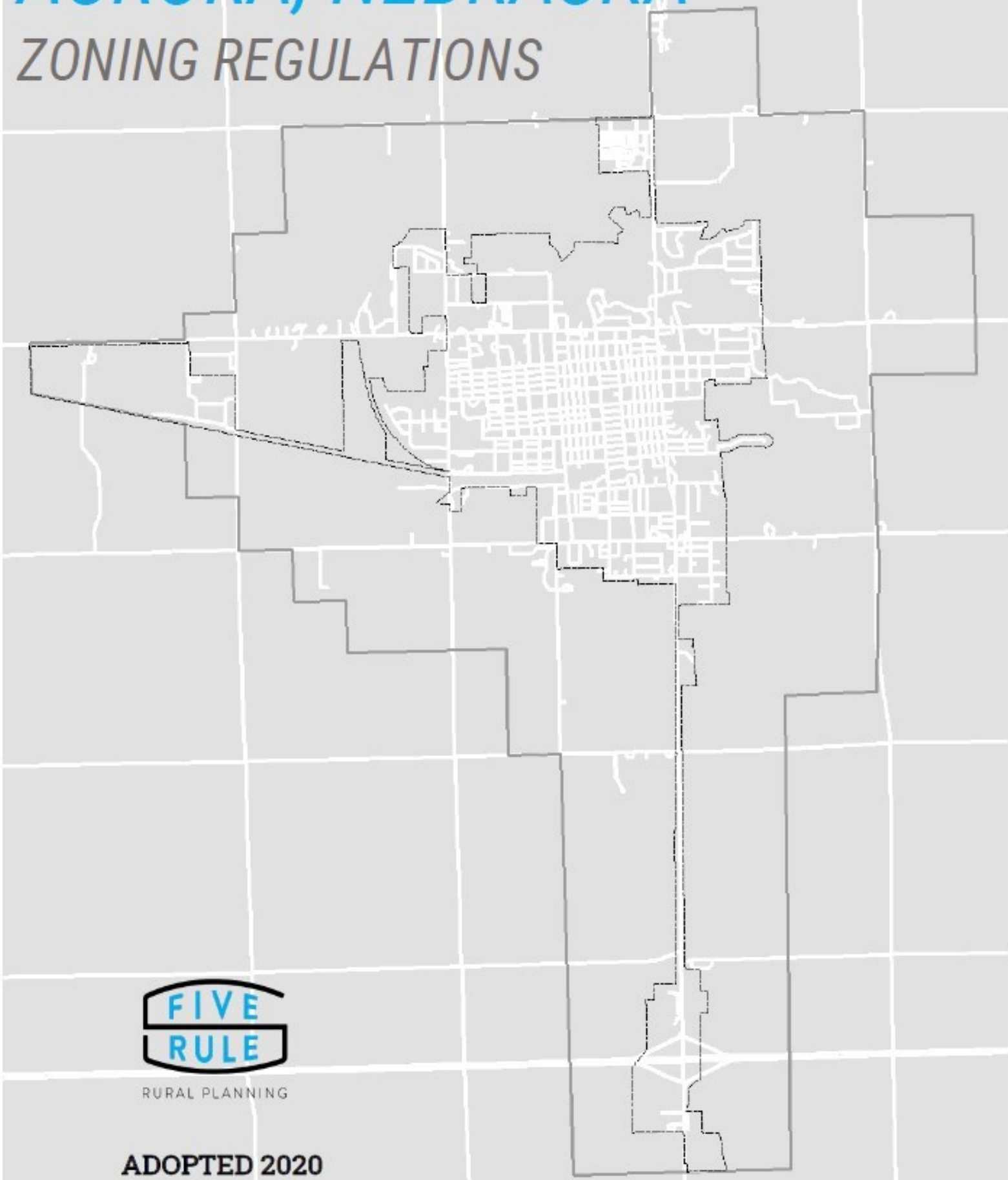
AURORA, NEBRASKA

ZONING REGULATIONS



FIVE RULE

RURAL PLANNING

ADOPTED 2020

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Ordinance	Date	Amended	Description
1031	11/9/21	410.03, 411.03, 412.03 and Section 421, Item 94	Greenhouses as permitted accessory uses
1137	1/11/22	Article 3, Section 303, Subsection 303.108	Addition of min. sq. footage of single-family dwelling within the definition.
1149	7/12/22	Article 3, Section 303, Subsection 303.108	Addition of min. sq. footage of 1,000 sq ft of floor area must be above grade for single story construction and the removal and addition of permitted roof materials.
1150	7/12/22	Article 3, Section 303, Subsection 303.125 and Article 5, Section 503, Subsection 503.06	Addition of commonly used materials to the definition of a fence as well as the addition of permitted and prohibited materials used for the construction of fences.
1151	7/12/22	Article 4, Section 410, Paragraph 1, Line-Item C, Article 4, Section 411, Paragraph 1, Line-Item C and Article 4, Section 412, Paragraph 1, Line-Item C	Addition of the verbiage "/or" to the following items: C. Accessory building shall be of a color and/or material comparable to the primary dwelling on the premises.
1157	10/11/22	Article 4, Section 421, Item 146 and Article 5, Section 508, Subsection 508.04	Addition of Outdoor open storage facilities (automobiles, campers, trailers, boats, etc) in the use matrix and allowing them as a conditional use within the I-1 and I-2 zoning districts with additional requirements.
1159	2/14/23	Article 4, Section 409, Subsection 409.04, Section 410, Subsection 410.04 and Section 421, Line Item 191	Addition of Shooting ranges as a conditional use with additional requirements within the AG – Agricultural and R1 - Residential zoning districts within the extra territorial jurisdiction (ETJ).
1165	3/14/23	Article 4, Section 418, Subsection 418.04 and Section 421, Line Item 84	Addition of Facilities for the commercial storage/distribution/sale of fertilizer/toxic/flammable agriculture chemicals as a conditional use within the I80X Interstate Interchange zoning district.
1168	6/13/23	Article 4, Section 410, Subsections 410.03, 410.04 and 410.07, Section 411, Subsections 411.03, 411.04 and 411.08	Additional regulations regarding accessory building size within our (ETJ) and reduction in side yard setbacks within R1 - Residential zoning district and R-R - Residential Ranchette zoning districts abutting Commercial or Industrial zoned districts.
1179	1/9/24	Article 3, Section 303, Subsection 303.88	Addition of Mining of crypto currency and/or similar processes to the definition of a Data Storage Facility.
1180	1/9/24	Article 4, Section 421, Line items 185 and 220	Addition of Trade Schools as a permitted use within the I-1 – Light Industrial District and I80X – Interstate Interchange District and as a conditional use in the C2 - General Commercial District.
1221	6/24/25	Article 4, Section 413, Subsection 413.03	Addition of Residential dwelling units as permitted accessory uses on the first floor in the rear of the building.
1222	6/24/25	Article 4, Section 413, Subsection 413.04 and Section 421, Line Item 61	Addition of Contractor/Trade Shops, cabinet, plumbing, electrical, HVAC, or sheet metal shops as conditional use within C1 - Central Business District and C2 – General Commercial District.

1240	9/8/26	Article 4, Section 421, Line item 176	Addition of Retail/wholesale sale of parts, accessories, or tires as conditional use within C1 - Central Business District

ARTICLE 1: GENERAL PROVISIONS

SECTION 101 TITLE

This Ordinance shall be known, referred to, and cited as the "Zoning Ordinance of the City of Aurora, Nebraska.

SECTION 102 JURISDICTION

The provisions of this Ordinance shall apply within the corporate limits of the City of Aurora, Nebraska and the territory beyond said corporate limits which is within one mile of said corporate limits, as defined on the Official Zoning Map of the City of Aurora, Nebraska, as the same may be amended by subsequent annexation.

SECTION 103 PURPOSE

This Zoning Ordinance is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare. More specifically, this Zoning Ordinance is adopted in order to achieve the following objectives:

1. To provide a precise plan for the physical development of the City of Aurora, Nebraska in such a manner as to achieve, progressively, the general arrangement of land uses depicted in the Comprehensive Plan of the City.

2. To foster a harmonious, convenient, workable relationship among local land uses and a wholesome, serviceable, and attractive living environment.

3. To promote the stability of existing land uses which conform with the objectives and policies of the City's Comprehensive Plan and to protect them from inharmonious influences and harmful intrusions.

4. To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City and its citizens.

5. To promote beneficial redevelopment of those areas which exhibit conflicting patterns of use.

6. To prevent excessive population densities and overcrowding of the land with structures.

7. To promote a safe, efficient, and effective traffic circulation system.

8. To protect and promote appropriately located agricultural, commercial and industrial pursuits in order to preserve and strengthen the economic base of the City.

