 6 feet above the ground and maintained for traffic sight clearance. Landscape maintenance including replacement and the maintenance of the center island curb, by written agreement between the City and the appropriate parties, shall be the responsibility of the abutting property owners, a homeowners association, or other private entity. Landscaping plans shall include a program for maintenance and replacement of trees and plant material and shall be approved by the Department of Public Works and the City Parks and Recreation Department. All landscaping shall be installed within two planting seasons following the paving construction.

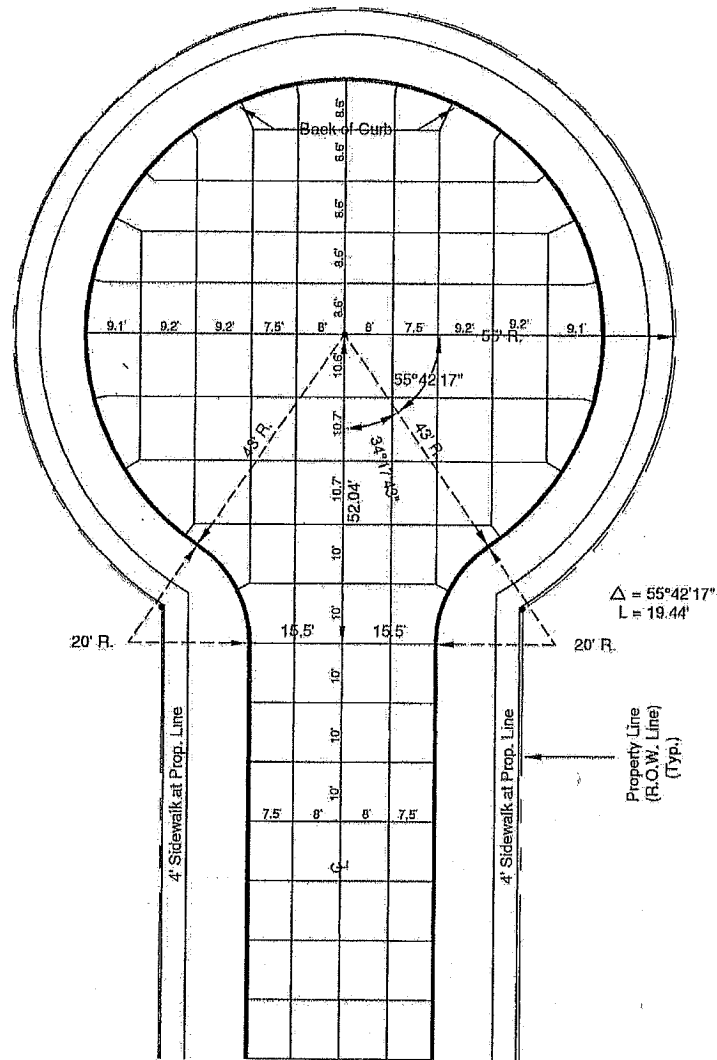
3.4 Vertical Street Alignment

3.4.1. Longitudinal Grades

- a. Minimum
The minimum longitudinal grade for all public streets shall be 0.5% to provide for adequate surface drainage. Flatter grades must receive approval from Director of Public Works.
- b. Maximum
The maximum longitudinal grade shall be 8.0% for local streets and 7.0% for collector streets. Maximum grades for major streets shall be determined by the Department of Public Works Department.

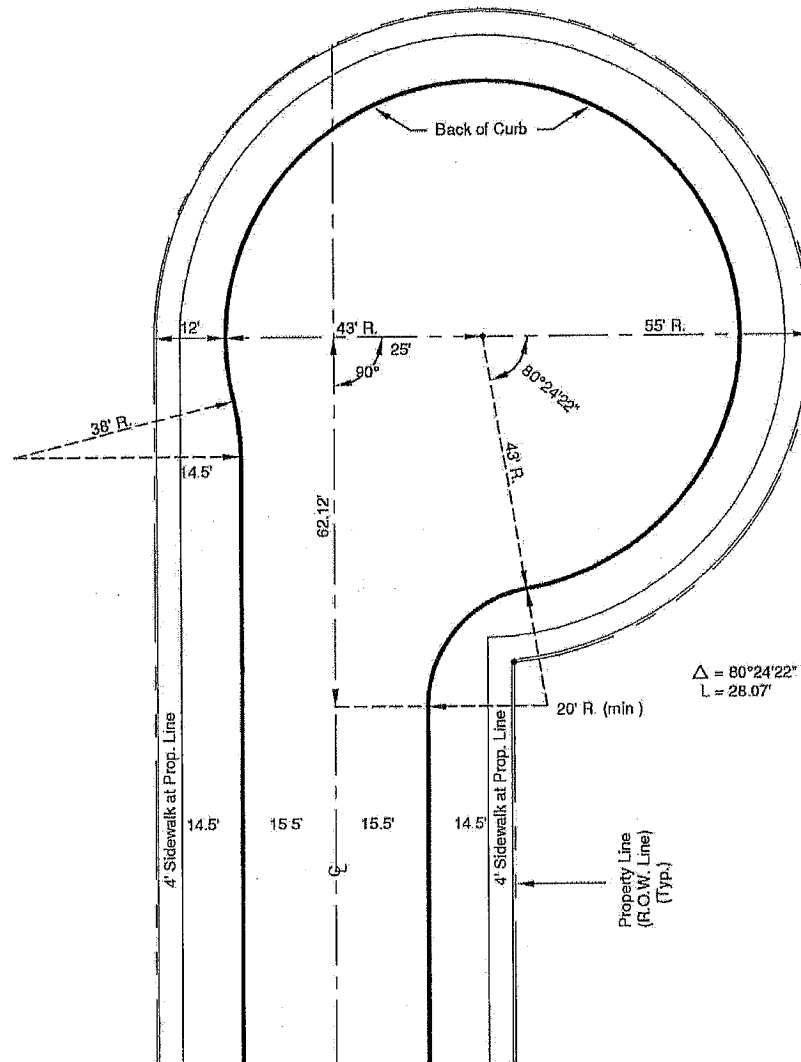
31' Street
60' Right-of-Way

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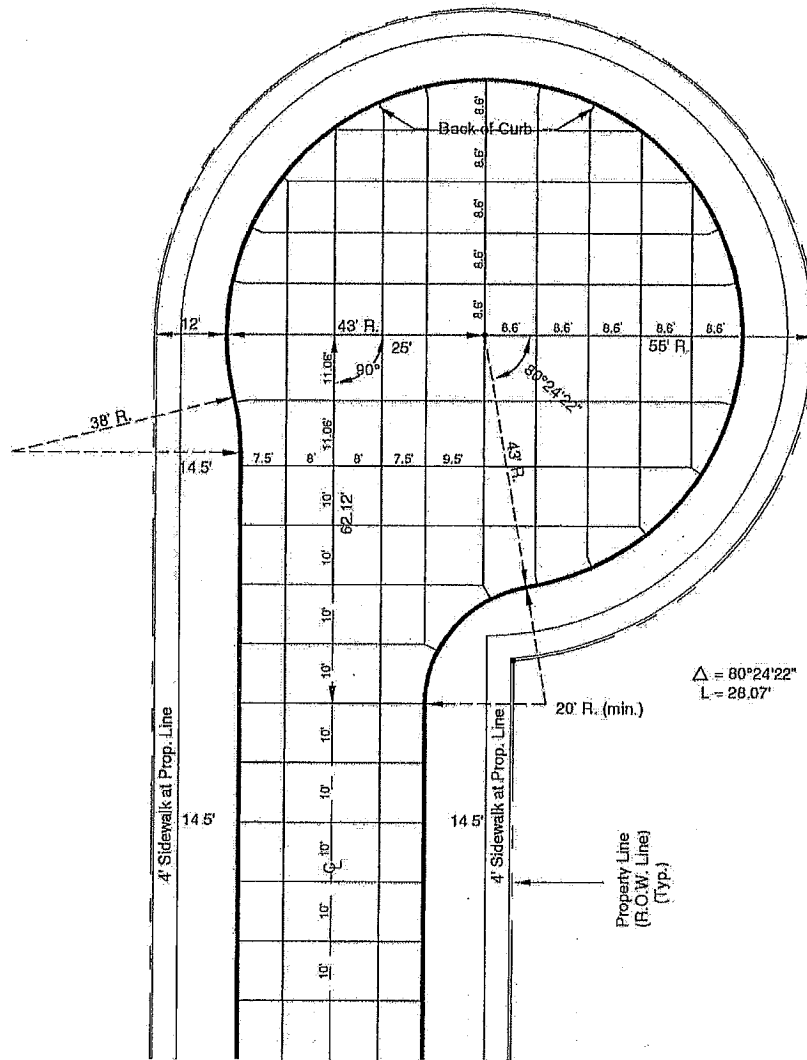
31' Street
60' Right-of-Way

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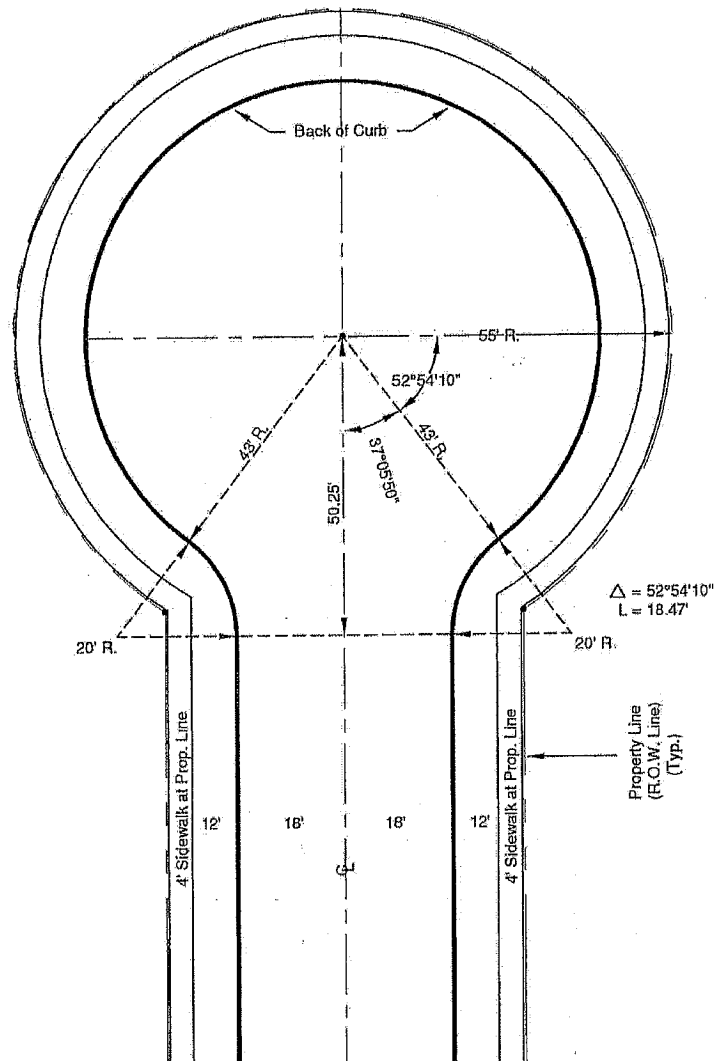
31' Street
60' Right-of-Way

SUBDIVISION REGULATIONS



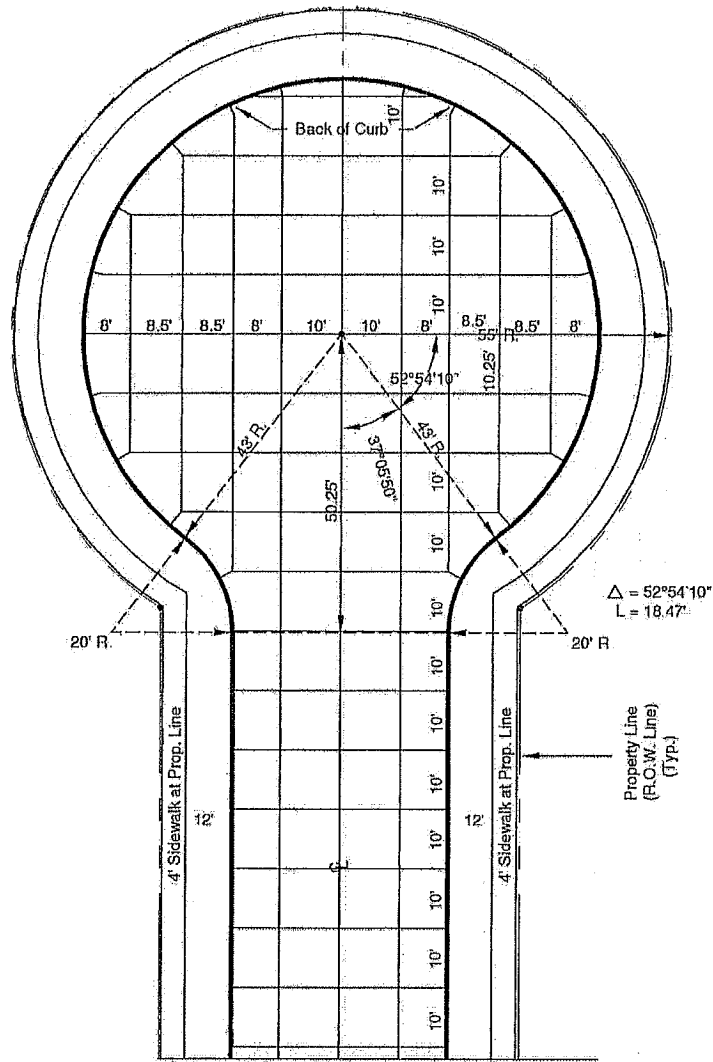
31' Street
60' Right-of-Way

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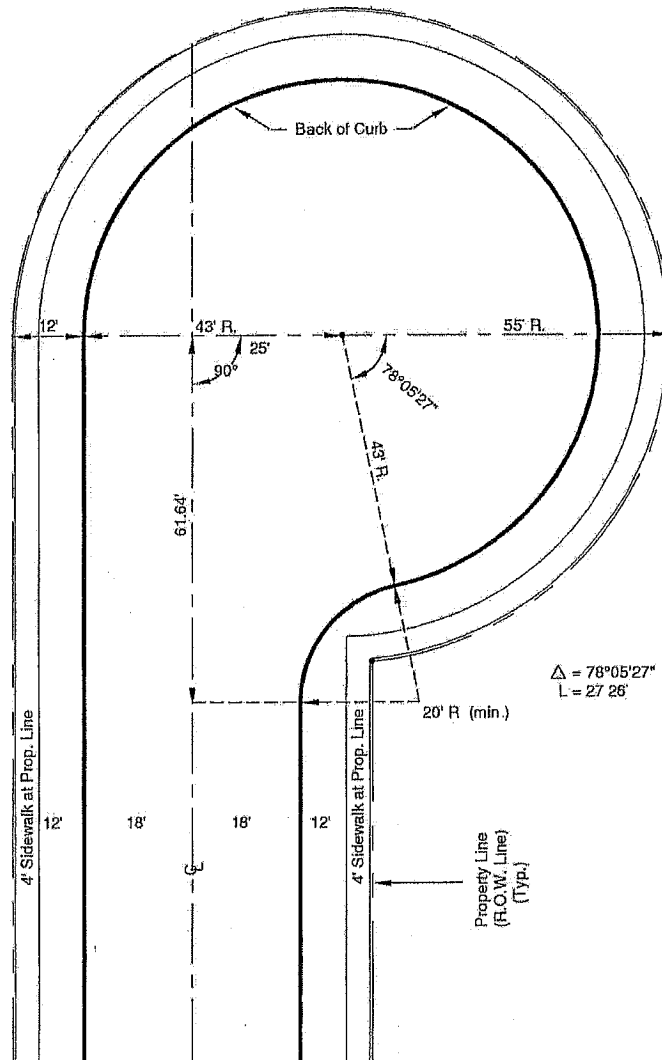
36' Street
60' Right-of-Way

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36' Street
60' Right-of-Way

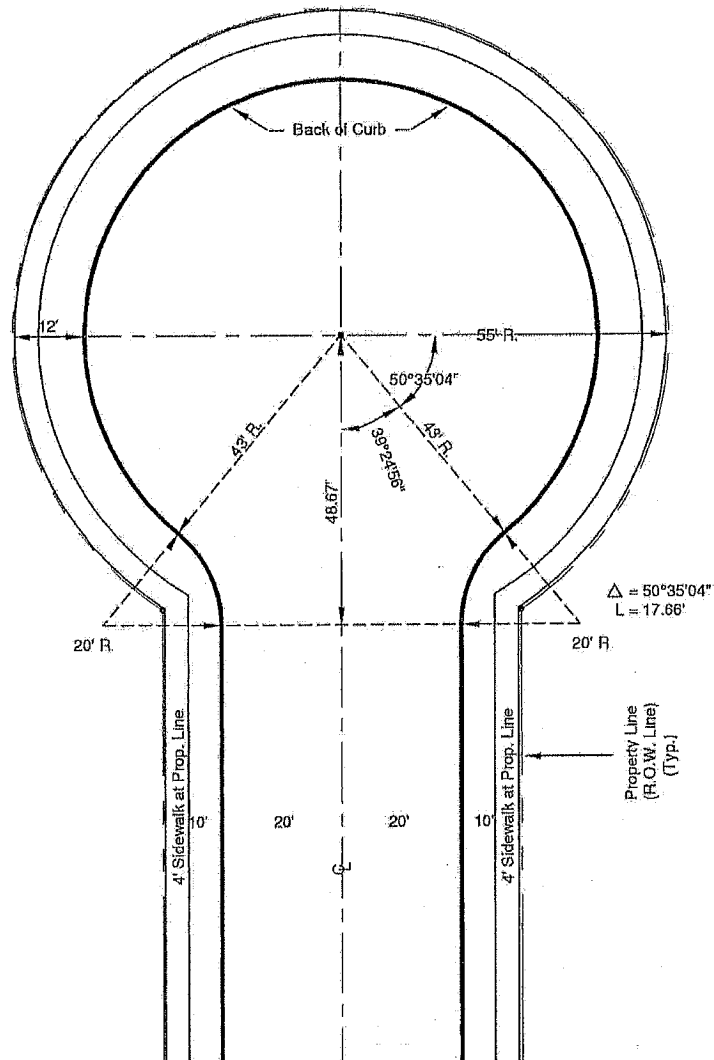
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36' Street
60' Right-of-Way