9. To protect and enhance real property values.

10. To facilitate the appropriate location of public facilities and institutions.

11. To conserve the natural and historic assets of the City and to capitalize on the economic and quality of life opportunities offered by its terrain, soils, vegetation and waterways.

SECTION 104 CITY EXEMPTION

To the extent there is no detriment to the health, safety, morals, or the general welfare of the community, as determined by the City Council, the City of Aurora is hereby declared to be exempt from the terms and provisions of these zoning regulations.

ARTICLE 2: APPLICATION OF REGULATIONS

SECTION 201 GENERAL APPLICATION

The zoning regulations set forth by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

SECTION 202 ZONING AFFECTS EVERY BUILDING AND USE

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.

SECTION 203 GENERAL PERFORMANCE STANDARDS

No building or structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, or in any manner contrary to the provisions of this Ordinance.

SECTION 204 OPEN SPACE, PARKING AND LOADING AREAS

Except where specifically authorized in this Ordinance, no part of any yard or other open space, off-street parking area or loading area required in connection with any building or use for the purpose of complying with the requirements of the Ordinance shall be included as part of any yard or other open space, off-street parking area or loading area similarly required for any other building or use.

SECTION 205 YARD AND LOT REDUCTION PROHIBITED

No yard or lot, existing at the time of adoption of this Ordinance, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet or exceed the minimum requirements established herein.

SECTION 206 COMBINATION OF LOTS OR PORTIONS OF LOTS

Any lot, portion of a lot, two or more contiguous lots, combination of contiguous lots or portions of contiguous lots under the same ownership of record on the effective date of this Ordinance shall, under this Ordinance, be considered a single lot and shall not be separated or subdivided in any way unless all lots created or remaining from such separation or subdivision shall meet or exceed the minimum lot area, lot width, and lot frontage requirements of the zoning district in which such lot, portion or a lot, two or more contiguous lots, combination or contiguous lots or portions of contiguous lots is/are located.

SECTION 207 THROUGH LOTS

Through Lots shall follow the following criteria:

1. Where a through lot abuts a major thoroughfare and access is made from the other frontage street and access along said thoroughfare is restricted, the rear yard setback for fences and screening devices shall be zero feet. The rear yard setback for accessory buildings shall follow the prescribed setback within the zoning district.

2. Where a through lot is part of a triple frontage lot and abuts a major thoroughfare, the rear yard shall meet the standards of the rear yard of the zoning district, while the other two frontages shall be treated as a corner lot with a front yard setback and a street side yard setback.

3. Where a through lot occurs, other than along a major thoroughfare, the following shall apply:

    A. Where all principal structures in the development face the same frontage, then the rear yard setback for fences and screening shall be zero feet and all accessory buildings shall meet the prescribed setback within the zoning district. This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical corner lot.
    B. Where principal structures face different directions along both frontages, the rear yard setback for fences and screening shall be the same as any prescribed front yard setback within the zoning district.

This shall apply similarly at triple frontage lots, provided the remaining two frontages are treated like a typical corner lot. All accessory buildings in this condition, shall comply with the minimum rear yard setbacks rather than the reduced setback allowed for accessory buildings.

SECTION 208 PROVISIONS ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the provisions of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or structures, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. Similarly, where the provisions of any other ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or structures, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by this Ordinance, the provisions of such other ordinance shall govern.

ARTICLE 3: CONSTRUCTION AND DEFINITIONS

SECTION 301 CONSTRUCTION

The following rules of construction shall apply in the application of this Ordinance unless inconsistent with the plain meaning of the context of this Ordinance:

301.01 TENSE: Words used in the present tense include the future tense.

301.02 NUMBER: Words used in the singular include the plural and words used in the plural include the singular.

301.03 SHALL AND MAY: The word "shall" is mandatory. The word "may" is permissive.

301.04 GENDER: The masculine shall include the feminine and the neuter.

301.05 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the text of the corresponding article, section or paragraph, the heading shall not be deemed to affect the scope, meaning or intent of such text.

SECTION 302 GENERAL TERMINOLOGY

The word "City" shall mean the City of Aurora, Nebraska. The words "City Council" shall mean the Mayor and City Council of the City of Aurora, Nebraska. The words "Planning Commission" shall mean the City of Aurora, Nebraska Planning Commission duly appointed, and the words "Board of Zoning Adjustment" shall mean the City of Aurora, Nebraska Board of Zoning Adjustment duly appointed.

SECTION 303 DEFINITIONS

Words or terms not herein defined shall have their ordinary meanings in relation to the context of this Ordinance. For purposes of this Ordinance, certain words and terms used herein are defined as follows:

303.01 ABANDONED: intent of abandonment shall be assumed once an owner has ceased to use a property for a period of twelve (12) months. Indications of cessation include, without limitation, failure to provide utilities, lack of occupancy, failure to invest any resources into the property, lack of routine maintenance performance, defaulting on required financial payments, and failure to pay appropriate taxes. This is distinguished from short-term interruptions such as periods of remodel, maintenance, or normally accepted periods of vacation or seasonal closure.

303.02 ABUT OR ABUTTING: to border on, being contiguous with or have property or district lines in common. This shall include properties separated by an alley.

303.03 ACCESS OR ACCESS WAY: the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Ordinance.

303.04 ACCESSORY USE OR BUILDING: a building or use which is located on the same premises, is subordinate to use of the premises or the principal building in height, area, bulk, extent and purpose and is customary and incidental to such principle building or use of the premises.

303.05 ACCESSORY DWELLING UNIT (ADU): a second dwelling unit located on the same lot as a primary dwelling unit (PDU) which: allows additional housing types that respond to the needs of changing households and are typically more affordable; allows additional housing units while respecting the style and scale of the surrounding areas; and utilizes existing infrastructure while adding population. The following definitions are types of ADUs:

A. Detached ADU - A dwelling that is detached from the primary dwelling unit (PDU) structure.
B. Attached ADU - A dwelling that is attached to the primary dwelling unit (PDU).
C. Internal ADU - A dwelling that is integrated into the primary dwelling unit (PDU).

303.06 ADJACENT: near, close, or abutting. For example, a Commercial District across the street from a Residential District shall be considered as "adjacent."

303.07 ADULT ENTERTAINMENT ESTABLISHMENT, LIVE: any building or portion of a building which contains any exhibition or dance wherein any employee or entertainer is unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the areola, or male or female genitals, vulva, anus and/or buttocks, or any portion of the pubic hair and which exhibition or dance is for the benefit of a member or members of the adult public, or advertised for the use or benefit of a member of the adult public, held, conducted, operated or maintained for profit, direct or indirect.

303.08 ADULT ORIENTED ENTERTAINMENT: any exhibition, performance or dance of any type conducted in a premise where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following sexual activities:

A. Human genitals in a state of sexual stimulation or arousal;
B. Acts of human masturbation, sexual intercourse or sodomy; or
C. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or
D. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises' activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at the time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

303.09 ADULT RETAIL: an enclosed building or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of "adult-oriented merchandise." For purposes of this definition, a retail establishment devotes a significant or substantial portion of its stock in trade to adult-oriented merchandise if the sale, exchange, rental, loan, trade, transfer or viewing of such adult-oriented merchandise is clearly material to the economic viability of the business. It is presumed that such adult-oriented merchandise accounts for any one or more of the following:

A. Thirty percent or more of the retail dollar value of gross sales over any quarterly period;
B. Thirty percent or more of the floor area of the store open to the public;
C. Thirty percent or more of the retail dollar value of all merchandise displayed in the store;
D. Thirty percent or more of the store's inventory (whether measured by retail dollar value or number of items); or
E. Thirty percent or more of the store's stock in trade.
F. In no event shall a retailer whose transactions only incidentally or marginally relate to adult-oriented merchandise be considered an adult retail use establishment.

303.10 AGRICULTURAL FARM OPERATION: any tract of land over ten acres in area used for or devoted to the commercial production of farm products.

303.11 AGRICULTURAL USE: the use of land for the purposes of producing crops, for raising, breeding or management of livestock, fish or fowl, dairying, truck farming, orchards or forestry and other similar horticultural or apicultural use and the non-commercial storage or processing of agricultural products produced on the premises. Agricultural use shall not include the confined raising, breeding, feeding or management of livestock, fish or fowl as defined in Section 303.75 of this Ordinance.

303.12 ALLEY: a dedicated public right-of-way other than a street which provides secondary access to property abutting such right-of-way.

303.13 ALTERATION: as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height or the moving from one location or position to another, shall be considered an "alteration."

303.14 AMENDMENT: a change in the wording, context, or substance of this Zoning Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the official zoning map.

303.15 ANIMAL HOSPITAL OR VETERINARY CLINIC: an establishment where animals are admitted principally for examination, treatment, and/or board or care by a Doctor of Veterinary Medicine, excluding outdoor kennels or runs as defined in Sections 303.163 and 303.164 of this Ordinance.

303.16 APARTMENT: a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended, or designed for a place of residence of an individual, a single family or group of individuals living together as a single housekeeping unit. (See also Dwelling, Multiple.)

303.17 APPLICANT: the titleholder of record, his agent, or a person holding a notarized letter authorizing the person to represent the legal owner of the property.

303.18 APPEARANCE: the outward aspect visible to the public.

303.19 APPROPRIATE: fitting to the context of the site and the whole community.

303.20 APPURTENANCES: shall mean the visible, functional, objects accessory to and part of buildings.

303.21 AREA: a piece of land capable of being described with such detail that its location may be established and boundaries ascertained.

303.22 ATTACHED: having one or more walls in common with a principal building or connected to a principal building by an integral architectural element.

303.23 ATTACHED PERMANENTLY: attached to real estate in such a way as to require dismantling, cutting away, unbolting, from a permanent foundation or structural change in such structure in order to relocate it to another site.

303.24 AWNING: a structural extension over the exterior of a door or window which provides protection from sun and / or rain.

303.25 BAR/TAVERN: a business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Limits entry to persons 21 years of age or older. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery or brew-pub, and other beverage tasting facilities, such as wine or beer tasting rooms. Does not include adult oriented businesses.

303.26 BASEMENT: a level of building below street level that has at least one-half (1/2) of its height, measuring from its floor to its ceiling, below the surface of adjacent ground. A basement used for independent dwelling or business purposes shall be considered a story for the purposes of height measurement.

303.27 BED AND BREAKFAST USE: a building, other than a hotel, motel or boarding or lodging house, where for compensation, temporary lodging and breakfast is provided to persons lodging in rooms at the premises where such rooms are not equipped with individual cooking facilities.

303.28 BEDROOM: a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

303.29 BEST INTEREST OF THE COMMUNITY: shall mean interests of the community at large and not interests of the immediate neighborhood.

303.30 BLOCK: a parcel of land platted into lots and bounded by public streets or by waterways, right- of-ways, unplatted land, City-County boundaries, or adjoining property lines which has been designated as such on a plat for the purposes of legal description of a property.

303.31 BOARD OF ADJUSTMENT: the board that has been created by the City and which has the statutory authority to hear and determine appeals, interpretations of, and variances to the zoning regulations.

303.32 BOARDING OR LODGE HOUSE: a building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons. Individual cooking facilities are not provided.

303.33 BOND: any form of security including a cash deposit, security bond, collateral, property, or instrument

of credit in an amount and form satisfactory to the City Council which meets the intent of such security required by this Ordinance.

303.34 BOUNDARY ADJUSTMENT: the transfer of property by deed to a respective owner or owners of contiguous property for the purpose of adjusting a boundary line and not for the purpose of creating an additional lot or parcel.

303.35 BREWERY-BREW PUB: an establishment that produces ales, beers, meads, hard ciders, and/or similar beverages to serve on-site. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages must be in conjunction with the service of food. Brew pubs may not produce more than 15,000 barrels of beverage (all beverage types combined) annually. May include the distribution of beverages for consumption at other sites.

303.36 BREWERY-PRODUCTION: an establishment which produces ales, beers, meads, hard ciders, and/or similar beverages on-site. Production Breweries are classified as a use which manufactures more than 15,000 barrels of beverage (all beverage types combined) annually. Breweries may also serve beverages on-site and sell beverages for off-site consumption in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). In addition, uses which produce 15,000 barrels of beverage or less, but which do not meet one or more of the additional requirements to be considered a brew pub, are breweries.

303.37 BUFFER: strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (*See also* Screening.)

303.38 BUFFER ZONE: an area of land that separates two zoning districts and/or land uses that acts to soften or mitigate the effects of one use on the other.

303.39 BUILDING: any structure entirely separated from any other structure by space or by walls, having a roof, which was built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings. The term "building" includes the term "structure."

303.40 BUILDABLE AREA: the portion of a lot remaining after required yards have been provided.

303.41 BUILDING, AREA OF: shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

303.42 BUILDING CODE: currently adopted building code by the Nebraska Legislature. Nebraska Revised State Statute 71-6406; If a county, city, or village does not adopt a code as authorized under subdivision (a) of this subsection within two years after an update to the state building code, the state building code shall apply in the county, city, or village, except that such code shall not apply to construction on a farm or for farm purposes.

303.43 BUILDING HEIGHT: the vertical dimension measured from the average elevation of the finished grade at the front building line to the highest point of a building, excluding chimneys, antennae, and similar appurtenances.

303.44 BUILDING LINE: a line parallel, or nearly parallel, to the street line at a specified distance from the street line which marks the minimum set back distance a building may be erected. In the case of a cul-de-sac the building line shall be measured around the curvature of the street line and shall be located at the required front yard setback or where the lot width meets the minimum lot width required in the district, whichever is greater.

303.45 BUILDING SETBACK: the minimum of distance as prescribed by this Zoning Ordinance between any property line and the closest point of the building line or face of any building or structure.

303.46 BULK STORAGE: the storage of materials for distribution to other locations and not for use or consumption of such materials on the premises.

303.47 CAMPGROUND: a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which its primary purpose is recreational, having open areas that are natural in character.

303.48 CANOPY: a roof projection over a door, entrance into a building, a drive through window or over business related uses including automatic teller machines, bank by car facilities, fuel pumps and the like which is supported only by attachment to the main building and by posts or columns and is without walls.

303.49 CAR WASH: a building or structure or area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles, not including semi-trailer tractors, buses, and commercial fleets.

303.50 CARPORT: an awning or roofed structure intended to provide shelter for a vehicle or vehicles which may be free standing or partially supported by a building. . All carports shall be considered an accessory structure.

303.51 CEMETERY: land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

303.52 CERTIFICATE OF ZONING COMPLIANCE: a permit, issued by the Zoning Administrator, stating that the premises has been inspected after the erection, construction, reconstruction, alteration or moving of a building or structure, or after a change in use of the premises and that such building, structure, and use complies with the applicable provisions of this Ordinance.

303.53 CHARITABLE ORGANIZATION OR CLUB: a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

303.54 CHANGE OF USE: the replacement of an existing use by a new use.

303.55 CHILD CARE:

A. Family Childcare Home I: child care is provided in the licensee's residence to at least four but not more than eight children, except that a licensee may be approved to serve up to two additional school-age children during non-school hours if no more than two of the other children in care are under 18 months of age.
B. Family Child Care Home II (FCCH-II): child care is provided for at least four, but not more than 12 children. An FCCH-II may be located in the licensee's residence or another location.

303.56 CHILD CARE CENTER: a facility licensed to provide child care for thirteen (13) or more children. In addition to these regulations, Child Care Centers shall meet all requirements of the State of Nebraska.

303.57 CHURCH: a permanently located building commonly used for religious worship fully enclosed with walls and having a roof and conforming to applicable legal requirements.

303.58 CITY: The City of Aurora, Nebraska.

303.59 CLINIC, MEDICAL, DENTAL OR HEALTH: a building designed for use by one or more persons lawfully engaged in the diagnoses, care and treatment of physical or mental ailments or diseases of human beings, including but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, where no patients are lodged overnight.

303.60 CLUB: an establishment operated for social, fraternal, recreational or educational purposes which is open only to club members and not the general public.

303.61 CLUSTER DEVELOPMENT: a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.

303.62 CODE: The City of Aurora, Nebraska Code of Ordinances.

303.63 COMMISSION: The City of Aurora, Nebraska Planning Commission.

303.64 COMMON AREA OR PROPERTY: a parcel or parcels of land, together with improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a planned development or condominium development.

303.65 COMMON OPEN SPACE: an area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking, or loading areas. Areas of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

303.66 COMMUNITY CENTER: a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.

303.67 COMPATIBILITY: the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

303.68 COMPATIBLE USES: a use of land suitable for direct association with abutting and/or surrounding uses of land because of consistency with the intent of the applicable zoning district, because the use exhibits similar or comparable characteristics as abutting and/or surrounding uses, and because a mutually harmonious relationship with respect to protecting the use, value and enjoyment of property will result.