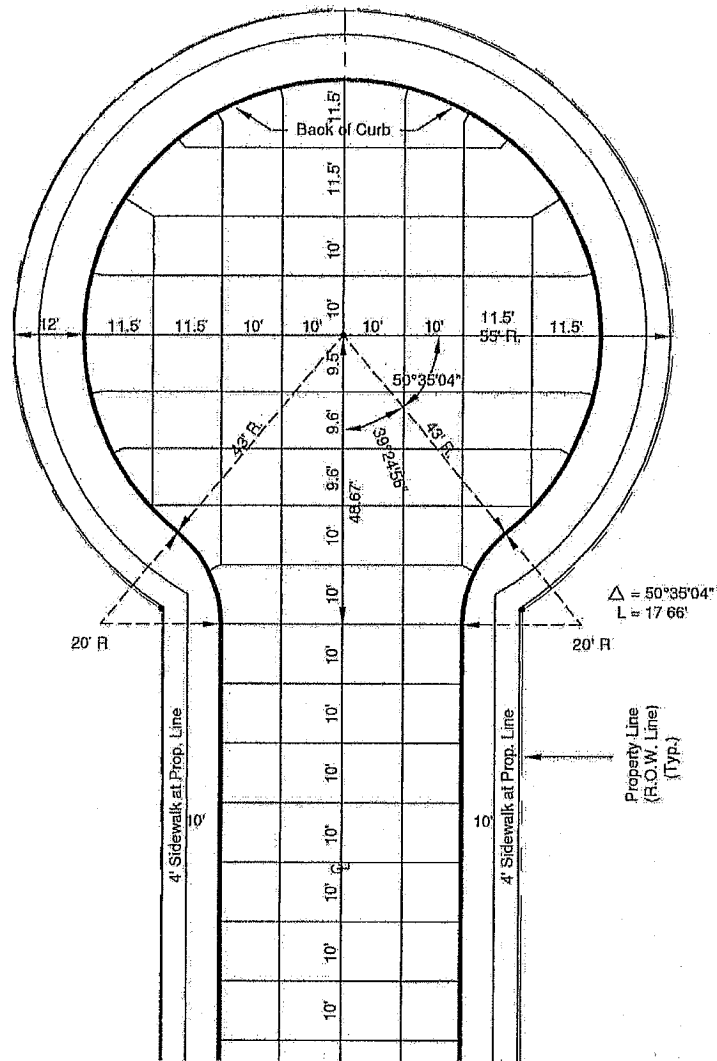


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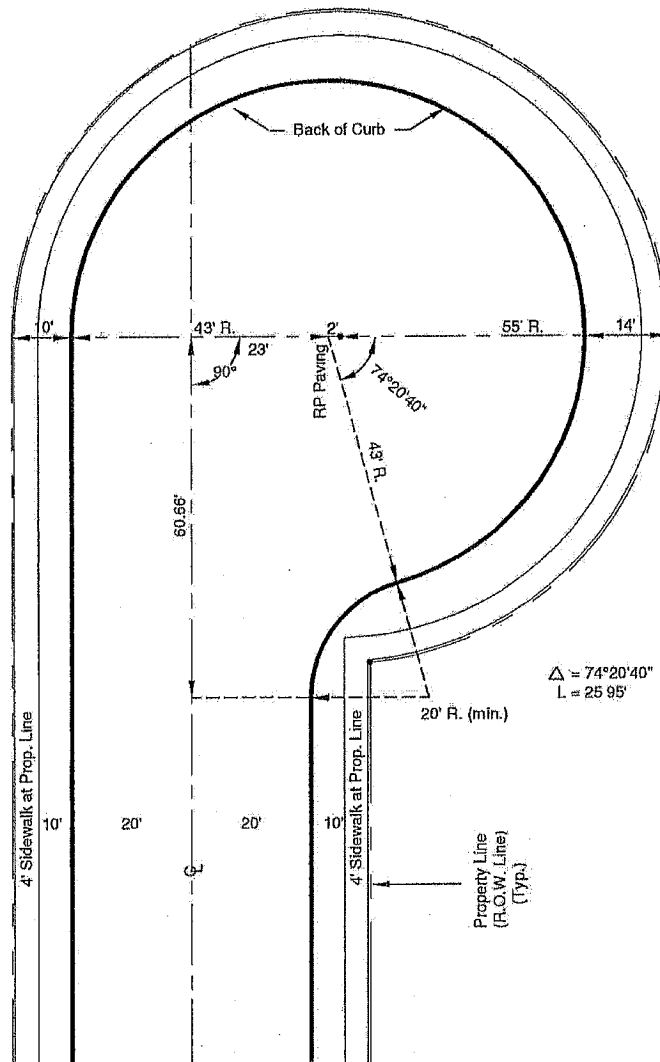
40' Street
60' Right-of-Way

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40' Street
60' Right-of-Way

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40' Street
60' Right-of-Way



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3.4.2. Vertical Curves

Changes in longitudinal grades shall be designed using parabolic vertical curves. Where the algebraic difference between the two grades expressed in percent is 1.0 or less, no curve is required. The minimum length of vertical curves necessary to provide adequate safe stopping sight distance shall be determined using the following formula:

$$L = K A$$

Where: L = Minimum length of curve as measured in a horizontal plane.

K = A measure of curvature, values of which are set forth in the following table.

A = The algebraic difference between the grades of the tangents to the curve expressed in percent.

Design Speed (mph)	K-Value Crest Curves (feet)	K-Value Sag Curves (feet)
25	20	30
30	30	35
35	40	45
40	60	55
45	80	68
50	110	80
55	150	103

For vertical curves connecting flatter grades, care shall be taken to provide adequate slope for drainage. Generally, $K < 165$ (50 metric) for both sag and crest curves. The length of the vertical curve shall be kept as close as practicable to the minimum length as determined by the above procedure.

3.4.3. Intersection Approaches

a. Major Streets

The grade of any street approaching a major street shall not exceed 3.0% within 130 feet of the closest curb line of the intersected roadway.

b. Collector Streets

The grade of a local street approaching a collector street shall not exceed 3.0% within 70 feet of the closest curb line of the intersected roadway.

c. Local Streets

The approach grades of all intersecting local streets which continue through the intersection shall not exceed 3.0% within 70 feet of the closest curb line of the intersected roadway. At T-type intersections, the grades of the through street may exceed 3.0%.

d. Unimproved Major Streets

Where new developments abut major streets which are not yet improved to major street standards, approach grades, intersections and abutting property grading should be designed to accommodate the future grades of the major street. The grades and alignment of the major street shall be approved by the Public Works Department.

3.5 Roadway Right of Way & Roadway Width

The following table sets forth minimum Right of Way widths for the City of Hastings:

SUBDIVISION REGULATIONS

R.O.W. Widths	
Arterial Street – 5 Lane Design (Expressway)	100'
Arterial Street	80'
Collector Street	70'
Residential Street	60'
Frontage Street	60'
Alley	20'
Commercial or Industrial Parks	80'
Private Roads / Streets	50'

The following table sets forth standard roadway widths, as measured to the back of the curbs, for streets located within residential and commercial/industrial zoning districts:

Street Classification	Zoning	Roadway Width
Local	Residential	31 ft. With Parking
Local	Residential	36 ft. With Parking
Local	Commercial/Industrial	37 ft. With Parking
Collector	Residential/Ag/ Commercial	40 ft. No Median
Collector	Residential	2 – 21 ft. Roadways with Median
Local – Permanent Turnaround (cul-de-sac)	Residential	43 ft. Outside Radius
Local – Permanent Turnaround (cul-de-sac)	Commercial Industrial Office	No Parking – 49.5 ft. Outside Radius With Parking – 55.5 ft. Outside Radius
Major Street	All	Determined by Public Works Department

In locations where the roadway width changes, those changes shall be accomplished using a tapered section. The minimum length of that taper shall be determined by multiplying the offset of the roadway edge by the design speed. Tapers shall not extend through intersections.

3.6 Street Grading Cross-Section

Generally, streets shall be graded to provide slope to the roadway from the building lines on either side of the street. This section will provide capacity in the street to carry excess runoff from major storms. Slopes from the top of curb to one foot back of the sidewalk line shall be 2.0%, except at those locations where it is necessary to allow for storm drainage overflow away from the roadway. In such case the area may be sloped away from the top of curb at a grade not exceeding 2.0%. The slope from the sidewalk to the building line should be not less than 2.0%. In areas where existing conditions might require that the sideslope to back of the sidewalk exceed 2% in order to achieve uniformity, the Public Works Department may approve a steeper slope not to exceed 8%.

Excavation for streets, construction of embankments and roadway subgrade preparation and compaction shall conform to the requirements of the *City of Hastings Standard Specifications for Municipal Construction*.

3.7 Roadway Cross-section

3.7.1. Pavement Crown

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Except at intersections, roadway paving shall be designed with the top of the curbs level from one side to the other. On local and collector street roadways with no medians, the roadway surface shall have a transverse slope (crown) of 2.0% from the gutter line to the roadway centerline. Where medians are present, the roadway surface shall have a transverse slope as shown on the current edition of the Standard Plans of the City of Hastings. Deviations from this cross slope shall be approved by the Public Works Department.

Pavement slopes and details for major streets shall be determined by the Public Works, generally conforming to the current edition of the Standard Plans of the City of Hastings.

3.7.2. Curbs

Concrete curbs shall be placed on both sides of all roadways. Curbs on local and collector streets may be either combined curb and gutter or integral curb and shall conform to the requirements of the *City of Hastings Standard Specifications for Municipal Construction* and the details shown on the *Hastings Standard Plans*. Curb type and details for major streets shall be determined by the Public Works Department.

3.7.3. Roadway Paving

Roadways shall be surfaced with either Portland cement concrete pavement or asphaltic pavement. Minimum roadway pavement or base thickness for the various street classifications is shown in the following tables for the various pavement types. If the anticipated average daily truck traffic exceeds the limits set forth in the tables, the Public Works Department may require greater surfacing thickness.

3.7.3.1. **Table 1 Portland Cement Concrete Pavement (47B)**

Street Classification	Zoning	Thickness
Local	Residential ADTT * < 50	6"
Local	Commercial/Industrial ADTT * < 300	8"
Collector	Residential ADTT * < 50	8"
Collector	Commercial/Industrial ADTT * > 300 but < 800	9"
Major Street	All	Determined By Public Works Department

3.7.3.2. **Asphaltic Concrete Pavement**

2 ½ " Surface Course on 6" Asphaltic Concrete Base

Street Classification	Zoning	Thickness
Local	Residential	8 ½"
Major Street	All	Determined by Public Works Department *

* ADTT = Average Daily Truck Traffic
(excluding two axle trucks with four wheels)

3.8 **Alley Pavement**

Where permitted, the entire width of the alley shall be paved with portland cement concrete pavement of the same minimum thickness as set forth in Table 1 above and without curbs. Design and

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construction shall conform to the requirements of the *City of Hastings Standard Specifications for Municipal Construction* and the details shown on the *Hastings Standard Plans*.

3.9 Intersection Geometry

At intersections, the curbs of intersecting roadways shall be connected by circular curves having radii as shown in the following table (as measured to back of curb):

Street Classification	Zoning	Radius
Local	Residential	20 ft.
Local	Commercial/Industrial	30 ft.
Collector	Residential	20 ft.
Collector	Commercial/Industrial	30 ft.
Major Street	All	Determined by Public Works Department

At intersections of local or collector streets with major streets, additional right or left turning lanes, medians, tapered roadway sections or other special features may be required to accommodate anticipated traffic. At the intersection of two major streets, additional lanes, larger radii, three centered curves or other special features may be required. The Public Works Department will provide the specific design requirements at these locations on an individual basis.

3.10 Lateral Obstacle Clearance

Minimum obstacle clearance for curbed sections shall be 2 feet as measured from the back of curb to the face of the obstacle. Minimum obstacle clearance for non-curbed sections shall be 8 feet as measured from the edge of the driving lane to the face of the obstacle. Traffic control devices conforming to the standards of the *Manual on Uniform Traffic Control Devices* will be allowed in the obstacle clearance zone.

3.11 Temporary Turnarounds

Where required, temporary turnarounds shall be constructed in conformance with the details shown on the *Hastings Standard Plans*. Direct access to the temporary turnaround from abutting properties will not be permitted.

3.12 Sidewalks

Sidewalks through open spaces and pedestrian walk easements, which are required by subdivision approval or special permits, shall be constructed as a part of the roadway paving project. Sidewalks in the public streets shall be constructed as required by subdivision approval.

3.12.1. Alignment

Where the sidewalk is located in the public street, the sidewalk shall generally be aligned parallel to the right-of-way line with the edge of the sidewalk located on that line, or approved by Public Works Department. The longitudinal sidewalk grade shall generally be parallel to the roadway curb grade. Sidewalks located in pedestrian easements shall be centered in that easement, or as approved by the Public Works Department.

Sidewalks not located in the public street shall be constructed with smooth and aesthetically appropriate horizontal and vertical alignments which are free of abrupt changes and which generally blend with finish grading contours for the surrounding area. Normally, longitudinal grades for these sidewalks should not exceed 5%. Longitudinal grades not exceeding 8% may be used for short distances to overcome greater elevation differentials.

3.12.2 Street Approach Ramps

Street approach ramp shall conform to current ADA requirements and Standards of the City of Hastings.

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3.12.3 Cross-Section

Sidewalks shall be at least 4 ft. wide and shall have a transverse slope of 2% in the direction of the natural surface drainage, or as approved by Public Works Department. Sidewalks shall be constructed of Portland cement concrete and shall have a minimum thickness of 4 inches. Sidewalks on collector streets shall be at least 5' wide.

Sidewalk construction shall conform to the requirements of the *City of Hastings Standard Specifications for Municipal Construction*.

3.13 Drainage Facilities

Storm sewers, open channels, culverts, inlets and other drainage facilities and appurtenances shall conform to the requirements of the *Drainage Criteria Manual* of the City of Hastings, Nebraska.

3.14 Roundabouts

3.14.1 General

Roundabout intersections as set forth herein are generally to be used in residential and commercial-industrial districts as traffic calming devices or for aesthetic purposes. They may be used for intersections having three to five approaching streets. Use of roundabouts on major streets shall be subject to special considerations and will require specific approval and be subject to specific design considerations determined by the Department of Public Works.

3.14.2 Access Not Permitted

Access directly to the roundabout from abutting properties shall not be permitted.

3.14.3 Roundabout Spacing

Roundabouts shall be spaced at least 900 feet apart as measured from center to center.

3.14.4 Angle Between Approaching Streets

The angle between the centerlines of any two streets approaching the roundabout shall not be less than 70°.

3.14.5 Roundabouts on Curvilinear Streets

Where a roundabout is located on curvilinear streets, a straight tangent section shall be required at the approach to the roundabout. The minimum length of this tangent, as measured from the outside curb radius of the roundabout to the point of curvature on the approaching street, shall be as shown in the following table:

Centerline Radius	Minimum Tangent Length
150 ft.	100 ft.
175 ft.	90 ft.
200 ft.	80 ft.
225 ft.	75 ft.
250 ft.	70 ft.
275 ft.	65 ft.
300 ft.	60 ft.
350 ft.	50 ft.
400 ft.	20 ft.
450 ft. and over	No Tangent Required

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Roundabouts may be placed along a horizontal curve provided that the centerline radius of the curve is 525 feet or greater, and that the minimum sight distances, based on the design speed of the approaching streets, are provided.

3.14.6 Grades

The grade of any roadway approaching a roundabout shall not exceed 3.0% within 70 feet of the outside curb radius of the roundabout. The grades across the roundabout shall not exceed 3.0%.

3.14.7 Geometry

In general, roundabouts in residential districts shall be designed to accommodate the turning radius of a standard AASHTO BUS design vehicle and roundabouts in commercial industrial districts shall accommodate a standard AASHTO WB-50 design vehicle.

3.14.8 Right-of-Way

The right-of-way for the roundabout shall have a minimum radius equal to the radius of the outside curb line of the roundabout plus 16.5 feet.

3.14.9 Splitter Islands

Splitter Islands shall have a minimum area of 80 square feet.