303.69 COMPREHENSIVE PLAN: the plan or series of plans for the future development of the City of Aurora, Nebraska, recommended to the Mayor and City Council by the Planning Commission and duly adopted by action of the City Council, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of Neb. Rev. Stat. §19-924--929 (1943) (Reissue 1997), as the same may, from time-to-time, be amended.

303.70 CONDITIONAL ACCESSORY USE: an incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, and where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood, or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

303.71 CONDITIONAL APPROVAL: approval of a subdivision which requires the subdivider to take certain specified action in order to secure approval of the subdivision. The Resolution approving a subdivision shall specify the condition to be met and the time by which the condition is to be met.

303.72 CONDITIONAL USE: a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would not be detrimental to the public health, safety, and general welfare.

303.73 CONDITIONAL USE PERMIT: a written permit, issued by the Zoning Administrator after action by the Planning Commission, which provides permission, under specific conditions, to develop certain uses of land in certain zoning districts that are set forth as conditional uses in each zoning district contained in this Ordinance.

303.74 CONDOMINIUM: as defined in the Neb. Rev. Stat. §76-824--894 (1943) (Reissued 1997), the Condominium Law, whereby four or more apartments are separately offered for sale. Shall mean a multiple dwelling building as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.

303.75 CONFINED LIVESTOCK FEEDING: any land area used for the confined breeding, raising, feeding or management of cattle, swine, sheep, fish, fowl or other animals in buildings, pens or other spaces which are designed for on-going confined breeding, raising, feeding or management of animals for commercial production and which are not used for raising of crops or pasturing of animals. The seasonal confinement of animals for birthing, weaning of young animals or background feeding of livestock and the confined feeding and management of ten (10) or fewer fowl, rabbits or other similar small animals shall not be considered confined livestock feeding.

303.76 CONFLICTING LAND USE: the use of property which transfers over neighboring property lines causes negative economic or environmental effects, including, but not limiting, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses, and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.

303.77 CONSERVATION: the protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

303.78 CONSERVATION AREA: environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in overriding public interest, including but not limiting, wetlands, floodways, flood plains, drainage ways, river, or stream banks, and areas of significant biological productivity or uniqueness.

303.79 CONSERVATION EASEMENT: an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.

303.80 CONSTRUCTION: on-site erection, fabrication, installation, alteration, demolition, or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.

303.81 CONSTRUCTION BATCH PLANT: a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

303.82 CONVENIENCE STORE: a retail store specializing in the sale of gasoline and the sale of articles such as food products, over-the-counter drugs, tobacco products, magazines, candy, beverages and similar convenience items which are purchased frequently for "near term" consumption and use. A retail store not selling both gasoline and convenience goods shall not be considered a convenience store.

303.83 COUNTY: Hamilton County, Nebraska.

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

303.85 COVERAGE: the percentage of lot covered by buildings and structures.

303.86 CROP PRODUCTION: branch of agriculture that deals with growing crops for use as food and fiber.

303.87 CUL-DE-SAC: a public way that has only one inlet/outlet for vehicular traffic and terminates in a vehicular turn-around.

303.88 DATA STORAGE FACILITY: a facility that performs one or more of the following functions:

A. A data center physically housing various equipment such as computers, application servers, database servers, switches, data storage devices, load balancers and related equipment.
B. Storage, management and processing of data and exchange of digital data and information.
C. Provides application services or management for various data processing.
D. Mining of crypto currency and/or similar processes. *(Section 303, amended January 9, 2024, by Ord. 1179)*

303.89 DEAD STORAGE: the storage of any partially dismantled, non-operating, wrecked, junked or discarded vehicle on a lot for longer than thirty (30) days or for any length of time any vehicle that has been unlicensed

for a period in excess of thirty (30) days, provided that storage of such vehicles in an entirely enclosed building shall be permitted without restriction.

303.90 DEDICATION: the intentional appropriation of land by the owner to some public use.

303.91 DENSITY: the number of dwelling units per gross acre of land.

303.92 DETACHED: fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.

303.93 DEVELOPED AREA: an area of land, consisting of one or more parcels or lots, which fronts on one side of a street between two intersecting streets or in the absence of any intersecting street, a distance of one hundred fifty (150) feet on either or both sides of the centerline of the lot on which development is proposed, whereon at least fifty one (51) percent of the parcels or lots are developed with buildings.

303.94 DEVELOPMENT: any manmade change to improved or unimproved real estate, including but limiting, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

303.95 DISTRICT (ZONING): a section or sections of this Ordinance which sets forth uniform regulation regarding use of land, minimum lot widths, frontages and areas, minimum yards, maximum building heights and similar regulations.

303.96 DOG: any canine species over twelve (12) months of age; a dog younger than 12 months is a puppy.

303.97 DOWNZONING: a change in zoning classification of land to a less intensive or more restrictive district such as from a commercial district to residential district or from a multiple family residential district to single family residential district.

303.98 DRIVE-IN FACILITY: an establishment where customers can be served without leaving the confinement of their vehicles.

303.99 DRIVEWAY: any vehicular access to an off-street parking or loading facility.

303.100 DUPLEX: see section 303.111 - DWELLING, TWO-FAMILY.

303.101 DWELLING: any building or portion thereof which is designed and used exclusively for single family residential purposes, excluding mobile homes.

303.102 DWELLING, ASSISTED LIVING: a dwelling which is part of a multi-family dwelling (see Section 303.266) designed for occupancy by elderly or disabled persons, in which the elderly or disabled occupants are provided varying forms of home care and / or medical or nursing assistance.

303.103 DWELLING, MANUFACTURED HOME: a factory-built structure which is to be used as a place for human habitation, which is not constructed with 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 axels, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.

303.104 DWELLING, MOBILE HOME: any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved essentially in a completely constructed condition and mounted on wheels, skids or roller jacks, blocks, horses, skirting, or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camper, but the definition shall not apply to any vehicle lawfully operated upon fixed rail.

A. Permanently attached: attached to real estate in such a way as to require dismantling, cutting away,

unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site in accordance to manufacturers' recommendations.

B. Permanent Foundation: based on building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42" below the final ground level.

303.105 DWELLING, MODULAR: (is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes, moved on to a site in an essentially complete constructed condition, in one or more parts, and when completed is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home, it shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health and Human Services under the authority granted by Neb. Rev. Stat. §71- 1555-1567 (1943) (Reissued 1997), in addition to any amendments thereto; those that do not meet the above criteria shall be considered a mobile home.

303.106 DWELLING, MULTI-FAMILY: a building or buildings designed and used for occupancy by three (3) or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

303.107 DWELLING, SEASONAL: a dwelling designed and used as a temporary residence and occupied less than six (6) months in a year.

303.108 DWELLING, SINGLE FAMILY: a building having accommodations for or occupied exclusively by one family which meet all of the following standards:

A. The home shall have no less than 1,000 square feet of floor area, above grade, for single story construction. For developed areas, as defined in Subsection 303.93 of this Ordinance, the minimum square footage shall be no more than 15% less than the average of the existing dwellings, provided that in no event shall the square footage be less than 1,000 square feet. *(Section 303, amended January 11, 2022, by Ord. 1137 and July 12, 2022, by Ord. 1149)*

B. The home shall have no less than eighteen (18) foot exterior width.

C. The roof shall be pitched with a minimum vertical rise of two and one-half (2 ½) inches for each twelve (12) inches of horizontal run.

D. The exterior material shall be of a color, material, and scale comparable with those existing in residential site-built, single family construction.

E. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles or steel standing seam roofing. *(Section 303, amended July 12, 2022, by Ord. 1149)*

F. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.

G. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning districts.

H. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of forty-two (42) inches below the final ground level.

303.109 DWELLING, SINGLE FAMILY (ATTACHED): a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an un-pierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.

303.110 DWELLING, SINGLE FAMILY (DETACHED): a dwelling which is entirely surrounded by open space on the same lot and is detached from another single-family dwelling.

303.111 DWELLING, TWO (2) FAMILY: a building designed or used exclusively for the occupancy of two (2) families living independently of each other and having a separate kitchen and toilet facilities for each family.

303.112 DWELLING UNIT: one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or lease on a weekly, monthly, or longer basis, and physically separate from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet, and sleeping facilities.

303.113 EASEMENT: a privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.

303.114 EFFECTIVE DATE: the date that this Zoning Ordinance shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Zoning Ordinance as a result of such adoption or amendment.

303.115 ENCLOSED: a roofed or covered space fully surrounded by walls.

303.116 ENCROACHMENT: an advancement or intrusion beyond the lines or limits as designated and established by this Zoning Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.

303.117 ENLARGEMENT: the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

303.118 EXTERIOR BUILDING COMPONENT: an essential and visible part of the exterior of a building.

303.119 EXTRATERRITORIAL JURISDICTION: the area beyond the corporate limits, in which the City has been granted the powers by the state to exercise zoning regulations and is exercising such powers.

303.120 FAÇADE: the exterior wall of a building exposed to public view from the building's exterior.

303.121 FACTORY: a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

303.122 FAMILY: a person living alone, or any of the following groups living together as a single, nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

A. Any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship.
B. Up to four unrelated persons and any related children.
C. A group care home.

The term "family" does not include occupancy of a residence by persons living in fraternities, sororities, clubs or transient, or permanent commercial residential facilities catering to the general public. The term "family" excludes nursing homes and convalescent homes.

303.123 FARMERS MARKET: an [outdoor] market at a fixed location open to the public, operated by a governmental agency, a non-profit corporation, or one (1) or more producers at which (a) 75% of the vendors sell Farm Products or value-added Farm Products, and (b) at least 75% of the vendors who regularly participate during the market's hours of operation are Producers, or family members, or employees of Producers.

303.124 FARM PRODUCTS: fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

303.125 FENCE: an enclosure or barrier constructed of materials such as chain link, wood, vinyl, wrought iron or composite/recycled materials and used as a boundary, means of protection, privacy screening or confinement. *(Section 303, amended, July 12, 2022, by Ord. 1150)*

303.126 FENCE, OPEN: a fence, including gate, which has, for each one foot (1') wide segment extending over the entire length and height of fence, fifty percent (50%) or more of the surface area in open spaces which affords direct views through the fence.

303.127 FENCE, SOLID: any fence which does not qualify as an open fence.

303.128 FLOOD HAZARD AREA: any land which is subject to a one (1) percent or greater chance of flooding in any

given year.

303.129 FLOOR AREA: whenever the term "floor area" is used in this Zoning Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

303.130 FLOOR AREA RATIO: the total floor area of a building divided by the lot area on which the subject building or buildings is/are located.

303.131 FRONTAGE: the portion of a parcel of property which abuts a dedicated public street or highway.

303.132 FRONTAGE ROAD: minor streets parallel to and adjacent to arterial streets and highways, which reduce the number of access points to the arterial street or highway for the purpose of increased traffic safety.

303.133 GARAGE, PRIVATE: an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

303.134 GARAGE, PUBLIC: any garage other than a private garage.

303.135 GOVERNING BODY: the body having jurisdiction in the zoning area.

303.136 GRADE: the horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.

A. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
B. For buildings having walls facing more than one street, the grade shall be the average of the grades of all walls facing each street.
C. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
D. Any wall approximately parallel to and not more than five feet (5') from a street line is considered as facing the street.

303.137 GROSS FLOOR AREA (GFA): the sum of the gross horizontal areas of the floor(s) of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are measured from the faces of the exterior walls of each such floor.

303.138 GROUP DAY CARE CENTER: an establishment other than a public or parochial school, which provides day care, play groups, nursery schools, or education for five or more unrelated children.

303.139 GROUP HOME: a facility, licensed by the State of Nebraska, in which at least four (4), but not more than eight (8) persons not including resident managers or house parents, who are unrelated by blood, marriage, or adoption reside while receiving therapy, training or counseling for purposes of adaptation to living.

303.140 GUEST ROOM: a room which is designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

303.141 HABITABLE: state of a structure that allows for human occupation. Indications of habitability include, without limitation, heat in the winter months, no infestation of vermin, roaches, termites, or mold, and access to potable water.

303.142 HALFWAY HOUSE: a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

303.143 HAZARDOUS WASTE: any discarded material, refuse, or waste products, in solid, semisolid, liquid, or

gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health, or to other living organisms, because of their biological, chemical, or physical properties.

303.144 HEDGE: a plant or series of plants, shrubs, or other landscape material, so arranged as to form a physical barrier or enclosure.

303.145 HOME OCCUPATION: a use conducted within a dwelling or building accessory to such dwelling, employing no more than one (1) person other than the inhabitants of such dwelling, which is clearly incidental and secondary to the residential occupancy of the dwelling, does not change the character thereof, and complies with the standards for home occupations set forth in Section 514 of this Ordinance.

303.146 HOMEOWNERS ASSOCIATION: a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

303.147 HOTEL: a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, and motor hotel.

303.148 HOUSEHOLD PET: shall mean animals ordinarily permitted in the dwelling area and kept for company or pleasure including; dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana, and turtles. Household pet shall also include any domesticated animal that a person owns or that is sold or offered for sale generally for the purpose of being kept indoors as household pets, except unusual animals.

303.149 IMPERVIOUS COVERAGE: the total horizontal area of all buildings, roofed, or covered spaces, paved surface areas, walkways, driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

303.150 IMPERVIOUS SURFACE: a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as rock, gravel, or clay, and conventionally surfaced streets, routes, sidewalks, parking lots, and driveways.

303.151 IMPROVEMENTS: street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or any other such installation as designated by the City Council or its specific approving authority.

303.152 INCIDENTAL USE: a use which is subordinate to the main use of a premise.

303.153 INCOMPATIBLE USE: a use of land unsuitable for direct association with abutting and/or surrounding uses of land because of inconsistency with the intent of the applicable zoning district, because the use exhibits characteristics which would negatively impact abutting and/or surrounding uses with respect to the use, value and enjoyment of such abutting and/or surrounding property.

303.154 INDUSTRIAL PARK: a planned, coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, and orientation and open space.

303.155 INDUSTRY: the manufacture, fabrication, processing, reduction or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

303.156 INFILL DEVELOPMENT: the construction of a building or structure on a vacant parcel located in a predominately built up area.

303.157 INFILL SITE: any vacant lot, parcel, or tract of land within developed areas of the City, where at least eighty percent (80%) of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been constructed or are provided.

303.158 INOPERABLE MOTOR VEHICLE: any motor vehicle which:

A. Does not have a current state license plate or;
B. Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Nebraska State Law for operation upon streets or highways. A vehicle that is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.

303.159 INTENSITY: shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from low intensity, being agricultural and residential, to uses of highest intensity, being heavy industrial. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.

303.160 INTENT AND PURPOSE: the Commission and Council by the adoption of this Zoning Ordinance, have made a finding that the health, safety, and welfare of the community will be served by the creation of these districts and by the regulations prescribed therein.

303.161 JUNK: any worn-out, cast-off, old, or discarded articles of scrap, wood, plastic, copper, brass, iron, steel, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked automobiles, or parts thereof, and other old or scrap ferrous or nonferrous material.

303.162 JUNK YARD: any lot, land parcel, building, or structure or part thereof for storage, collection, purchase, sale, salvage, or disposal of machinery, farm machinery, and including motor vehicles, parts and equipment resulting from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. (Also see section 303.216 SALVAGE YARD.)

303.163 KENNEL, BOARDING: any lot or premises on which three (3) or more dogs, cats, or non- farm/non-domestic animal or any combination of five (5) or more thereof, at least four (4) months of age, are boarded, bred, or trained for a fee.

303.164 KENNEL, COMMERCIAL: an establishment where four or more dogs or cats, or any combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age are groomed, bred, boarded, trained, or sold as a business.

303.165 LAGOON: a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Nebraska Department of Environmental Energy and the Nebraska Department of Health and Human Services. All lagoons shall have the proper permits approved prior to starting construction.

303.166 LANDFILL: a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.

303.167 LANDSCAPE: plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.

303.168 LANDSCAPE BUFFER: a maintained land area in the front yard of a lot, developed in accordance with the landscape buffer depth requirements of each applicable zoning district set forth in this Ordinance, of which a minimum of forty (40) percent shall be covered by any combination of living landscape material including trees, shrubs, living ground cover, or other living materials other than turf grasses, at the time of planting. The remaining sixty (60) percent of the area shall be covered by turf grasses or other landscape materials, living or non-living.

303.169 LANDSCAPE SCREEN: any fence, wall, hedge, shrubs or trees and other customary landscape materials or combination thereof, developed and maintained in accordance with the requirements of each applicable zoning district set forth in this Ordinance, which effectively provide a solid, dense and opaque mass which prohibits view from abutting property, absorbs sound and provides site delineation at all times throughout the year. Customary landscape materials shall not include vehicle bodies, truck trailers or other similar items.

303.170 LEED: a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

303.171 LIGHT CUT-OFF ANGLE: an angle from vertical, extending downward from a luminaire, which defines the maximum range of incident illumination outward at the ground plane.