3.14.10 Curbs

Concrete curbs shall be placed on both sides of the rotary roadway and around the splitter islands. Curbs may be either combined curb and gutter or integral curb and shall conform to the requirements of the *City of Hastings Standard Specifications for Municipal Construction* and the details shown on the *Hastings Standard Plans*.

3.14.11 Roadway Cross-slope

The transverse slope of the rotary roadway paving shall not exceed 3.0%.

3.14.12 Landscaping

The center island of the roundabout may be landscaped using approved plant materials not exceeding maximum mature height of 24 inches and certain designated street trees conformation to the requirements of the *Design Standards for Street Trees*. Trees placed in the center island shall be trimmed up to 6 ft. above the ground and maintained for traffic sight clearance. Notwithstanding the above, no plant material, having a maximum mature height in excess of 6 inches shall be placed within 4 ft. from the back of the curb. Landscape maintenance and replacement, by written agreement between the City and the appropriate parties, shall be the responsibility of the abutting property owners, a homeowners association or other private entity. Landscaping plans shall include a program for maintenance and replacement of trees and plant material and shall be approved by the Department of Public Works and the City Parks and Recreation Department. All landscaping shall be installed within two planting seasons following the paving construction.

3.14.13 Sidewalks

Pedestrian traffic across the rotary roadway and center island is to be discouraged. Crosswalks on the approach roadways shall be located at least 25 feet back from the yield line or outside radius of roundabout.

3.14.14 Signs

The roundabout shall have the required traffic control signs, as determined by the Department of Public Works, in place prior to opening to traffic.

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38-403. PRIVATE ROADWAY DESIGN STANDARDS

Section 1. GENERAL

This standard shall apply to all private roadways located within the City of within the zoning jurisdiction of the City of Hastings.

Section 2. POLICIES

2.1 Reviewing Agencies

All required permits for construction of private roadway improvements shall be obtained from the City of Hastings Development Services Department and all plans for that construction shall be reviewed and approved by the Public Works Department.

Section 3. DESIGN AND CONSTRUCTION

3.1 Design Speed

The following design speeds shall be applied for the design of private roadways:

Location	Design Speed
Private Roadway – Urban	25 mph
Private Roadway – Rural	30 mph

3.2 Sight Distances

Unobstructed sight distances as set forth in Figures SD-1, SD-2, SD-3 and SD-4 of APPENDIX A, shall be provided at all street intersections and alley accesses for vehicular and pedestrian traffic safety. Fences, walls, signs or other obstructions shall not be placed in the public street and shall not be placed in the sight triangles as set forth in Figures SD-1, SD-2, SD-3 and SD-4 except that chain-link fences free from shrubbery and vines may be placed on private property within the sight triangles at uncontrolled or yield controlled intersections.

3.3 Horizontal Roadway Alignment

3.3.1. Intersections

a. Angle of Intersection

Roadways shall intersect as near as possible at right angles. In no case shall the angle of intersection vary more than 10 degrees from a right angle.

b. Intersection Separation

Where the roadways do not continue through the intersection (T-Type) a minimum separation of at least 120 feet, as measured between the centerlines, shall be maintained.

c. Intersections on Curvilinear Roadways

Where a curvilinear roadway intersects another, a straight tangent section shall be required at the approach to the intersection. The length required for this tangent is dependent upon the radius of the approaching curve. The minimum length of this tangent, as measured from the near edge of the pavement of the intersected roadway to the point of curvature, shall be as shown in the following table:

Centerline Radius	Minimum Tangent Length
100 ft.	110 ft.

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150 ft.	100 ft.
175 ft.	90 ft.
200 ft.	80 ft.
225 ft.	75 ft.
250 ft.	70 ft.
275 ft.	65 ft.
300 ft.	60 ft.
350 ft.	50 ft.
400 ft.	20 ft.
450 ft. and over	No Tangent Required

d. T-Type Intersections on Horizontal Curves

T-Type intersections may be permitted along the outside of any horizontal curve provided the minimum sight distances are provided, based on the design speed of the intersected curved roadway, and that the minimum approach tangent length is provided in the case of a curvilinear approaching roadway.

T-Type intersections may be permitted along the inside of a horizontal curve provided that the centerline radius of the curve is 525 feet or greater, and that the minimum sight distances, based on the design speed of the intersected curved roadway or street, and the minimum approach tangent length, in the case of a curvilinear approaching roadway, are provided.

3.3.2. Curvilinear Alignment

a. Horizontal Curves

All changes of horizontal alignment between intersections shall be connected by circular curves. The minimum centerline radius for curves on private roadways within the City (urban) shall be 100 feet. The minimum centerline radius for private roadways outside the City (rural) shall be 385 feet.

b. Tangents Between Horizontal Curves

A straight tangent having a minimum length of at least 100 feet shall be provided between adjacent non-compound horizontal curves where the sum of the radii of the curves is less than 600 feet.

3.4 Vertical Street Alignment

3.4.1. Longitudinal Grades

a. Minimum

The minimum longitudinal grade for all private roadways shall be 0.5% to provide for adequate surface drainage.

b. Maximum

The maximum longitudinal grade shall be 8.0%.

3.4.2. Vertical Curves

Changes in longitudinal grades shall be designed using parabolic vertical curves. Where the algebraic difference between the two grades expressed in percent is 1.0 or less, no curve is required. The minimum length of vertical curves necessary to provide adequate safe stopping sight distance shall be determined using the following formula:

$$L = K A$$

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Where: L = Minimum length of curve as measured in a horizontal plane.
K = A measure of curvature, values of which are set forth in the following table.
A = The algebraic difference between the grades of the tangents to the curve expressed in percent.

Design Speed (mph)	K-Value Crest Curves (feet)	K-Value Sag Curves (feet)
25	20	30
30	30	35

For vertical curves connecting flatter grades, care shall be taken to provide adequate slope for drainage. Generally, $K < 165$ (50 metric) for both sag and crest curves. The length of the vertical curve shall be kept as close as practicable to the minimum length as determined by the above procedure.

3.4.3. Intersection Approaches

a. Public Streets

The grade of a private roadway approaching a public street shall not exceed 3.0% within 50 feet of the closest right-of-way line of the intersected street. All vertical curves shall be located completely beyond this approach platform.

b. Private Roadways

The approach grades of all intersecting private roadways which continue through the intersection shall not exceed 3.0% within 60 feet of the centerline of the intersected roadway. At T-type intersections, the grades of the through street may exceed 3.0%.

3.5 Roadway Width

The following table sets forth minimum widths, as measured to the back of the curbs, for private roadways:

Roadway Use	Roadway Width
General Access	28 ft.
Access to Less than 30 Residential Parking Spaces	21 ft.
Access to Residential Lots of One or more Acres	20 ft. w/ 4 ft. Shoulders

In locations where the roadway width changes, those changes shall be accomplished using a tapered section. The minimum length of that taper shall be determined by multiplying the offset of the roadway edge by the design speed.

3.6 Roadway Cross-Section

3.6.1. Pavement Crown

Except at intersections, roadway paving should be designed with the top of the curbs level from one side to the other. On private roadways, with no medians, the roadway surface should have a transverse slope (crown) of 3.0% from the gutter line to the roadway centerline. Where medians are present, the roadway surface shall have a

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transverse slope of 3.0% across the entire roadway on each side of the median. Roadways without curbs shall have a transverse paving slope (crown) of 2.0% from the edge of the paving to the roadway centerline and transverse shoulder slopes of 6.0%.

3.6.2. Curbs

Concrete curbs shall be placed on both sides of all roadways.

3.6.3. Roadway Paving

Roadways shall be surfaced with any of the following surface types:

- a. Portland Cement Concrete
- b. Asphaltic Concrete
- c. Brick Pavers
- d. Pervious Asphaltic Concrete with sub-drainage
- e. Open Concrete Paving Blocks
- f. Other surfacing as approved by Public Works Department

3.7 Intersection Geometry

At intersections, the curbs of intersecting roadways shall be connected by circular curves having a minimum radius of 20 ft. (as measured to back of curb).

At intersections of private roadways with major streets, the minimum radius shall be 30 feet. Additional right or left turning lanes, medians, tapered roadway sections or other special features may be required to accommodate anticipated traffic. The Public Works Department will provide the specific design requirements at these locations on an individual basis.

3.8 Drainage Facilities

Storm sewers, open channels, culverts, inlets and other drainage facilities and appurtenances shall conform to the requirements of the *Drainage Criteria Manual* of the City of Hastings, Nebraska.

3.9 Traffic Control Devices

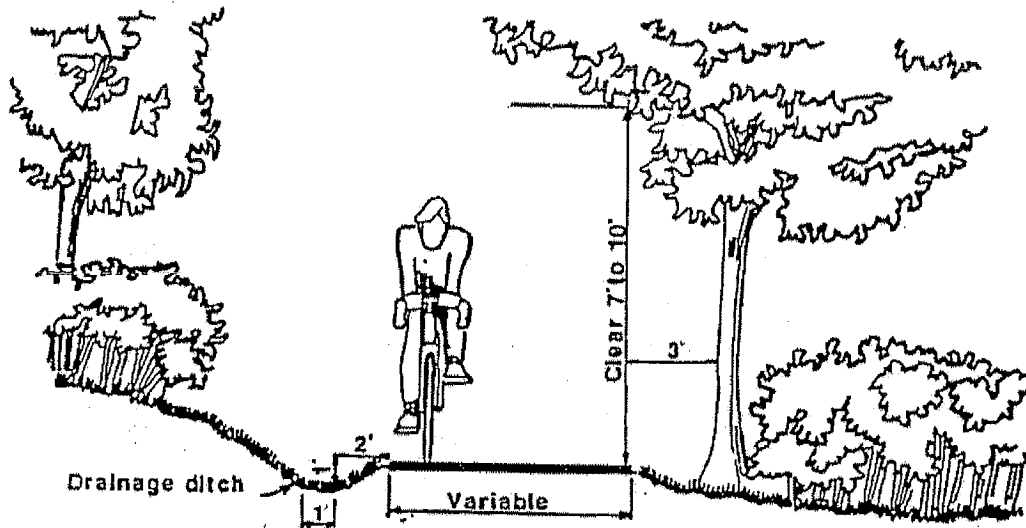
Roadway signage, pavement markings and other traffic control devices for private roadways shall conform to the current version of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices*

SUBDIVISION REGULATIONS

38-404. DESIGN STANDARDS FOR HIKER BIKER TRAILS

Section 1. CLEARING

Any vegetation, except grasses, should be cleared a minimum of 3 feet from the edge of the bike route surfacing. Overhead clearance should be maintained for a 10-foot minimum. All dead branches and trunks should be removed from above the trail. All vegetation, including roots, on the subgrade should be removed down to bare earth.



Typical Section Showing Clearing & Drainage

Section 2. DRAINAGE

Drainage should be properly handled to prevent washouts, and to avoid ground saturation beneath the trail. The trail should be sloped to provide runoff, and ditches should be provided where necessary. Underdrains may be necessary in very wet places to prevent frost action with resultant heaving.

In special instances, catch basins and drains may be needed.

Section 3. PAVEMENT

- a. Bases and subbases need to be adequately prepared to protect the surface. Removal of topsoil, stumps and roots and compaction of subgrade to City Standards will normally be adequate. In wet or otherwise poor conditions, crushed stone or fly ash may be necessary for stability. General Construction Standards of the City of Hastings shall apply.
- b. Pavement shall be constructed of 10' wide 47B concrete, 6" thick minimum.
- * 8' in width may be approved by the Public Works Department if existing landscaping or vegetation causes difficulty in achieving design section.
- c. These minimum standards may be superceded by FHWA requirements for Federally Funded Trails.

Section 4. SIGHT DISTANCES

The sight distance to any hazard or potential hazard must be a minimum of 50 feet at 10 m.p.h. that allows four seconds to react to any obstacle or hazard. If this sight distance cannot be provided, warning signs must be posted.

Section 5. GRADE

Bike paths shall not exceed a 5% grade (except for very short distances). If difficult grade problems cannot be overcome, measures should include the provision of rest stops or lower grade "switchbacks". Table 1 shows some suggested relationships between grade and grade-lengths.

TABLE 1
GRADE AND GRADE LENGTH CRITERIA

<i>Bikeway Gradient</i>	<i>Desirable</i>	<i>Normal Length</i>	<i>Maximum Length</i>
10.0%	Not Recommended	33'	66'
5.0	Not Recommended	131'	262'
4.5	82'	167'	334'
4.0	102'	203'	410'
3.5	148'	295'	590'
3.3	148'	295'	590'
2.9	200'	400'	800'
2.5	262'	525'	1,050'
1.7	590'	1,180'	-----
1.5	-----	2,100'	-----

Section 6. RADIUS OF CURVATURE

In these standards, a design speed of 20 m.p.h. is recommended for Bike Paths. The following simple linear equation which related curve radius to design speed at the relatively low speeds bicycles normally travel will be used to arrive at radius of curvature.

$$R = 1.25 v + 1.4$$

Where V = speed in m.p.h.
R = Curve radius in feet

This equation allows for a minimum R of 58' at a V of 20 m.p.h. Since Biker Paths in the Parks are used for both pedestrians and bicycles, a maximum of .06 foot per foot superelevation will be used. Figure 1 below (Standard Superelevation for Bikeways, Source: State of Oregon) will be used to determine superelevation up to the maximum allowable.

$$\text{Plot of } \frac{V}{qR} = \frac{\tan \theta + f}{1 \mp \tan \theta}$$

Where V – velocity, ft/sec

q = acceleration due to gravity, ft/sec

R = radius of curvature, ft

f = coefficient of friction on dry pavement = 0.4

$\tan \theta$ = superelevation rate, ft/ft

SUBDIVISION REGULATIONS

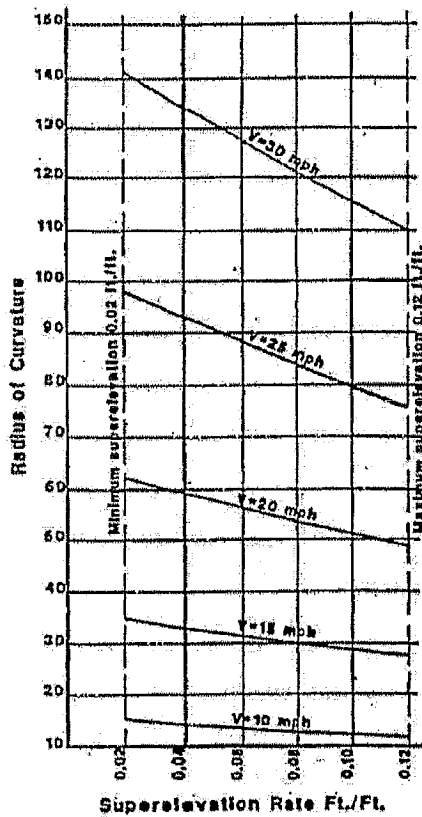


Figure 1: STANDARD SUPERELEVATION FOR BIKEWAYS

Source: State of Oregon

Curvature shall be based on a normal design speed of 20 m.p.h. Within limits shown, either the radius or the superelevation may be varied to fit individual situations. The dependant variable may be selected from the adjacent chart. Descending grades in excess of 7 percent (7%) will have a design speed of 30 m.p.h. Climbing grades in excess of 3 percent (3%) may use a 15 m.p.h. design speed. The descending grade determines the design speed on two-way bikeways.

Curvature shall be based on a normal design speed of 20 m.p.h. Within limits shown, either the radius or the superelevation may be varied to fit individual situations. The dependant variable may be selected from the adjacent chart. Descending grades in excess of 7% will have a design speed of 30 m.p.h. Climbing grades in excess of 3% may use a 15 m.p.h. design speed. The descending grade determines the design speed on two-way bikeways.

Bike Paths with curves of radii of less than 100 feet will be widened in accordance to the attached methodology in Figure 2 as developed by the State of Oregon. Maximum widening is limited to 4 feet.

When widening reaches 4 ft. ($\Delta > 96.4^\circ$), that width shall be carried on a radius of R-4 through the central portion of the curve ($\Delta > 96.4^\circ$) as shown on the right.