303.172 LOADING AREA: space on a lot which is logically and conveniently located for delivery or pick-up of raw materials, supplies or products, scaled to the delivery vehicles expected to be used and accessible to such vehicles when required off-street parking areas are filled with vehicles. In the C-1, Central Business zoning District, an alley may constitute the required loading area.

303.173 LOFT BUILDING: s building or space within a building designed for commercial or industrial use, generally constructed prior to 1930.

303.174 LOT (ZONING): s piece, parcel or plot of land under single ownership or control, not divided by any public street or public alley, having frontage on a public street or officially approved private street, which is occupied or intended to be occupied by one principal building and its accessory buildings or structures. A lot may consist of a single lot of record, a portion of a lot of record, a combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record, or a parcel described by metes and bounds. Refer to Section 206 of this Ordinance for clarification.

303.175 LOT AREA: the horizontal area of a lot exclusive of any portion of a street or alley right-of-way.

303.176 LOT, CORNER: a lot located at the intersection of two (2) or more streets, indicated as "A" in Figure 303.01, or a lot abutting a curved street or streets where straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five (135) degrees, indicated as "A1" in Figure 303.01.

303.177 LOT COVERAGE: the portion of a lot or building site which is occupied by any piece of real property, not including paved areas, sidewalks, other walkways, or swimming pools. Temporary or semi-permanent structures such as porches, pergolas, carports, fences, and playground structures shall not be included in the total lot coverage.

303.178 LOT DEPTH: the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

303.179 LOT, FRONTAGE: the length of the real property abutting one side of a street, measured along the right of-way line or other dividing line between the real property and the street. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

303.180 LOT, INTERIOR: a lot, other than a corner lot with only one (1) frontage on a street, indicated as "B" in Figure 303.01.

303.181 LOT LINE: the property boundary line(s) of record that divides one lot from another or a lot from the public or private street right-of-way or easement. Once established, lot lines may not be redefined due to a change of address which would result in a new definition of the prior defined lot lines.

A. Front line: the lot lines separating the lot and a public or private street right-of- way.
   - For an interior lot, the lot line separating the lot from the right-of-way or easement.
   - For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the front lot line shall be determined by the Utilities Superintendent, or as

may be noted on the final plat.

- For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Utilities Superintendent at the time of application for the original building permit for the lot, or as may be noted on the final plat.

B. Rear line: the lot line which is opposite and most distant from the front line.

C. Side Line: any lot line that is neither a front or a rear lot line. A side lot line separating a lot from a street, private way or court is a street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

303.182 LOT, NONCONFORMING: a lot having less area or dimension than is required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Register of Deeds, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Zoning Ordinance.

303.183 LOT, PLATTED: a lot which is part of a subdivision of the plat of which, or the appropriate permit for which, has been legally approved by the City and recorded in the office of the Register of Deeds for Hamilton County.

303.184 LOT OF RECORD: a lot held in separate ownership as shown on the records of the County Register of Deeds at the time of the passage of a regulation or regulations establishing the zoning district in which the lot is located.

303.185 LOT, REVERSED FRONTAGE: a lot on which frontage is at right angles or approximately right angles (interior angles less than one hundred thirty five (135) degrees) to the general lot pattern in the area, indicated as "D" in Figure 303.01. A reversed frontage lot may be a corner lot, indicated as "AD" in Figure 303.01, an interior lot, indicated as BD in Figure 303.01, or a through lot, indicated as CD in Figure 303.01.

303.186 LOT, THROUGH: a lot, other than a corner lot with frontage on more than one (1) street, indicated as "C" in Figure 303.01. (see section 207)

FIGURE 303.01

303.187 LOT WIDTH: the distance between straight lines connecting the front and rear lot corners at each side of the lot, measured at the required front yard depth (setback line).

303.188 MAIL ORDER SERVICE: an establishment primarily engaged in the retail sale of products by television, telemarketing, internet, catalog, and mail order. Such a use may include warehousing, shipping and receiving of merchandise intended for retail sale.

303.189 MOBILE FOOD UNIT: a temporary food service establishment that is vehicle-mounted and is designed to be readily movable.

303.190 MANUFACTURED HOME - NEBRASKA LB 511 COMPLIANT: 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 the National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et. Seq. promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes 1943 which bears the seal of the Nebraska Department of Health or successor thereto and which complies with the following minimum standards:

1. a minimum floor area of nine hundred (900) square feet,
2. a minimum exterior width of eighteen (18) feet,
3. a minimum roof pitch of two and one-half (2 ½) inches of rise per each twelve (12) inches of horizontal run,
4. exterior material shall be of a color, material, and scale comparable with existing residential site-built, single-family construction,
5. a non-reflective roof of material which is or simulates asphalt or wood shingles, tile or rock,
6. all wheels, axles, transporting lights and removable towing apparatus have been removed
7. is placed on and permanently attached to a foundation of the same construction as required for site-built homes,
8. is permanently connected to public utilities in the same manner required for site-built homes.

303.191 MANUFACTURED HOME-FEDERAL HOUSING ACT OF 1974 COMPLIANT: a structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. Manufactured Home shall include all structures which meet the above requirements, except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 CFR 3282.13 and complies with the standards set forth in 24 CFR 3280. Nothing in this definition shall be interpreted to mean that a "manufactured home" necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b).

303.192 MOBILE HOME: a detached, single or two-family dwelling which was originally designed for long-term human habitation, which was constructed and fabricated into a complete unit at a factory, which is capable of being transported to a location for use on its own chassis and wheels, which is identified by model number and serial number by its manufacturer, and which is designed primarily for placement on an non-permanent foundation, but which does not comply with the definition of Section 303.190 MANUFACTURED HOME - NEBRASKA LB511 COMPLIANT or Section 303.191 MANUFACTURED HOME - FEDERAL HOUSING ACT OF 1974 COMPLIANT.

303.193 MOBILE HOME PARK / COURT: any parcel or contiguous parcels of land designated, maintained, used or intended to be used for the placement of two (2) or more mobile homes where such homes are connected to public and/or semi-public utilities and used for living or sleeping purposes, whether or not a charge is made for location of such homes on such parcel or contiguous parcels of land.

303.194 MOBILE HOME SUBDIVISION: an area of land which has been subdivided for the sale of two (2) or more lots for the purpose of placing a mobile home on such lots with such mobile homes to be used for living or sleeping purposes.

303.195 MANUFACTURING: uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquids. Manufacturing production is usually carried on for the wholesale market, for

interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.

303.196 MAP, OFFICIAL ZONING DISTRICT: a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Aurora City Council.

303.197 MIXED USE: properties where various uses are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

303.198 MONUMENT: an identification marker established by certified land survey and set by a registered land surveyor at each section corner, angle point, block corner, street centerline, or other point.

303.199 NIGHT CLUB: a facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Many times, a fee is charged for admission.

303.200 NON-CONFORMING STRUCTURE: a building or other structure, legally existing on the date of enactment of this Ordinance or amendment thereto, which does not comply with the minimum lot area, lot coverage, height, yard, or other applicable regulation of this Ordinance other than use of such building or structure.

303.201 NON-CONFORMING USE: any use of a building, structure, or land, legally existing on the date of enactment of this Ordinance or amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

303.202 NUISANCE: anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses of a reasonable person such as noise, dust, odor, smoke, gas, pollution, congestion, lighting, and litter, or meets any section of the definition of a nuisance as described in Article 3 of the Aurora Municipal Code.

303.203 NURSING HOMES OR CONVALESCENT HOMES: an institution or agency licensed by the State for the reception, board, care or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

303.204 OFFICE: a building or a portion of a building wherein services are performed involving, primarily administrative, professional, or clerical operations.

303.205 OPEN LOTS: pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreak or small shed-type areas.

303.206 OPEN SPACE: a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.

303.207 OUTDOOR STORAGE: the storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three (3) days.

303.208 OVERLAY DISTRICT: a district in which additional requirements act in conjunction with the underlying zoning district. The original zoning district designation does not change.

303.209 OWNER: an individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

303.210 PARCEL: a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

303.211 PARK: any public or private land available for recreational, educational, cultural, or aesthetic use.

303.212 PARKING FACILITY: an area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures.

303.213 PARKING SPACES: an area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle. This term is used interchangeably with "parking stall." Each parking space must have a means of access to a public street. Tandem parking stalls in single-family detached, single-family attached and townhome residential uses shall be considered to have a means of access to a public street.