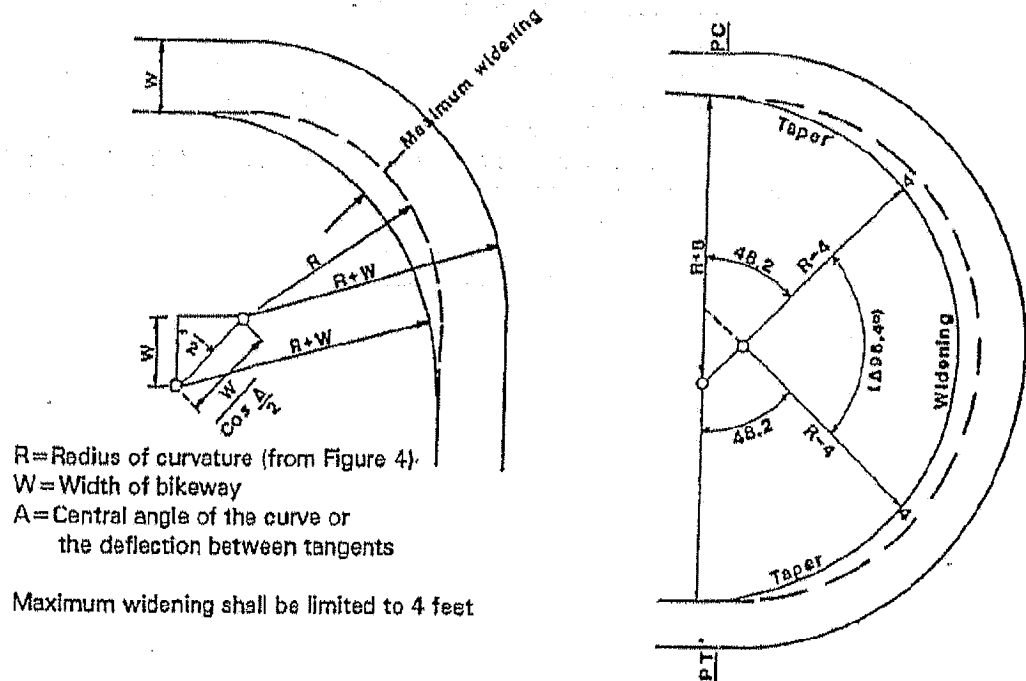


Figure 2: CURVE WIDENING

Source: State of Oregon

Section 7. WIDTH OF PATH

Minimum width is ten feet, this will allow a cyclist in one direction to meet and pass a cyclist going in the opposite direction.

Section 8. BRIDGES

The width of bridges will need to be the minimum width of the path, or as approved by the Public Works Department.

Section 9. BIKE PATH GRAPHICS

9.1 Route Signing

- a. All bikeway signing shall conform to the Manual on Uniform Traffic Control Design.
- b. Adequate signing should be deployed at all decision points along a bikeway. This includes both signs informing the cyclist of directional changes and confirmatory signs to ensure that route changes have been correctly perceived.

9.2 Bike Pedestrian and Roadway Crossing Signs

- a. Warning signs indicating to motorists that bicycles should be anticipated and to cyclists that motor vehicles or pedestrians may be encountered should be installed on the approaches to points of potential conflict and at high activity areas. Included are:
 - (1) Points where a bikeway crosses a roadway or sidewalk.
 - (2) At bikeway starts and terminations or transition areas involving potential conflict movements.
 - (3) At intense activity areas such as the vicinity of parks, schools, recreational facilities and community centers.
- b. Motorists directed warning signs on urban streets should be placed at least a halfblock in advance of the conflict point, and all circumstances such signing whether directed to motorists or cyclists should be placed sufficiently in advance of the conflict point to permit appropriate perception and reaction. Additional cyclist directed warning signs may be installed as required to warn cyclists of specific hazardous conditions.

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MOTOR VEHICLE DIRECTED AND WARNING SIGNS



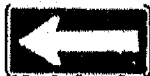
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BIKE ROUTE DESIGNATION SIGNS (White on green Background)



Message Plates

To be mounted above the official marker to designate the beginning and ending of the bike route, and to trailblaze that bikeway.

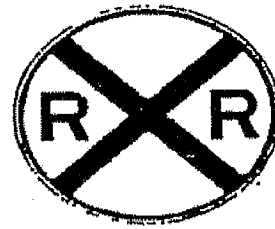


Directional Plates

To be mounted below the official marker to guide cyclists along the bikeway and to trailblaze the bikeway.

TYPICAL BIKEWAY SIGNING

CYCLIST DIRECTED WARNING SIGNS
(Black on yellow background)



TYPICAL BIKEWAY SIGNING

SUBDIVISION REGULATIONS

38-405. DRIVEWAY DESIGN STANDARDS

Section 1. GENERAL

This standard shall apply to all residential and commercial driveways located within the City and commercial driveways located outside the City Limits but within the zoning jurisdiction of the City.

Construction of any driveway shall require and be subject to the conditions of a driveway permit issued through the Department of Development Services. Requirements for permit applications are covered herein.

Section 2. POLICIES

2.1 General

It is the policy of the City of Hastings to promote the maximum safe and efficient travel of persons on the public right-of-way and to preserve the maximum capacity of the roadway to accommodate such travel.

The issuance, denial, modification and revocation of driveway approach permits and the ordering of the removal, reconstruction, relocation, or alteration of any driveway approach may be used to implement this policy.

Driveway approaches shall be designed so that under the specific conditions for the property:

1. Reasonable access from the roadway is afforded.
2. Horizontal separation from other approaches and roadway intersections is the maximum attainable.
3. The area and number of points where conflicts between vehicles using the approach, through vehicles using the roadway and pedestrians using the sidewalks is kept to a minimum.
4. Speed differential between vehicles using the approach and vehicles on the roadway is kept as low as possible.
5. The driver entering or leaving the approach has the maximum unobstructed view of other vehicles using the roadway.
6. The maximum safety and efficiency of the right and left turning vehicles using the approach is afforded.
7. The frequency at which vehicles must stop or substantially reduce speed on the roadway because of actions of vehicles entering or leaving the driveway approach is kept to a minimum.
8. The maximum safety, efficiency and capacity of the roadway is promoted.

2.2 Costs of Construction

The Owner of the property served by the driveway approach shall pay all costs for constructing the driveway approach; required additional turn lanes; pavement widening; median construction or reconstruction; alteration of manholes, storm sewer inlets, water valves or fire hydrants; relocation of power poles or light poles; and alteration of any other public utilities affected by the construction of the driveway approach. Street Department will address asphalt replacement adjacent to driveway approach at no cost to applicant.

2.3 **Number of Driveway Approaches**

Guidelines for the number of driveway approaches to be permitted are as follows:

1. For single and two-family dwelling units, only one driveway approach per dwelling will be permitted unless the application meets the requirements for a circular driveway as set forth in *Figure D-1*. One additional driveway approach for a property may be granted on a non-major street when a site drawing and written request indicating the justification for such additional drive is submitted and such request is approved by the Director of Public Works or designated representative.
2. Only one two-way commercial driveway approach or one pair of one-way commercial driveway approaches should be permitted to a property having less than 400 feet of frontage and taking access from a major street.
3. Commercial driveway access to a major street from adjoining properties having a total frontage of less than 200 feet should be consolidated where possible. Jointly used driveways are encouraged along major streets to obtain maximum spacing of driveway approaches. These joint use driveways should provide at least a 50 feet deep access easement between the property owners.
4. For property located on a corner, commercial driveway access should be limited to one driveway approach. If the property is located at the intersection of a major street and a local or collector street, the driveway approach should be located on the local or collector street to reduce potential conflicts. If desirable horizontal separation of the driveway approach from the intersection and other approaches is attainable, and the land use warrants additional access, an access to both streets may be permitted.

Section 3. **DESIGN**

3.1 **General**

Driveways used for commercial or industrial purposes, except those leading to loading docks or vehicle access doors, shall be designed such that vehicles can leave and enter the roadway in a forward motion.

Driveways to residential properties which have more than three garage units or parking stalls shall be designed such that vehicles can leave and enter the roadway in a forward motion.

3.2 **Location**

Driveways shall be located to provide maximum separation from other drive approaches and roadway intersections to minimize impeding vehicle traffic on the roadway. Minimum and standard dimensions for driveway approach separation, clearances from roadway intersections and offsets at T-intersections or median openings are shown on *Figure D-2*. The minimum values shown in this figure are the smallest dimensions which shall be permitted. The standard values shall be used to the extent possible within the property frontage.

3.3 **Sight Distance**

Unobstructed sight distances as set forth in *Figure SD-3 and SD-4 of APPENDIX A*, shall be provided at all driveway approaches for vehicular and pedestrian traffic safety. Fences, walls, signs or other obstructions shall not be placed in the public street and shall not be placed in the sight triangles as set forth in *Figures, SD-3, and SD-4*. Chain link fences shall not be allowed in front yards.

3.4 **Driveway Approach Geometry**

Driveway throat widths, return radii or tapers, and angles are shown in *Figure D-2* for the various land uses and street classifications. Typical driveway approach details are shown in *Figure D-3*.

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3.5 **Driveway Approach Grades**

The driveway approach surface shall meet the sidewalk at sidewalk grade. The sidewalk grade shall be established by the Public Works Department or in conformance with approved subdivision layout plan. Normal sidewalk cross-slope through the driveway approach shall be 2%. Where the walk abuts the curb, the cross-slope shall not exceed 2%. No more than 8% slope (ADA) into the street from the outside edge of sidewalk (nearest to street) will be permitted.

The owner or the owner's representative shall notify the Street Superintendent and request grade stakes for the driveway approach and inspection of the work before concrete is poured. The Public Works Department and/or Development Services Department shall be notified at least two working days in advance to give time to schedule any inspections. Work done without prior inspection shall be removed if the completed construction is not in accordance with terms of the permit.

3.6 **Driveway Approach Cross-Section and Construction**

Driveway approaches on paved roadways shall be surfaced with concrete from the roadway edge to the property line. The minimum thickness of driveway approaches for single or two-family dwellings is 6 inches from the roadway edge back to the property line.

The minimum thickness of commercial driveway approaches is 6 inches from the roadway edge to the property line. The Public Works Department may require a greater thickness for commercial driveways depending on the geometry of the approaches, anticipated traffic volumes and number of trucks using the driveway.

Along roadways improved with a rural-type cross-section and parallel ditch, a drainage culvert shall be installed under the driveway approach. The length, size, grade and location of the culvert shall be determined by the Public Works Department. The culvert is to be purchased by the property owner and installed by the City.

Driveway approaches shall be constructed in conformance with *City of Hastings Standard Specifications for Municipal Construction*.

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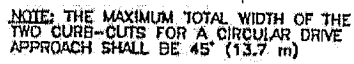


FIGURE D-1

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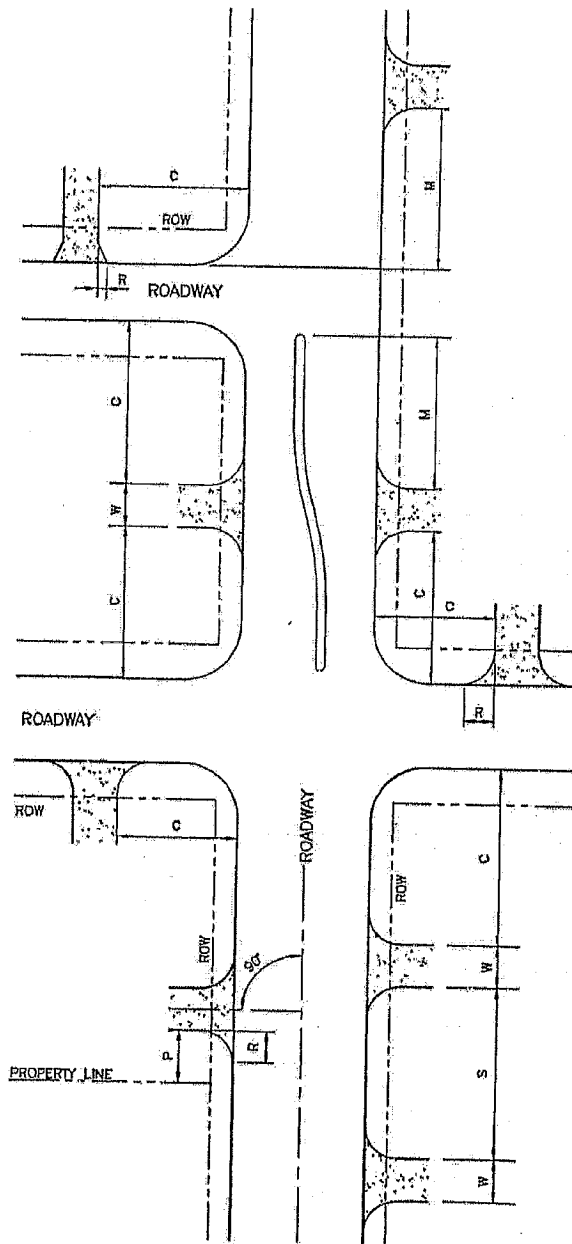
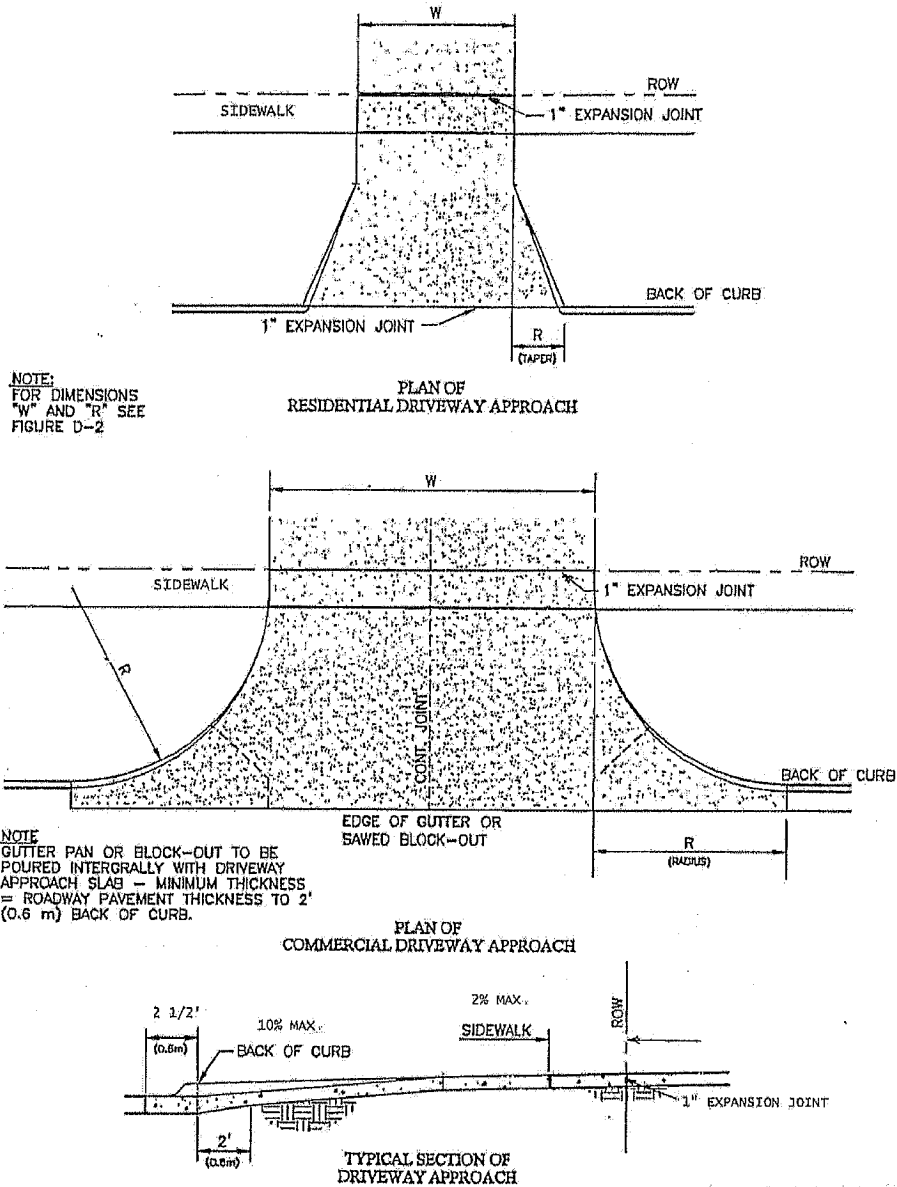


FIGURE D-2

DRIVEWAY DIMENSIONS				DRIVEWAY SPACING & CLEARANCES				
	THROAT WIDTH - W'		RETURN RADIUS - R	ELEMENT	ROADWAY CLASSIFICATION			
	TWO-WAY	ONE-WAY			MAJOR STREET		LOCAL/COLLECTOR	
					MINIMUM	STANDARD		STANDARD
Single or Two-Family	10' to 25'	-	2.5' to 5'	Driveway Separation - S	30'	150' Min.	50'	
Multiple Dwelling	20' to 25'	15' to 20'	15'		5'	150' Min.	50'	
Less than 20 Stalls	25'	15' to 20'	15' to 20'					
20 or More Stalls				Single or Two-Family	55'	150' Min.	55'	
Commercial	25' to 35'	15' to 20'	15' to 20'	Intersection Clearances - C	55'	150' Min.	150'	
Less than 150 veh/hr	30' to 40'	20' to 22'	25'		Major - Major	55'	150' Min.	150'
150 veh/hr or more	30' to 40'	20' to 25'	25'		Major - Local/Collector	75'	150' Min.	55'
Truck Access				Local/Collector-Local/Coil				
				T-Intersection or Median	75'	75'	-	
				Opening Offset - M	R	30'	10'	
				Property Line Offset - P	R	30'	10'	

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DRIVEWAY DETAILS

FIGURE D-3

MINIMUM 6" CONCRETE TO PROPERTY LINE

47B OR 6 1/2 SACK ABX (OR AS APPROVED BY CITY ENGINEER)

[illegible]

3.7 Internal Circulation

In order to protect through traffic movement on the roadway, driveways shall project into the property a sufficient distance to provide for the normal turning radius of the types of vehicles to be accommodated. Driveway approach approval will be withheld if parking lots do not conform to the *Parking Lot Design Standards* and do not provide adequate circulation and waiting vehicle storage of drive-in facilities on the property. On-property waiting vehicle storage requirements for the various types of drive-thru facilities are shown in *Table VS-1*:

**Table VS-1
Waiting Vehicle Storage Requirements**

Type of Use	Min. Waiting Vehicle Storage
Financial Institution – Electronic Teller	2 vehicles per lane*
Financial Institution – Personal Teller	4 vehicles per window or kiosk*
Car Wash – Self Service	4 vehicles per bay at entrance* 1 vehicle per bay at exit
Car Wash – Automatic/Conveyor	300 ft. per bay at entrance* 2 vehicles per bay at exit
Drive-Thru Restaurant	5 vehicles per window*
Drive-Thru Coffee Shop	
-Driver Side Service	4 vehicles per lane*
-Passenger Side Service	2 vehicles per lane*
Drive-Thru Pharmacy	2 vehicles per lane*
Service Stations	
-Service Islands	2 vehicles per pump lane*
-Service Bay	1 vehicle per bay*
-Quick Lube/Oil Change	2 vehicles per bay*
-"Starting Gate Design" (4 or more pump islands side by side 18 ft. apart)	1 vehicle per lane*
Gated Parking Lot Entrance	1 vehicle per gate
Garage Unit or Overhead Door (major streets only)	1 vehicle per door

*Storage requirements are in addition to vehicle being served.

Required vehicle storage shall not block driveways or required parking stalls and shall not be located in side, front or rear yards where parking stalls are prohibited. Each vehicle storage unit shall be 22 ft. long.

3.8 Additional Turning Lane Requirements

Additional turning lanes, widening or other special treatments to the roadway may be required if the Public Works Department determines that the projected driveway and roadway traffic volumes warrant such additional construction. Specific details of the required construction shall be determined by the Public Works Department.

Section 4. **ADDITIONAL REQUIREMENTS**

4.1 State Highways and Federal Aid System

Construction of driveways on State Highways and Streets covered by Federal Aid agreements within the City of Hastings must be reviewed and approved by the Nebraska Department of Roads.

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The streets covered by such agreements are shown on a map on file in the Public Works Department. The Public Works Department will forward a copy of the site plan to the Permits and Right-of-Way Division of the Nebraska Department of Roads for their review prior to approval by the City.

Applications for driveways on State Highways inside and outside of the Hastings City Limits shall be made directly to the Nebraska Department of Roads.

4.2 **Driveways Outside Hastings City Limits**

Applications for construction of residential or farm driveways on County maintained roads outside of the Hastings City Limits but within the zoning jurisdiction of the City shall be approved by the Adams County Highway Superintendent.

Applications for construction of commercial driveways outside of the Hastings City Limits but within the zoning jurisdiction of the City shall be approved by the Public Works Department and the Adams County Highway Superintendent.

4.3 **Tree Removal Permits**

Prior to approval of any driveway approach permit which may require removal, relocation or trimming of any tree located within the public street right-of-way, the applicant shall obtain permission for such tree work from the City Parks and Recreation Department.

Section 5. **MEDIAN OPENINGS**

5.1 **General**

Requirements and procedures for obtaining access to an existing or proposed median opening on public streets in the City of Hastings as follows:

1. A written application outlining the request for a median opening or access to a new or proposed median opening shall be submitted to the Public Works Department along with (3) three copies of a 1"=20' scale drawing of the proposed median opening or access showing in detail the adjacent property including buildings, parking stalls and driveways. Traffic data and documentation shall also be submitted which address the following:
 - a. **Justification**
 - (1) Develop the volume of traffic that will be generated by the development(s) served by the median opening and how that traffic will be distributed to this and to other points of access.
 - (2) Identify which traffic movements are affected and develop the volumes of those movements.
 - (3) Identify available alternate accesses and circulation routes.
 - (4) Establish the volume/capacity impacts with and without the break(s). Impacts at other break locations and at affected nearby intersections must also be considered.
 - b. **Location/Geometry**
 - (1) Based on the projected volumes, how much left turn storage is required?
 - (2) Can left turn storage be constructed both directions from break without affecting left turn storage for other nearby intersection(s)?

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- (3) Is break location likely to require signalization in future? If so how will signalization affect the capacity of the roadway, turn storage requirements, detector placement, etc.?
 - (4) If the break location is not signalized, are there adequate gaps in the roadway traffic to allow crossing and turning movements?
 - (5) Does the proposed median break meet the sight distance requirements set forth in Appendix A?
 - c. Compatibility with Other Land Uses
 - (1) Is the proposed break compatible with current and proposed land uses on the opposite side of the street?
 - (2) Are all adjacent owners in agreement on location of the median break, internal circulation routes and other points of access?
2. The design of the median opening and associated driveways shall follow the design guidelines shown in *Figures D-2 and Table LT-1*.
3. Construction in streets covered by Federal Aid agreements must also be approved by the Nebraska Department of Roads and Federal Highway Administration. The Public Works Department will coordinate the reviews with the Nebraska Department of Roads.
4. If the proposed driveway will permit exiting traffic to turn left, the property owners on both sides of the street abutting the proposed median opening shall dedicate a minimum 50' deep by 60' wide right-of-way stub prior to approval of the median opening.
5. The property owners shall submit a development plan showing their intent to dedicate public access easements across their property to directly adjoining lots not having direct access to a median opening. The location and alignment of the easements shall provide reasonable vehicular access during the existence of the median opening and be approved by the Public Works Department. All public access easements shall be drafted by the applicant and approved by the City Attorney and City Surveyor.
6. After the concept and design of the proposed median opening has been approved by the City, Nebraska Department of Roads and Federal Highway Administration as required, an Executive Order authorizing construction of the median opening will be prepared by the Public Works Department and forwarded to the Mayor and Council for review and approval.
7. All costs related to the design and construction of the median opening and associated driveways shall be the responsibility of the applicant.
8. Median openings will be considered only in roadway sections where adequate left-turn storage can be provided without adversely affecting storage for existing median openings or future median openings to other public streets.
9. The above policies do not apply to the State or Federal Highway System. Those roads are under the direct jurisdiction of the Nebraska Department of Roads.

5.2 Design

Details of median opening geometric requirements are shown in *Figure D-4*. The length of the required left turn storage lane is determined by the following formula and *Table LT-1*:

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$$M = (DHV)(I) \div 3600$$

Where: M = Average Number of Vehicles per Interval

DHV = Design Hour Volume of Left Turning Vehicles

I = Interval = 90 seconds with signal = 60 seconds without signal

Example

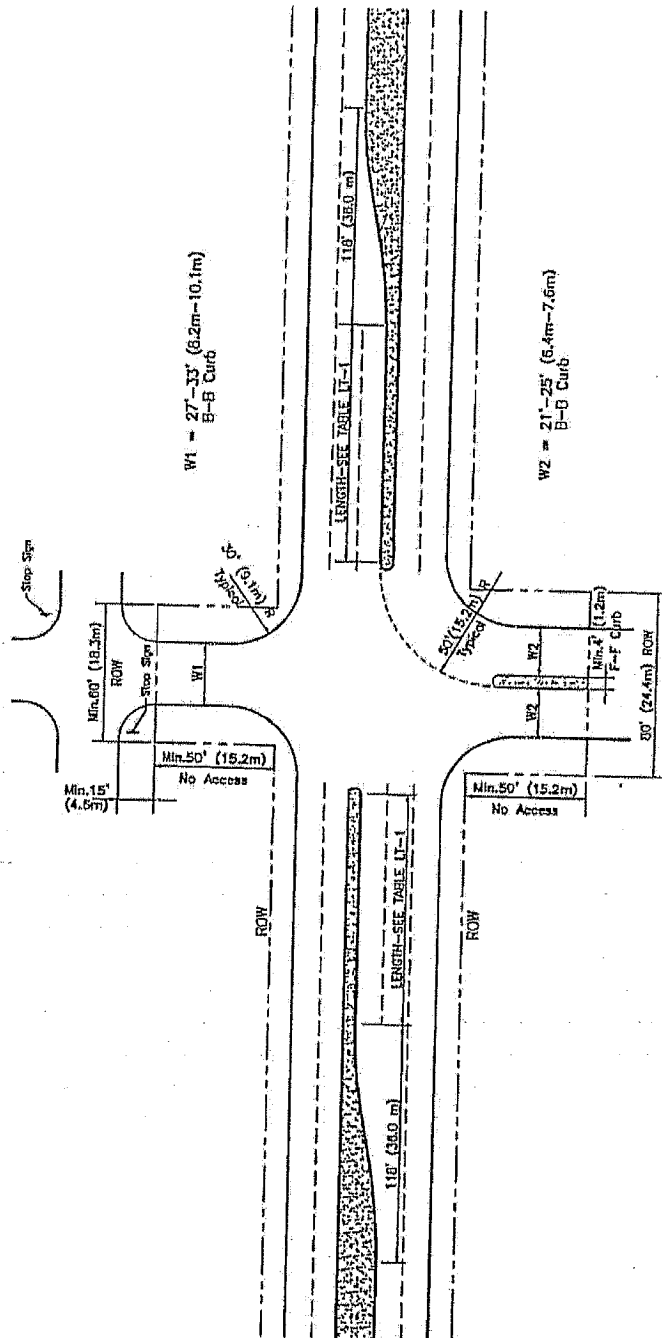
Given: DHV = 486 Left Turning Vehicles With Signal

$M = (486)(90) \div 3600 = 12.2$ = Average Number of Vehicles per Interval
 from *Table LT-1*: The 95% Probability Maximum Number of Vehicles
 Turning Left During the Same Interval = 19

Thus: Length of Turn Lane Storage = $(19)(25') = 475' = (19)(7.62 \text{ m}) = 144.8 \text{ m}$

Table LT-1
Left Turn Lane Length

Average Number of Vehicles per Interval M	95% Probability Maximum Number of Vehicles During Same Interval	Length of Left Turn Lane
0.1 to 0.3	2	150' min.
0.4 to 0.8	3	150' min.
0.9 to 1.3	4	150' min.
1.4 to 1.9	5	150' min.
2.0 to 2.6	6	150'
2.7 to 3.3	7	175'
3.4 to 4.0	8	200'
4.1 to 4.7	9	225'
4.8 to 5.4	10	250'
5.5 to 6.2	11	275'
6.3 to 7.0	12	300'
7.1 to 7.8	13	325'
7.9 to 8.6	14	350'
8.7 to 9.4	15	375'
9.5 to 10.2	16	400'
10.3 to 11.0	17	425'
11.1 to 11.8	18	450'
11.9 to 12.6	19	475'
12.7 to 13.4	20	500'
13.5 to 14.2	21	525'
14.3 to 15.0	22	550'



STANDARD ACCESS TO MEDIAN OPENING ON MAJOR STREET

FIGURE D-4

SUBDIVISION REGULATIONS

C

C

C

Section 6. GENERAL INSTRUCTIONS FOR DRIVEWAY PERMIT APPLICATION

6.1 General

Application for driveway permits are made to the City of Hastings Development Service Department.

The application shall include the address and legal description of the property served by the proposed driveway approach, the property owner's name, length of proposed curb cuts, the name, signature and telephone number the representative of the property owner authorized to make decisions concerning the driveway approach binding on the property owner.

6.2 Application for Driveways Serving Single Family and Two-Family Dwellings

Application for driveway permits for single and two-family dwelling units may be approved by the Development Services Department when it is determined that the site plan drawn on the application is in conformance with these standards and the regulations of the City. Only one such driveway may be approved for each dwelling unit unless the application meets the requirements for circular drives as illustrated in *Figure D-1*. One additional driveway for a single buildable lot may be approved on non-major streets when a written request and drawing as set forth herein is submitted indicating the justification for such additional drive and when the same is approved by the Director of Public Works.

6.3 Application for Driveways in Conjunction With Building Activity

Application for driveways in conjunction with building activities shall be filed at the time of application for the associated building permit. The issuance of the driveway permit and payment of fees however, need not coincide with the issuance of the building permit.

6.4 Multi-Family, Commercial and Industrial Uses

Applications for driveway permits for all driveways, other than single or two-family dwellings, shall include three (3) copies of a site plan which shows the following items:

1. Scale drawing (1" = 20') with north arrow indicated.
2. Property lines and setback lines of property served, with dimensions.
3. Building and structure lines (note overhead or drive-in door locations).
4. Parking lot layout, with dimensions of aisles and stalls.
5. Parking lot barriers.
6. Adjacent roadways and sidewalks.
7. The proposed driveways, with dimensions.
8. Location of physical features of the property (i.e. trees, poles, inlets, manholes, valves, utilities, existing drives or curb cut locations, and service connections, within the public right-of-way).
9. Proposed traffic volume and vehicle type using the driveways.
10. Curb shall be ground or total removal and replacement shall be determined by Street Superintendent or authorized representative.

SUBDIVISION REGULATIONS

The *Commercial Driveway Application Checklist* included hereafter (a clear photocopy is permissible) shall accompany the application to facilitate review by the Public Works Department.

DRIVEWAY APPLICATION CHECKLIST

☐ Residential ☐ Commercial

1. This property is legally described as Lot _____, Block _____, _____ Subdivision, Section _____, Township _____ North, Range _____ East, City of Hastings, Nebraska.
2. The commonly known street address: _____
3. Name and/or Use of property: _____
4. Driveway dimensions: (reference: *Figure D-2 Driveway Design and Location Standards*)
 - a. Distance from property line to centerline of driveway _____
 - b. Distance from closest side street curb to near edge of driveway _____ (minimum 55')
 - c. Throat width of driveway approach (W) _____
 - d. Radii dimensions (R) _____
 - e. Total curb cut dimension (W + R + R) _____
5. Parking lot dimensions: (reference: *Figure PL-1 Parking Lot Design Standards*)
 - a. Angle of Parking _____
 - b. Stall Width _____
 - c. Stall Depth _____
 - d. Aisle Widths _____
6. Special Considerations:
 - a. Vehicle waiting storage requirements are: _____ (reference: *Table VS-1 Driveway Design and Location Standards*).
 - b. Sight distances: Speed _____ mph Required sight distance _____ feet (reference: *Figure SD-4 Appendix A*)

HASTINGS CITY COUNCIL WORKSESSION AGENDA

Wednesday, October 21, 2009

7:00 P.M.

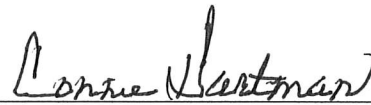
Morrison-Reeves Science Center, Room 131
Hastings College Campus

1. Motion by Council that the Open Meetings Act is posted on the southeast wall of the City Council Chambers and that prior to this meeting a notice was posted on the bulletin board at City Hall, that the Mayor and each Councilmember received a copy of the agenda, and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session.
2. Tour of Morrison-Reeves Science Center.
3. Presentation of Heartland Pet Connection Annual Report.
4. Discussion of revisions to City Code Chapter 34, Zoning and City Code Chapter 38, Subdivisions.
5. Questions from Councilmembers on October 26, 2009 City Council Meeting Agenda.

NOTICE OF WORKSESSION

CITY OF HASTINGS, NEBRASKA

NOTICE IS HEREBY GIVEN, that a Worksession of the Mayor and Council of the City of Hastings, Nebraska, will be held at 7:00 o'clock P.M. on October 21, 2009, at the Morrison-Reeves Science Center, Hastings College, which meeting will be open to the public. An agenda for such meeting, kept continuously current, is available for public inspection at the office of the City Clerk at the City Building during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than twenty-four hours before the scheduled commencement of the meeting.

A handwritten signature in cursive script, appearing to read "Connie Hartman", is written over a horizontal line.

City Clerk

Date Posted: October 19, 2009

COUNCIL WORKSESSION, WEDNESDAY, OCTOBER 21, 2009 AT 7:00 P.M.

The Mayor and Council were given a tour of the Morrison-Reeve Science Center prior to the meeting.

The meeting was called to order by Council President Goebel with the following members present: Harrington, Odom, Niemeyer, Krings, Goebel. Absent: Peterson, Glen, Ruberson.

Others Present: Mayor Powers, City Administrator Joe Patterson, City Engineer Dave Wacker, Planning Director Rich Cartier, Planning Commission Member Keith Napier, Fire Chief Kent Gilbert, Hastings Utilities Engineer Ron Sekora, City Attorney Bob Sullivan and Business Improvement District Director Randy Chick.

Moved by Harrington, seconded by Odom that the Open Meetings Act is posted and that prior to this meeting a notice was posted on the bulletin board at City Hall, that the Mayor and each Councilmember received a copy of the agenda and that an agenda for such meeting, kept continuously current, is available for public inspection and that said meeting is held in open session. The motion carried.

Councilman Goebel advised that Heartland Pet Connection would not be here tonight to give their Annual Report.

DISCUSSION - REVISIONS TO CHAPT. 34 (ZONING) & CHAPT. 38 (SUBDIVISIONS)

Joe Patterson, City Administrator, stated what is before the Council tonight is the final document which has been reviewed and approved by the Planning Commission. The Planning Director and the City Engineer are at the meeting tonight to go over some the changes that have been made.