303.214 PAVED: permanently surfaced with poured concrete, concrete pavers, or asphalt.

303.215 PEDESTRIAN WAY: a right-of-way or easement dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

303.216 PERMANENT FOUNDATION: a base constructed from either poured concrete or laid masonry, rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

303.217 PERMITTED USE: any land use allowed without condition within a zoning district.

303.218 PERSON: an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Aurora, Nebraska.

303.219 PLACE: an open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to abutting property.

303.220 PLANNED UNIT DEVELOPMENT: development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

303.221 PLANNING COMMISSION: The Planning Commission of Aurora, Nebraska.

303.222 PLAT: a map showing the location, boundaries, and legal description of individual properties.

303.223 PLAT, FINAL: the Final Plat of the plat, subdivision or dedication of land prepared for filing or recording in conformance with these regulations.

303.224 PLAT, PRELIMINARY: the preliminary plan of the plat, subdivision or dedication prepared in accordance with the requirements of these regulations.

303.225 PLAT OF RECORD: a map prepared in accordance with the provisions of these regulations and any other applicable local regulations to be placed on record in the office of the Register of Deeds.

303.226 POD: a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16 ft. x 8 ft. x 8 ft.

303.227 PRINCIPAL BUILDING: a building in which the primary use of the lot, tract or parcel of land is situated.

303.228 PRINCIPAL USE: the primary activity or structure for which a lot is used, as permitted by this Zoning Ordinance.

303.229 PRODUCER: a person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

303.230 PROHIBITED USE: any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

303.231 PROTECTED ZONE: all lands that fall outside of the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of this Zoning Ordinance.

303.232 QUARRY: an open pit from which stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

303.233 REAL PROPERTY: any buildings, structures, or equipment permanently attached or fixed to the land.

303.234 RECREATIONAL FACILITY: facilities used by the public for passive and active recreation. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks, wildlife conservation areas used for public viewing, and theme parks.

303.235 RECREATIONAL VEHICLE (RV): a vehicular unit less than forty feet (40') in overall length, eight feet (8') in width, or twelve feet (12') in overall height, primarily designed as a temporary living quarters for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

303.236 RECREATIONAL VEHICLE PARK: a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

303.237 REDEVELOPMENT: the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purposes of a new use or building.

303.238 REGULATION: a specific requirement set forth by this Zoning Ordinance which must be followed.

303.239 REPLAT: the further subdivision of a lot or parcel of land previously subdivided, whether the re-subdivision results in more lots or fewer lots.

303.240 RESIDENCE: a building used, designed, or intended to be used as a home or dwelling place for one or more families.

303.241 RESTAURANT: establishment that: sells, or offers for sale, food and beverages during all hours it is open for business primarily by way of table service. Prepares food on-site in a kitchen capable of preparing food from its component ingredients. Does not limit entry to persons 21 years of age or older and service of alcoholic beverages is secondary to service of food. Take-out service is permissible but must be secondary to on-site table service.

303.242 REVERSE SPOT ZONING: an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual land owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

303.243 REZONING: an amendment to or change in the zoning regulations either to the text or map or both.

303.244 RIGHT-OF-WAY: an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

303.245 SALVAGE YARD: any lot, parcel or tract of land of portion thereof used for the purpose of dismantling of machinery, equipment or vehicles or for the storage or keeping for sale of parts and equipment resulting from such dismantling, wrecking or other method of salvaging of such items, or for the storage or keeping of scrap

metals and other scrap or waste materials, provided that the storage of machinery, equipment or vehicles in entirely enclosed buildings shall not be considered a salvage yard.

303.246 SETBACK LINE: a line defined by connecting two (2) points, each measured from the front, side or rear lot line which establishes the interior boundary of the front, side or rear yard on a lot. For purposes of this Ordinance, a front setback line shall be determined by measuring from the existing right-of-way line of the abutting street or the proposed right-of-way width established for the classification of the abutting street as set forth in the City's Major Street Plan of current adoption, whichever is greater.

303.247 SELF-SERVICE STATION: an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

303.248 SELF-SERVICE STORAGE FACILTIES: a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

303.249 SERVICE STATION: a service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included, such service shall not include tire recapping, body repairs or major overhaul.

303.250 SETBACK: the distance, as required by the minimum setback(s) which establishes the horizontal component(s) of the building envelope.

303.251 SIGN: as defined in Section 520 of this Ordinance.

303.252 SIGN, BILLBOARD: as defined in Section 520 of this Ordinance.

303.253 SIGN, BUSINESS: as defined in Section 520 of this Ordinance.

303.254 SIGN FACING: as defined in Section 520 of this Ordinance.

303.255 SIGN, FREE-STANDING: as defined in Section 520 of this Ordinance.

303.256 SIGN, INCIDENTAL: as defined in Section 520 of this Ordinance.

303.257 SIGN, PROJECTING: as defined in Section 520 of this Ordinance.

303.258 SIGN STRUCTURE: as defined in Section 520 of this Ordinance.

303.259 SIGN SURFACE: as defined in Section 520 of this Ordinance.

303.260 SITE: the parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this Zoning Ordinance.

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

303.262 SITE TRIANGLE: an area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision. (See Section 509)

303.263 SHIPPING CONTAINER/STORAGE OR SHIPPING CONEX: an industrial, standardized reusable metal vessel that was originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities by commercial trucks, trains, and/or ships. Shipping containers as defined are not railroad cars, truck vans, converted mobile homes, travel

trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than storage of goods and materials. Shipping containers, as defined, also include a POD, a portable storage container designed and intended for the temporary placement upon property for the onsite storage of household or other goods, with a size typically not exceeding 16' x 8' x 8'.

303.264 SPORTS AND ENTERTAINMENT ASSEMBLY: a large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities. Examples of this land use include amphitheaters, race tracks, stadiums and coliseums. May also include commercial facilities customarily associated with the above uses, including bars and restaurants, gift shops, video game arcades, etc.

303.265 SPOT ZONING: an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an up zoning to a more intensive use classification.

303.266 STATE: The State of Nebraska.

303.267 STORAGE: the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than thirty (30) days.

303.268 STORAGE, PERMANENT: the presence of any regulated item not stored in an entirely enclosed building for a period of ten (10) or more consecutive days. A mobile home, as defined herein, shall not be considered an enclosed building for storage.

303.269 STORY: that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

303.270 STREET: a public way set aside for public travel which affords the principal means of vehicular access to abutting property. A street shall include a road, highway, thoroughfare, and avenue.

303.271 STREET, ARTERIAL: a street designed with the primary function of efficient movement of through traffic between and around areas of a City, or county with controlled access to abutting property.

303.272 STREET CENTERLINE: a line extending down the center of a street right-of-way.

303.273 STREET, COLLECTOR: a street or highway, which is intended to carry traffic from minor streets to major streets. Collector streets are usually the principal entrance streets to residential developments and the streets for circulation within the development.

303.274 STREET LINE: a right-of-way line of a street or the dividing line between a lot, tract, or parcel of land and the private street abutting such lot, tract, or parcel of land.

303.275 STREET, LOCAL: a street designed for local traffic that provides direct access to abutting residential, commercial, or industrial properties.

303.276 STREET, PRIVATE: a privately owned, open and unoccupied space other than a public street or alley which is reserved as the principal means of vehicular access to lots or parcels abutting such space and which is developed, improved and approved in accordance with the requirements for such spaces established by the City of Aurora, Nebraska.

303.277 STRUCTURE: anything constructed or erected, the use of which requires permanent attachment on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

303.278 STRUCTURE HEIGHT: the vertical dimension measured from the average elevation of the finished grade at the base of the structure to the highest point of the structure.

303.279 STRUCTURE, TEMPORARY: a structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Structure cannot be in place for more than ten (10) days.

303.280 STRUCTURAL ALTERATIONS: any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered as structural alterations:

A. attachment of a new front where structural supports are not changed.
B. addition of fire escapes where structural supports are not changed.
C. new windows where lintels and support walls are not materially changed.
D. repair or replacement of non-structural members.

303.281 SUBDIVIDER: any person, group, corporation, partnership, or other entity, or any agency thereof, dividing or proposing to divide land so as to constitute a subdivision.

303.282 SUBDIVISION: the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat, or other instrument.

303.283 SUBDIVISION AGREEMENT: an agreement between a subdivider and the City that clearly establishes the subdivider's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

303.284 SWIMMING POOLS: a water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed used and maintained for swimming and bathing.

303.285 TANK FARMS: a facility having two (2) or more storage containers for the transfer of inorganic liquids or gases from which no retail sale of the fuel to the public is or may be conducted.

303.286 TAVERN: an establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served only to members and their guests.

303.287 TOWNHOUSE: one of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwelling units designed and constructed as a single structure facing upon a street in which the individual dwelling units may or may not be owned separately.