Rich Cartier, Planning Director, stated the most significant changes in Chapter 34 are: 1) The addition of tables, drawings & graphs for easier reference code. 2) New zoning district known as R-4 Urban Neighborhood District. 3) Elimination of R-3G District (Garden Apartment); it was redundant to the R-3 (Multiple Family Residential District). 4) New zoning district known as "CMP" Institutional Campus District which is a district to assist & encourage development of educational, institutional & medical uses and complimentary land uses in a campus type setting. 5) Prohibiting storage on first floors as a primary use in the C-2 (Central Business District). 6) Addition of bicycle parking requirements. 7) Outdoor & commercial storage restriction for retail. 8) Small Wind Energy Systems. 9) Limiting communication towers to commercial, industrial & Agriculture zoning districts with height restrictions. 10) New Overlay District "Pedestrian Overlay Design Standards"; added to give the option for this kind of overlay to meet the proposed pedestrian/sidewalk requirements.

Councilman Odom questioned the Small Wind Energy, are there automatic shut offs.

Ron Sekora of Hastings Utilities stated yes there is an automatic disconnect.

Councilman Goebel questioned what happens with the current R-3G zonings, are they going to remain that zoning.

Mr. Cartier stated they would be changed to R-3 in the near future.

Councilman Goebel questioned if the current C-2 zoning that now use their first floor as storage would be grandfathered in.

Mr Cartier stated they could be.

Councilman Niemeyer stated he would not be in favor of grandfathering that in.

The Mayor stated possibly we could give them two years to remove the storage in the C-2.

Councilman Odom questioned the electronic billboards at McDonald's and the bank, aren't those regulated by the State.

Dave Wacker, City Engineer, stated yes they are, those types of signs need to be 100' apart.

The City Engineer stated in regard to Chapter 38, Subdivisions, there is a new article for design standards for the City. Section 38-303 includes requirements for trails. Trails shall be a minimum of 4 feet wide on local streets and 5 feet wide on collector or arterial streets. Another change is the length of cul-de-sacs, that has been changed from 400 feet to 600 feet.

Councilman Ruberson entered the meeting at 8:05 P.M.

Councilman Krings stated in the area he lives in, sidewalks are located at the street. Is that something that will continue in these subdivision regulations.

The City Engineer stated no, the new regulations call for there to be a terrace.

Mr. Cartier advised the Mayor and Council that developers are aware of the proposed changes to Chapters 34 and 38 & the proposed changes have been placed on the City's website.

OCTOBER 26, 2009 COUNCIL AGENDA QUESTIONS

Councilman Goebel questioned if something shouldn't be put on the Council Agenda as a result of our meeting in Superior last night.

It was the consensus of the Council that a resolution be put on the Agenda indicating the City's financial commitment to work on Highway 6.

Moved by Krings, seconded by Ruberson that the Council to into Executive Session at 8:40 P.M. to discuss the BSB Claim. The motion carried.

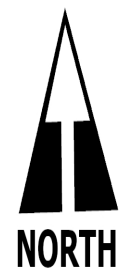
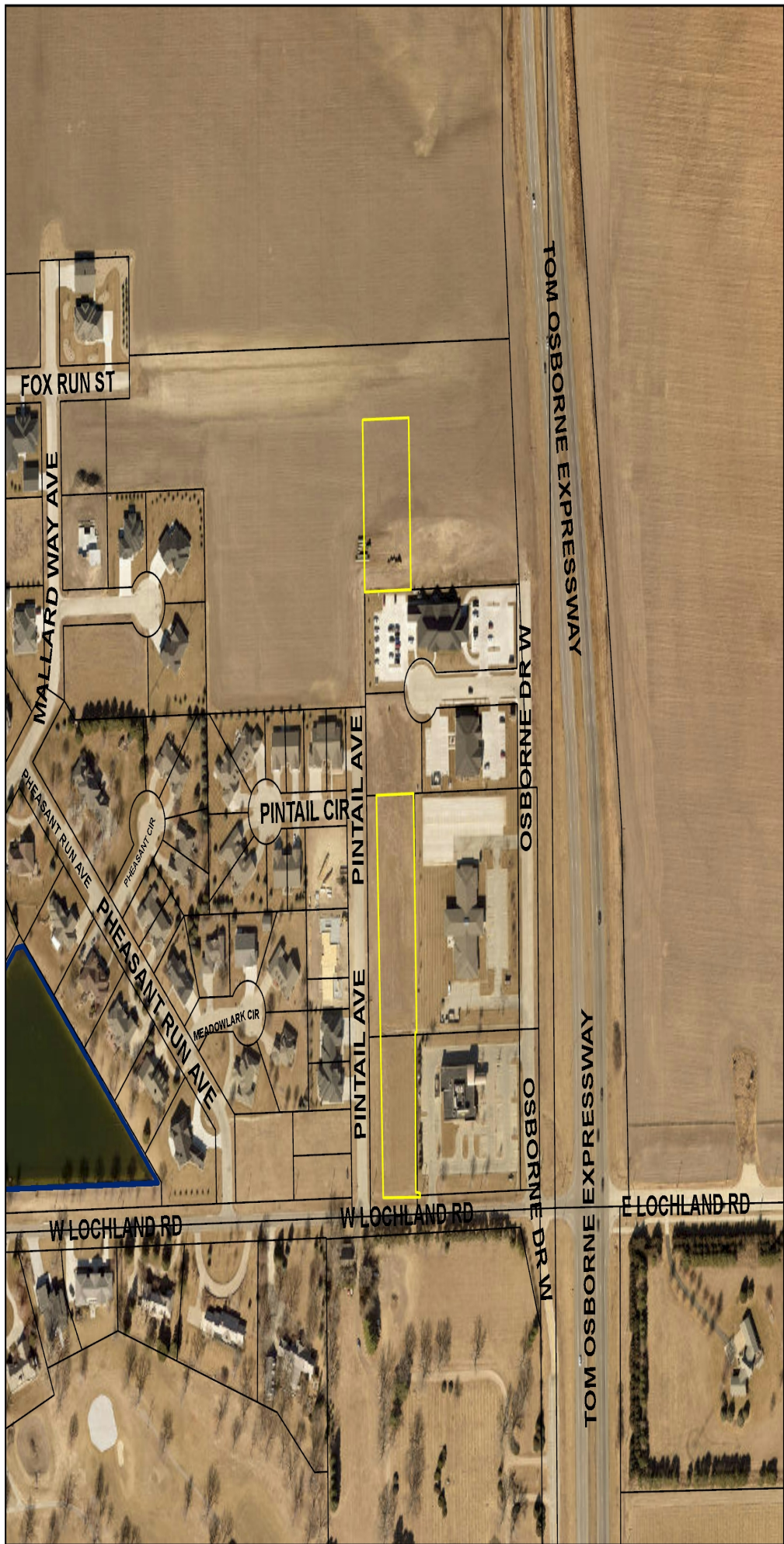
Moved by Odom, seconded by Niemeyer that the Council to out of Executive Session onto Regular Session at 8:53 P.M. The motion carried.

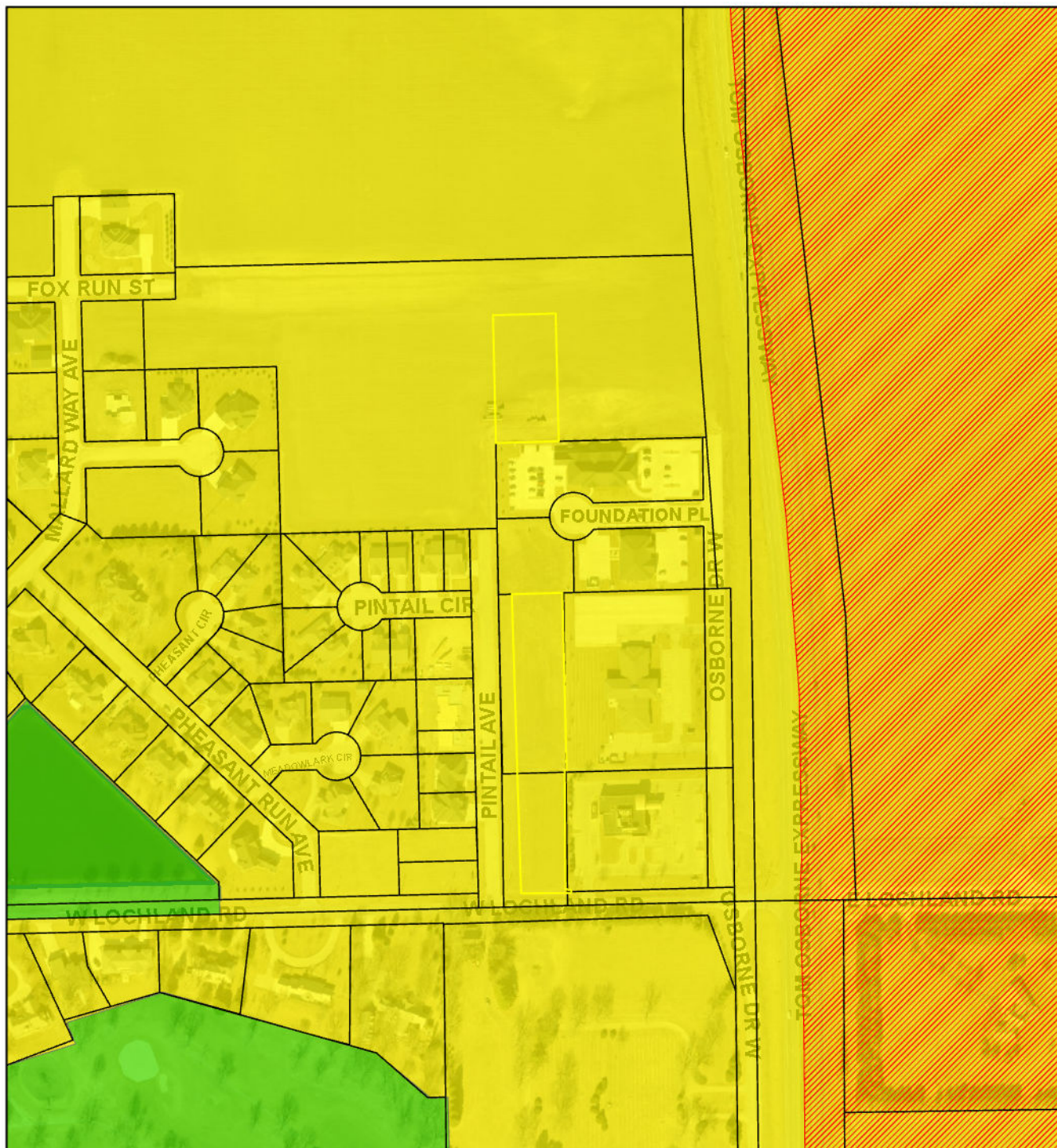
Moved by Niemeyer, seconded by Ruberson there being no further business to come before the Council, the meeting adjourn at 8:53 P.M.

Lochland Area

Rezoning R-3G to R-3

-  R-3G Properties
-  PARCELS





Lochland Area Future Land Use

Rezoning R-3G to R-3

R-3G Properties

PARCELS

Future Land Use

Land Use

- Transitional Agriculture (TA)
- Residential Estates (RE)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Residential Village Park (RVP)
- Downtown Commercial (DC)
- General Commercial (GC)
- Highway Commercial (HC)
- Industrial (I)
- Flex (F)
- Public/Institutional (P/I)
- Parks/Recreation (P/R)

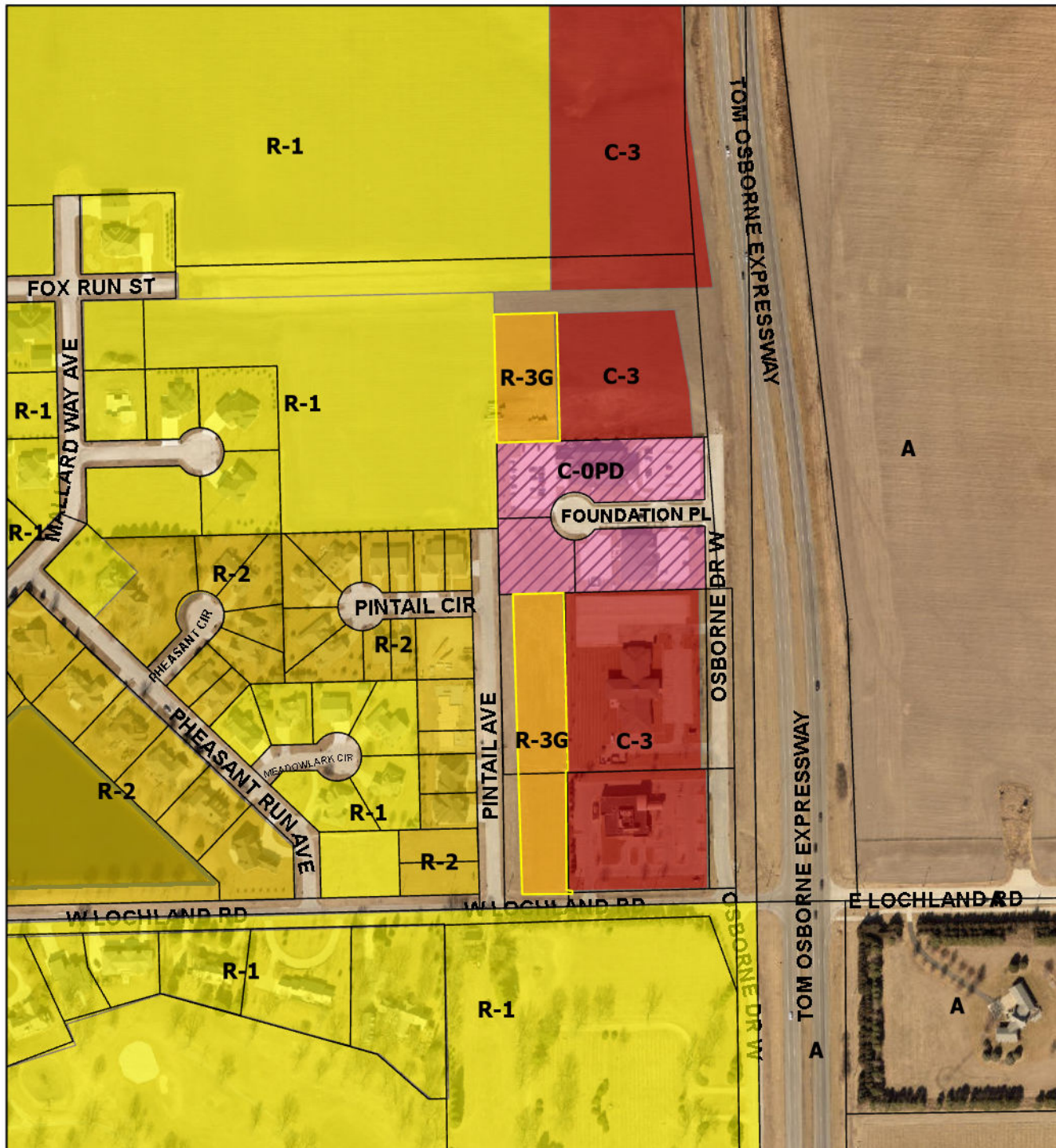
Overlay Districts

- Hospital Environs Overlay (HEO)
- Commercial Corridor (CC)



Lochland Area Adjacent Zoning

Rezoning R-3G to R-3



R-3G Properties

PARCELS

District

A - Agricultural

R-1 - Urban Single Family Residential

R-1A - Single Family Large Lot Residential

R-1S - Single Family Suburban Acreage Residential

R-2 - Mixed-density Neighborhood

R-3 - Multiple-Family Residential

R-3G - Garden Apartment

R-4 - Urban Neighborhood

R-5 - Urban Single Family Undersized Lot Residential

C-0 - Commercial Office Non-Retail

C-1 - Local Business

C-2 - Central Business

C-3 - Commercial

CMP - Institutional Campus

I-1 - Light Industrial

I-2 - Heavy Industrial

CZ - Clear Zone

FS - Flex Space

MU - Mixed Use

AG - Agriculture (County)

TA - Transitional Agriculture

Special Issue

Planned District

County Industrial



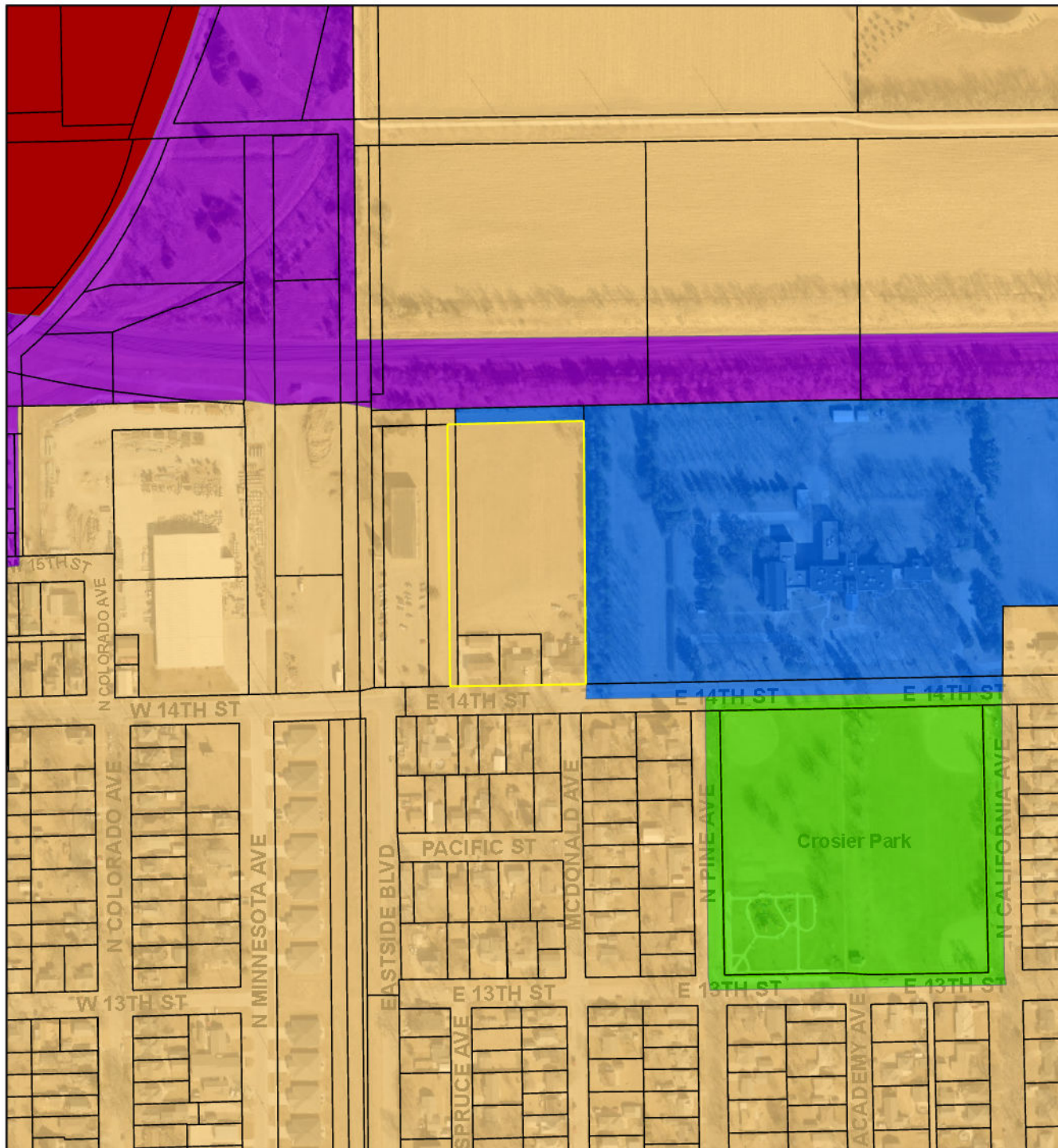
Crosier Park Area

Rezoning R-3G to R-3



-  R-3G Properties
-  PARCELS





Crosier Park Area Future Land Use

Rezoning R-3G to R-3

 R-3G Properties

 PARCELS

Future Land Use

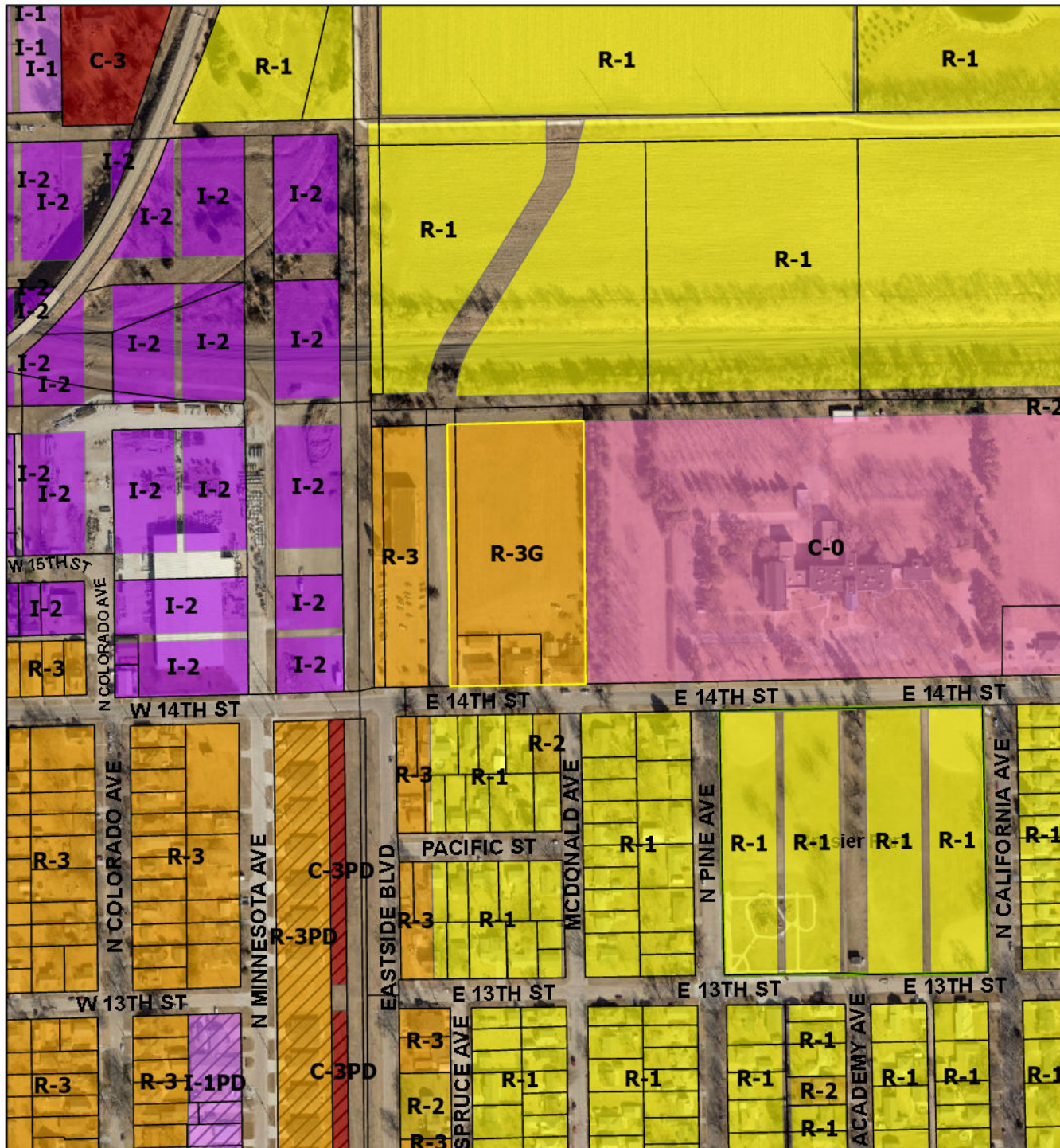
Land Use

-  Transitional Agriculture (TA)
-  Residential Estates (RE)
-  Low Density Residential (LDR)
-  Medium Density Residential (MDR)
-  High Density Residential (HDR)
-  Residential Village Park (RVP)
-  Downtown Commercial (DC)
-  General Commercial (GC)
-  Highway Commercial (HC)
-  Industrial (I)
-  Flex (F)
-  Public/Institutional (P/I)
-  Parks/Recreation (P/R)

Overlay Districts

-  Hospital Environs Overlay (HEO)
-  Commercial Corridor (CC)





Crosier Park Area Adjacent Zoning

Rezoning R-3G to R-3

R-3G Properties

PARCELS

District

A - Agricultural

R-1 - Urban Single Family Residential

R-1A - Single Family Large Lot Residential

R-1S - Single Family Suburban Acreage Residential

R-2 - Mixed-density Neighborhood

R-3 - Multiple-Family Residential

R-3G - Garden Apartment

R-4 - Urban Neighborhood

R-5 - Urban Single Family Undersized Lot Residential

C-0 - Commercial Office Non-Retail

C-1 - Local Business

C-2 - Central Business

C-3 - Commercial

CMP - Institutional Campus

I-1 - Light Industrial

I-2 - Heavy Industrial

CZ - Clear Zone

FS - Flex Space

MU - Mixed Use

AG - Agriculture (County)

TA - Transitional Agriculture

Special Issue

Planned District

County Industrial



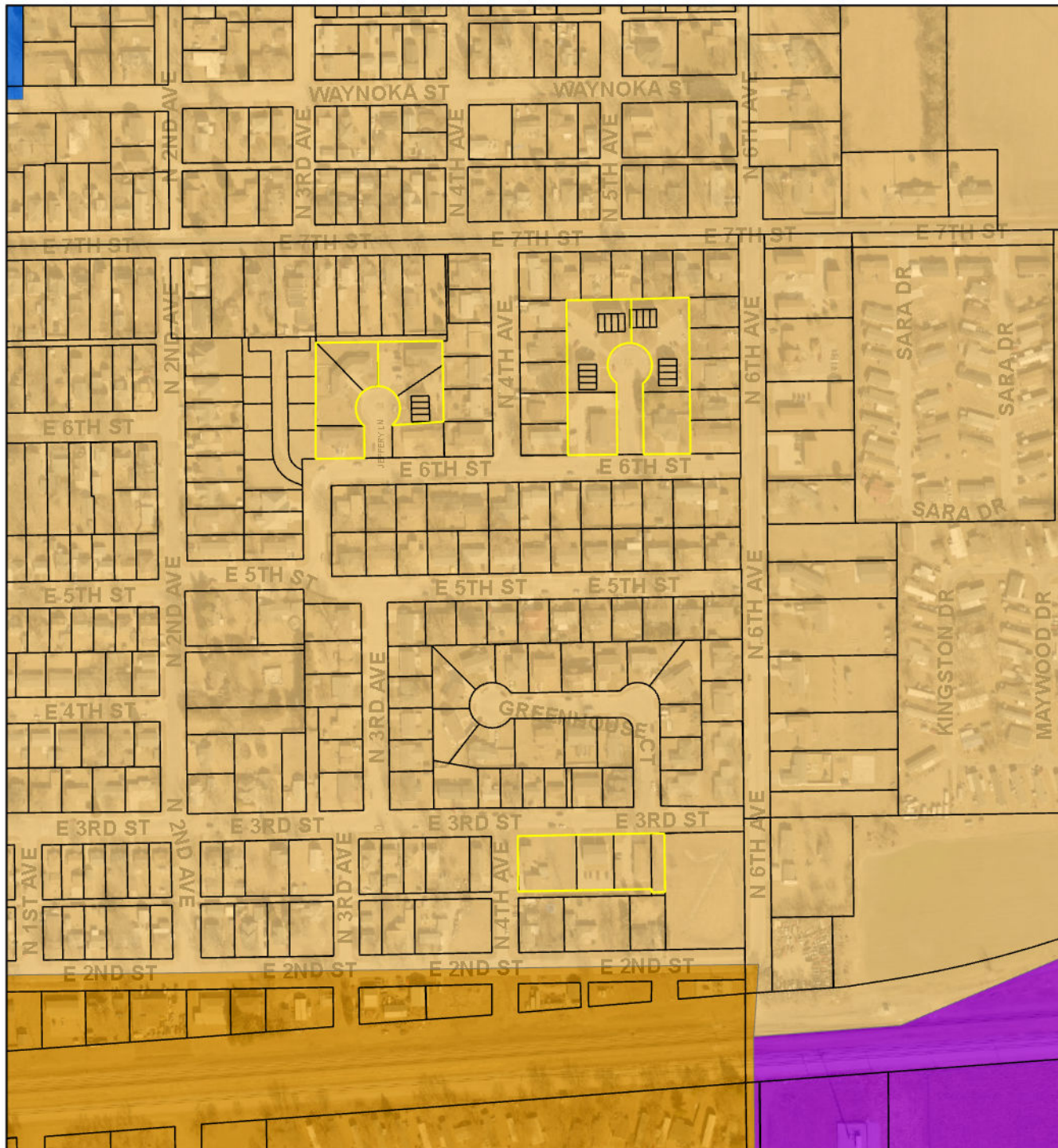
Hastings College Area

Rezoning R-3G to R-3



-  R-3G Properties
-  PARCELS





Hastings College Area Future Land Use

Rezoning R-3G to R-3

R-3G Properties

PARCELS

Future Land Use

Land Use

- Transitional Agriculture (TA)
- Residential Estates (RE)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Residential Village Park (RVP)
- Downtown Commercial (DC)
- General Commercial (GC)
- Highway Commercial (HC)
- Industrial (I)
- Flex (F)
- Public/Institutional (P/I)
- Parks/Recreation (P/R)

Overlay Districts

- Hospital Environs Overlay (HEO)
- Commercial Corridor (CC)



Rezoning R-3G to R-3



South Hastings Area

Rezoning R-3G to R-3

-  R-3G Properties
-  PARCELS



An aerial photograph of a city block with a grid of streets. The streets shown are S Baltimore Ave (vertical, left), S Boston Ave (vertical, middle-left), S New York Ave (vertical, middle-right), S Garfield Ave (vertical, right), and S Franklin Ave (vertical, far right). Horizontal streets include West (multiple labels across the top and middle) and W D St (multiple labels across the top). A large area at the bottom is shaded in blue. Two specific lots are highlighted with yellow rectangles: one on S Boston Ave and one on S New York Ave. The map shows various buildings, including residential houses and larger commercial or institutional structures.

R-3G Properties

PARCELS

Land Use

☐ Transitional Agriculture (TA)

 Residential Estates (RE)

 Low Density Residential (LDR)

 Medium Density Residential (MDR)

 High Density Residential (HDR)

 Residential Village Park (RVP)

 Downtown Commercial (DC)

 General Commercial (GC)

 Highway Commercial (HC)

 Industrial (I)

 Flex (F)

Public/Institutional (P/I)

 Parks/Recreation (P/R)

 Hospital Environs Overlay (HEO)

 Commercial Corridor (CC)

South Hastings Area Adjacent Zoning

Rezoning R-3G to R-3



R-3G Properties

PARCELS

District

A - Agricultural

R-1 - Urban Single Family Residential

R-1A - Single Family Large Lot Residential

R-1S - Single Family Suburban Acreage Residential

R-2 - Mixed-density Neighborhood

R-3 - Multiple-Family Residential

R-3G - Garden Apartment

R-4 - Urban Neighborhood

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C-3 - Commercial

CMP - Institutional Campus

I-1 - Light Industrial

I-2 - Heavy Industrial

CZ - Clear Zone

FS - Flex Space

MU - Mixed Use

AG - Agriculture (County)

TA - Transistional Agriculture

Special Issue

Planned District

County Industrial





LDR - Low-Density Residential

General Purpose

Due to the mixture and blending of different residential uses and densities, the Hastings Future Land Use Plan recognizes this blending through a multi-level density approach. The Low Density Residential land use district includes both existing and new residential neighborhoods, including the Missing Middle concept.

Some areas within Hastings where this land use district is identified are ideal for infill development and redevelopment.

Compatible Uses

1. Residential single-family dwellings
2. Missing Middle residential development (such as cottage court, townhouses, duplex, tri-plex)
3. Accessory Dwelling Units (ADUs)
4. Residential care facilities
5. Public facilities (such as fire stations, public utility substations, community centers, etc.)
6. Religious and Educational uses and structures
7. Renewable Energy facilities, within performance standards

Incompatible Uses

1. Industrial uses
2. Large scale commercial. Small scale commercial, such as corner stores or bodegas, may be compatible

Issues

1. Off-site impacts - visual, noise odors, runoff
2. Traffic and site access
3. Natural amenities such as trees and waterways
4. Topography and drainage
5. Municipal water and sewer availability
6. Sidewalks and multi-modal accessibility

Special Policies

1. Densities should be up to seven dwelling units per acre with city water and sewer services
2. Missing middle dwelling units need to be designed to match the architectural context of neighborhood

MDR - Medium Density Residential

General Purpose

The Medium Density Residential land use district includes both existing and new residential neighborhoods with a mix of single-family, two-family, and multi-family dwellings on small to moderately-sized lots with supporting community facilities. It is intended to encourage creative development patterns and adaptive reuse of existing structures. Streets are paved with sidewalks, curb, and gutter.

Compatible Uses

1. Residential single-family dwellings
2. Missing Middle residential development (such as cottage court, townhouses, duplex, fourplex)
3. Accessory Dwelling Units (ADUs)
4. Residential care facilities
5. Small-scale mixed-use development
6. Public facilities (such as fire stations, public utility substations, community centers, etc.)
7. Religious and Educational uses and structures
8. Renewable Energy facilities, within performance standards

Incompatible Uses

1. Industrial uses
2. Commercial uses, except in small scale mixed use developments

Issues

1. Off-site impacts - visual, noise odors, runoff
2. Traffic and site access
3. Natural amenities such as trees and waterways
4. Topography and drainage
5. Municipal water and sewer availability
6. Sidewalks and multi-modal accessibility

Special Policies

1. Densities should range between seven and 15 dwelling units per acre
2. Density may be increased for small lot development



Department: Development Services
Staff Contact: Ember Batelaan
Planning Commission Meeting Date: 6/17/2025
File No: 2025-250
Prepared By: Ember Batelaan, City Planner

AGENDA ITEM SUMMARY SHEET

Description of Item:

Final Plat of the Cedar Park Subdivision, generally located southeast of the intersection of East D Street and South Cedar Avenue. in the City of Hastings, Adams County, Nebraska.

Names of People/Business affected by this action:

The applicant, the City of Hastings and Adams County

Why Planning Commission action is required:

Neb. Rev. Stat. 19-929 states that the city council shall not take final action on subdivision development matters without the recommendation of the Planning Commission.

Type of action requested:

Motion

Suggested motion:

Deadlines associated with action:

The case will be presented for approval at the City Council Regular Meeting to be held on July 14, 2025.

Department head comments:

The Development Services Department and Plat Track review teams (to include County officials) have reviewed this subdivision plat and the applicant has incorporated all recommendations found to be relevant with subdivision design standards and regulations in City Code Section 46-203. All related easement locations have been reviewed and approved by the Utilities Coordinator as part of this plat process.

A complete review of the Final Plat can be found in the attached Staff Report.

Recommendation:

Staff recommends a motion to recommend approval to City Council of the Final Plat of the Cedar Park Subdivision.



City of Hastings Planning Commission

STAFF REPORT

Final Plat:	Cedar Park Subdivision
Case No.	2025-250
Applicant	Hoppe Development
Property Location:	Generally located southeast of the intersection of East D Street and South Cedar Avenue
Lot Size:	3.67 acres
Date of Planning Commission Meeting:	June 17, 2025
Zoning	R-3, Multiple-Family Residential District
Adjacent Zoning:	North: R-3, Multiple-Family Residential District
	East: I-1, Light Industrial District
	South: I-2, Heavy Industrial District
	West: R-3, Multiple-Family Residential District and I-1, Light Industrial District

SECTION AND REQUIREMENT OF HASTINGS CODE OF ORDINANCE CONSIDERATION OF A FINAL PLAT:

- **Sec. 46-201. – Approval of subdivision plats**
- **Sec. 46-203. – Final Plat:** describes intent and submittal requirements.
- **Chapter 46, Article III. – Planning and Community Design Standards:** describes various plat, lot, and site design requirements.
- **Chapter 46, Article IV. – Engineering and Technical Standards:** describes technical standards of public infrastructure and other improvements.

DESCRIPTION OF FINAL PLAT REQUESTED:

Property description: The development site is a 3.67-acre unplatted tract of land to the southeast of East D Street and South Cedar Avenue. The site generally slopes gently from the west to the east. The site is primarily vacant land with grassland cover. The existing house was built in 1923 and will be demolished.

Conditions from the Approved Preliminary Plat: At their May 20, 2025 meeting, the Planning Commission recommended approval of the Cedar Park Subdivision Preliminary Plat to the City Council based on the staff report. The City Council approved the Preliminary Plat at their June 9, 2025 meeting.

Final Plat Design: The Final Plat created 12 lots designed for attached (townhouse) and multi-dwelling buildings (apartments). A total of 58 units are planned for this development. The target tenants are to be community members from 40% Area Median Income (AMI) up to 120% AMI.

The layout of the Final Plat is similar to what was presented as the Preliminary Plat. No changes have been proposed to the layout of the lots or public access.

CONSIDERATIONS OF THE FINAL PLAT:

Subsection 46-201(1). – Approval of subdivision plats states, “No plat of or instruments effecting the subdivision of real property shall be recorded or have any force and effect unless the same be approved by the City Council, subject however, to the exceptions set forth in [Section 34-106](#) of this code. The City Council shall hold no public meeting, nor take any action upon any plat or instrument effecting a subdivision until it has received the recommendation of the Hastings Planning Commission.”

City staff reviews the following topics to ensure that the proposed final plat conforms to the minimum standards of Chapter 46, Article III. – Planning and Community Design Standards and Chapter 46, Article IV. – Engineering and Technical Standards and to provide a recommendation to City of Hastings Planning Commission and Hastings City Council.

1. **STAFF COMMENTS:** Staff recommends the Planning Commission recommend **APPROVAL** of the **FINAL PLAT of Cedar Park Subdivision**, which was recommended with the Preliminary Plat.

PREPARED BY: Ember Batelaan, City Planner

DATE: June 9, 2025

ATTACHMENTS:

1. Final Plat Cedar Park Subdivision
2. Approved Preliminary Plat (May 20, 2025)

May 16, 2025

Mr. Chad Bunger
Development Services, City of Hastings
3505 Yost Ave
Hastings, NE 68901

RE: Cedar Park Final Plat
South Cedar Ave & East "D" Street

Dear Mr. Bunger:

Enclosed please find the following for the above-mentioned project:

1. Application (submitted electronically)
2. Final Plat (submitted electronically)
3. Final Plat Checklist (submitted electronically)

On behalf of the Developer, Cedar Park Workforce Housing, LLC, we are submitting a Final Plat, located at the southeast corner of the intersection of S. Cedar Ave & E. "D" Street. This final plat is to enable the construction of 58 mixed-income, mixed-type rental homes of townhomes and apartments targeting community members from 40% area median income up to 120% area median income. The proposed Lot 12 will enable the construction of 24 rental homes in the Nebraska Affordable Housing Trust Fund program and the proposed Lots 1-11 will enable the construction of 34 rental homes in the Low Income Housing Tax Credit program.

Sincerely,



Tim Gergen

CEDAR PARK SUBDIVISION
Final Plat

LOCATED IN THE NORTH HALF OF FRACTIONAL SECTION 18,
TOWNSHIP 7 NORTH, RANGE 9 WEST OF THE 6th P.M.,
IN THE CITY OF HASTINGS
ADAMS COUNTY, NEBRASKA

SURVEYOR'S CERTIFICATE

I, Billy Joe Kerr, Nebraska Professional Land Surveyor No.483,
duly registered under the Land Surveyor's Regulation Act, do hereby state that I
have performed a survey of the land depicted on the accompanying plat; that
said plat is a true delineation of said survey performed personally or under my
direct supervision; that said survey was made with reference to known and
recorded monuments marked as shown, and to the best of my knowledge and
belief is true, correct and in accordance with the Minimum Standards for
Surveys in Nebraska in effect at the time of this survey.

Billy Joe Kerr, PLS #483

Date: 6-4-2025

LEGAL DESCRIPTION

A TRACT IN THE NORTH HALF OF FRACTIONAL SECTION 18, TOWNSHIP 7 NORTH,
RANGE 9 WEST OF THE 6th P.M., ADAMS COUNTY, NEBRASKA, ALSO BEING PART OF
THE WEST HALF OF VACATED DELAWARE AVENUE; THAT PART OF THE NORTH HALF OF
VACATED 'E' STREET; THAT PART OF THE EAST HALF OF VACATED SOUTH CEDAR
AVENUE; AND ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, AND VACATED NORTH-SOUTH ALLEY, ALL IN VACATED BLOCK 2,
STEVEN'S SUBDIVISION OF PART OF BLOCK 13, IN COLE'S ADDITION TO HASTINGS,
ADAMS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOW;

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 3, STEVENS SUBDIVISION;
THENCE EASTERLY ON THE SOUTH RIGHT OF WAY LINE FOR 'D' STREET, ON AN
ASSIGNED BEARING OF N 89°30'24"E A DISTANCE OF 30.00', TO THE POINT OF
BEGINNING; THENCE EASTERLY ON SAID RIGHT OF WAY LINE FOR THE NEXT TWO
COURSES, N 89°30'24"E 30.00'; THENCE N 89°20'08"E 307.78', TO THE INTERSECTION
OF THE CENTERLINE FOR VACATED DELAWARE AVENUE AND THE SOUTH RIGHT OF WAY
LINE FOR 'D' STREET; THENCE SOUTHERLY ON THE CENTERLINE FOR VACATED
DELAWARE AVENUE, ON AN ASSIGNED BEARING OF S 0°17'11"W A DISTANCE OF
469.35' TO THE INTERSECTION WITH THE CENTERLINE FOR VACATED 'E' STREET;
THENCE WESTERLY ON SAID CENTERLINE FOR VACATED 'E' STREET, S 89°14'28"W
337.84', TO THE INTERSECTION WITH THE CENTERLINE OF CEDAR AVENUE; THENCE
NORTHERLY ON SAID CENTERLINE, N 0°17'28"E 470.00', TO THE POINT OF BEGINNING,
SAID TRACT CONTAINING AN AREA OF 158623.5 SQUARE FEET, 3.641 ACRES, MORE
OR LESS.

OWNERS CERTIFICATE

KNOW ALL MEN BY THESE PRESENT, THAT COMMUNITY REDEVELOPMENT AUTHORITY OF
THE CITY OF HASTINGS AND CEDAR PARK WORKFORCE HOUSING, LLC, OWNER(S) OF
THIS PLAT OF CEDAR PARK SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY,
NEBRASKA HAS BEEN RECEIVED AND THE LAND DESCRIBED IN THE LEGAL DESCRIPTION
HEREON, HAVE CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, REVIEWED BY ME
AND IS IN COMPLIANCE WITH THE PROVISIONS OF CHAPTER 46 OF THE CITY CODE
FOR THE CITY OF HASTINGS, PLATTED, AND DESIGNATED AS CEDAR PARK SUBDIVISION
IN THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA AND THAT THE FOREGOING
ACTIONS ARE DONE WITH THE FREE CONSENT AND IN A ACCORDANCE WITH THE
DESIRES OF THE UNDERSIGNED OWNER(S) BE IT FURTHER KNOW, THAT SAID OWNERS
DO HEREBY DEDICATE ALL STREETS AND EASEMENTS SHOWN ON THE PLAT TO THE
CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA.

SIGNED THIS _____ DAY OF _____, 20_____

COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF HASTINGS

By: DICK HYSELL, CHAIRMAN

CEDAR PARK WORKFORCE HOUSING, LLC

By: JAKE HOPPE, MANAGER

ACKNOWLEDGEMENT

STATE OF NEBRASKA)

COUNTY OF ADAMS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____
DAY OF _____, 2025, BY DICK HYSELL, CHAIRMAN OF COMMUNITY
REDEVELOPMENT AUTHORITY OF THE CITY OF HASTINGS.

MY COMMISSION EXPIRES THE _____ DAY OF _____, 20_____

NOTARY

ACKNOWLEDGEMENT

STATE OF NEBRASKA)

COUNTY OF LANCASTER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____
DAY OF _____, 2025, BY JAKE HOPPE, MANAGER OF CEDAR PARK
WORKFORCE HOUSING, LLC.

MY COMMISSION EXPIRES THE _____ DAY OF _____, 20_____

NOTARY

WAIVER FOR STREET GRADES

APPLICANT(S) HEREBY WAIVE(S) ANY AND ALL CLAIMS FOR DAMAGES OCCASIONED BY
THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY
PORTION OF THE STREETS AND ALLEYS TO CONFORM TO SAID GRADES AS
ESTABLISHED.

SIGNED THIS _____ DAY OF _____, 20_____

COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF HASTINGS

By: DICK HYSELL, CHAIRMAN

CEDAR PARK WORKFORCE HOUSING, LLC

By: JAKE HOPPE, MANAGER

CITY ENGINEER'S APPROVAL

THIS PLAT OF CEDAR PARK SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY,
NEBRASKA HAS BEEN RECEIVED AND REVIEWED BY ME AND IS IN COMPLIANCE WITH
THE PROVISIONS OF CHAPTER 46 OF THE CITY CODE FOR THE CITY OF HASTINGS,
ADAMS COUNTY, NEBRASKA, PROVIDING FOR THE APPROVAL OF SUBDIVISIONS AND
PLATS BY THE CITY ENGINEER UNDER CERTAIN CIRCUMSTANCES.

APPROVED THIS _____ DAY OF _____, 20_____

CITY ENGINEER

CITY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO SPECIAL ASSESSMENTS
ARE DELINQUENT OR DUE UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION
ON THIS PLAT

AS OF THIS _____ DAY OF _____, 20_____

CITY OF HASTINGS TREASURER

COUNTY TREASURE'S CERTIFICATE

I HEREBY CERTIFY THAT THE RECORDS OF MY OFFICE SHOW NO TAXES ARE DUE OR
DELINQUENT UPON THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION ON THIS
PLAT

AS OF THIS _____ DAY OF _____, 20_____

ADAMS COUNTY TREASURER

CITY PLANNING COMMISSION RECOMMENDATION

THIS PLAT OF CEDAR PARK SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY,
NEBRASKA, HAS BEEN SUBMITTED TO AND REVIEWED BY THE CITY PLANNING
COMMISSION FOR APPROVAL AND IS HEREBY TRANSMITTED TO THE GOVERNING BODY
OF THE CITY OF HASTINGS, ADAMS COUNTY, NEBRASKA WITH THE RECOMMENDATION
THAT SAID PLAT BE APPROVED THIS _____ DAY OF _____, 20_____

CHAIRMAN

CITY PLANNER

MAYOR AND CITY COUNCIL ACTION

THIS PLAT OF CEDAR PARK SUBDIVISION, IN THE CITY OF HASTINGS, ADAMS COUNTY,
NEBRASKA, IS HEREBY APPROVED

THIS _____ DAY OF _____, 20_____

MAYOR

CLERK

REGISTER OF DEEDS CERTIFICATE

STATE OF NEBRASKA)

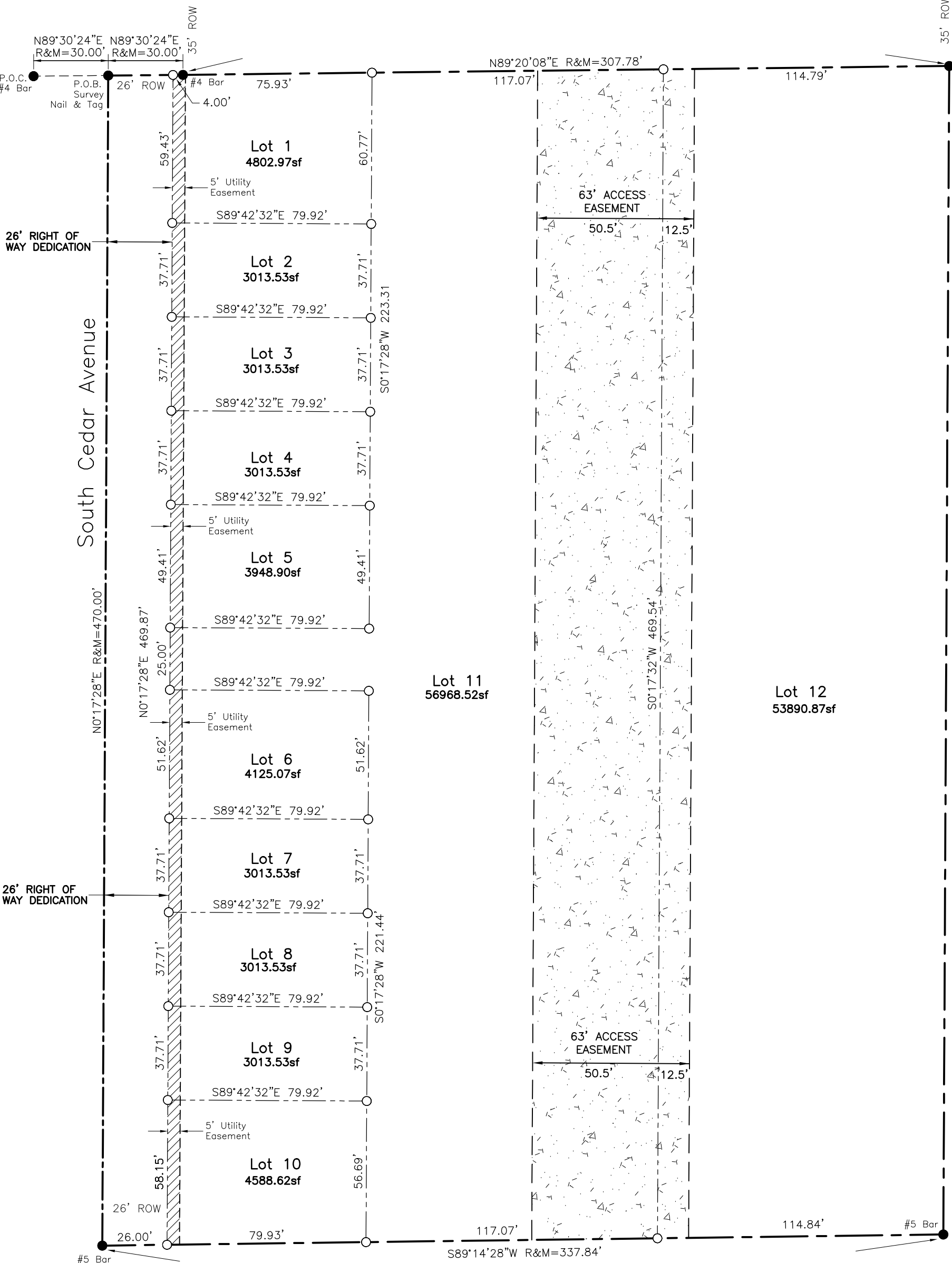
COUNTY OF ADAMS)

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER
OF DEEDS OFFICE OF ADAMS COUNTY, NEBRASKA.

DATE: _____ TIME: _____ INSTRUMENT NO: _____

REGISTER OF DEEDS

East 'D' STREET



FLOODPLAIN INFORMATION
NO PORTION OF THE PROPERTY LEGALLY DESCRIBED ON THE PLAT HEREON FALLS
WITHIN THE CONFINES OF THE SPECIAL FLOOD HAZARD AREAS AS DETERMINED BY
THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND FIRM MAP, COMMUNITY
PANEL NO.31001C0160C, EFFECTIVE 7/5/2018

SEC. 18-7-9W

LEGEND

- = FOUND MONUMENT AS NOTED
- = SET MONUMENT #5 BAR & CAP
- R = RECORD DISTANCE
- M = MEASURED DISTANCE

GRAPHIC SCALE