303.288 TURNAROUND: a space on private property that permits the turning around of any passenger vehicle without the necessity of using any public right-of-way to turn around.

303.289 UPZONING: a change in the zoning classification of land to a more intensive or less restrictive district.

303.290 USE: the purpose or activity for which the land and/or buildings and structures thereon is designed, arranged, or intended, or for which it is occupied or maintained, including any manner of standards of this Ordinance.

303.291 USE, BEST: the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety, and general welfare.

303.292 USE, HIGHEST: an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

303.293 USE, PERMITTED: any land use allowed without condition within a zoning district.

303.294 USE, PRINICPAL: the main use of land or structure, as distinguished from an accessory use.

303.295 USE, PROHIBITED: any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.

303.296 USE, TEMPORARY: a use intended for limited duration, not to exceed six months, to be located in a zoning district not permitting such use.

303.297 UTILITIES: the conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.

303.298 VALUE ADDED FARM PRODUCT: any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

303.299 VARIANCE: a relaxation of the requirements of this Ordinance where such relaxation of the requirements of this Ordinance will not be contrary to the public interest and where, owing to conditions peculiar to the real property and not the result of the actions or desires of the owner of such real property, a literal enforcement of the requirements of the Ordinance would result in unnecessary and undue hardship. Relaxation of the requirements of the Ordinance shall apply only to height, area and size of a building or structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited by this Ordinance shall not be allowed by relaxation of the requirements of the Ordinance, nor shall any relaxation of the requirements of this Ordinance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district or because of conditions created by the owner of said real property.

303.300 VEHICLE: any device with a chassis and wheels or originally constructed with chassis and wheels, or runners, designed for the conveyance of persons or objects.

303.301 VIEW CORRIDOR: the line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community or the route that directs a viewer's attention.

303.302 WAIVER: permission to depart from the requirements of an Ordinance with respect to the submission of required documents.

303.303 WALL: A vertical structure which encloses, divides, supports or protects.

303.304 WAREHOUSE: a building used primarily for the storage of goods and materials.

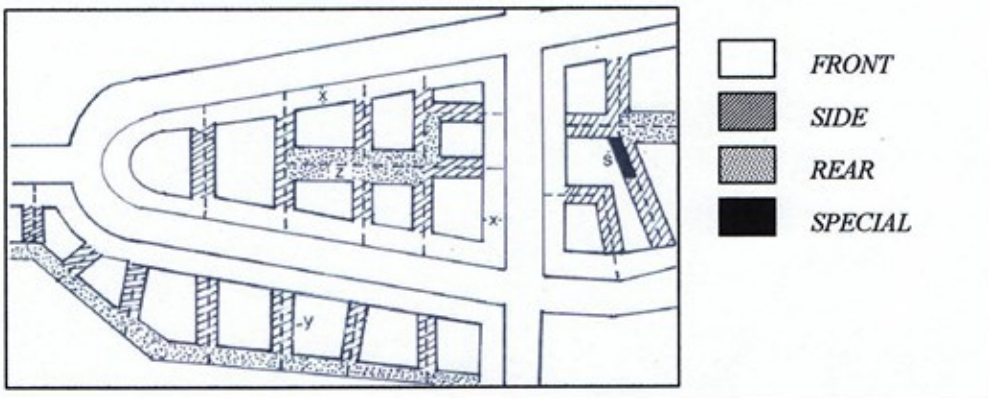
303.305 WATERS OF THE STATE: all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

303.306 WETLAND: an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

303.307 YARD: an open space on the same lot with a building, buildings, structure or structures, lying between the front, side or rear wall of such building, buildings, or such structure or structures and the nearest lot line, unoccupied except for specific minor structures permitted to be located in this open space by this Ordinance.

303.308 YARD, FRONT: a yard extending across the entire width of the lot between the front lot line and the nearest point of the primary building. For purposes of determining yard requirements for corner and through lots, all sides of a lot abutting a street shall be considered a front yard and shall comply with the requirements thereof. (Refer to "X" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

Location and Measurements of Yards On Lots



303.309 YARD, REAR: a yard extending across the entire width of the lot between the rear lot line and the nearest part of the primary building. (Refer to "Z" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

303.310 YARD, SIDE: on single frontage lots, a yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of a primary building. On through lots, a yard extending along the side lot line from front yard to front yard and lying between the side lot lines and the nearest part of the primary building. On corner lots, a yard extending along the side lot line from the front yard to the opposite side lot line, lying between the side lot line and the nearest part of the primary building. (Refer to "Y" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

303.311 YARD, SPECIAL: a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" or "rear yard" clearly applies. In such cases, the Zoning Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the zoning district, determining which shall apply by the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots with due regard to the orientation and location of buildings, structures and buildable areas thereon. (Refer to "S" on the LOCATION AND MEASUREMENT OF YARDS ON LOTS diagram).

303.312 YARD, TRANSITIONAL: a yard in effect where a non-residential zoning district abuts or is adjacent across a street or alley from a residential zoning district.

303.313 ZONING ADMINISTRATOR: the person or persons authorized and empowered by the City of Aurora, Nebraska to administer and enforce the requirements of this Ordinance.

303.314 ZONED AREA: the area included in the various zoning districts established by this Ordinance as indicated on the Official Zoning Map of the City of Aurora, Nebraska.

303.315 ZONING DISTRICT: a portion of the zoned area of the City of Aurora, Nebraska and the jurisdictional area of the City for which uniform regulations governing the use, height, area, size and intensity of the use of buildings and structures, land and open space are established by this Ordinance.

303.316 ZONED LOT: a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by this Zoning Ordinance.

303.317 ZONING PERMIT: a document that must be issued by the Zoning Administrator prior to erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, or demolishing any building or structure regulated by this Zoning Ordinance or by the applicable building codes of the City of

Aurora. Issuance of a zoning permit follows review of plans by the Zoning Administrator to determine that the proposed use of building or land complies with the provisions of this Zoning Ordinance.

303.318 ZONING REGULATIONS: the requirements stipulated in this Ordinance as it may be amended from time to time.

(THIS PAGE LEFT BLANK FOR FUTURE AMENDMENTS)

ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

SECTION 401 PLANNING COMMISSION RECOMMENDATIONS

It shall be the purpose of the Planning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations to be enforced therein. The Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report to the Mayor and City Council and the Mayor and City Council shall not hold its public hearings on such zoning regulations and districts or take action on such until it has received the final report of the Planning Commission.

SECTION 402 ZONING DISTRICTS CREATED

For the purpose of this Ordinance, there are hereby created the following types of zoning districts, zoning district regulations and zoning district designations for which all land contained within the corporate limits of the City of Aurora, Nebraska and the jurisdictional area outside of the corporate limits of said City, as defined in Section 102 of this Ordinance, shall be divided:

AG	Agricultural District
R-1	Residential District
R-R	Residential Ranchette District
R/O	Residential / Office District
C-1	Central Business District
C-2	General Commercial District
I-1	Light Industrial District
I-2	Industrial District
PUD	Planned Unit Development District
I80X	Interstate Interchange District
WPO	Wellhead Protection Overlay District
AHO	Airport Hazard Overlay District

SECTION 403 OFFICAL ZONING MAP

The City of Aurora, Nebraska and its jurisdictional area, as defined in Section 102 of this Ordinance is hereby divided into zoning districts, as indicated and shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the signature of the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 403 of Ordinance No. 1110 of the City of Aurora, Nebraska, together with the date of the adoption of this Ordinance.

SECTION 404 OFFICAL ZONING MAP CHANGES

404.01 If, in accordance with the provisions of this Ordinance, changes are made in the zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the change or amendment has been approved by the City Council with an entry being made on the Official Zoning Map as follows: "On ____(date)_____, by official action of the City Council, the following change(s) was / were made in the Official Zoning Map", which entry shall be signed by the Mayor and attested by the signature of the City Clerk. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall be effective until after such change and entry have been made on said Official Zoning Map.

404.02 No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change by any person or persons shall be considered a violation of this Ordinance and shall be punishable as provided in Section 1102 of this Ordinance.

404.03 Regardless of the existence of purported copies of the Official Zoning Map which may, from time to time, be made or published, the Official Zoning Map, which shall be located in the Office of the City Clerk, shall be the

final authority as to the current zoning status of all areas within the City of Aurora, Nebraska and its jurisdictional area, as defined in Section 102 of this Ordinance.

SECTION 405 OFFICAL ZONING MAP REPLACEMENT

405.01 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, or any subsequent amendment thereof.

405.02 Each new Official Zoning Map shall be identified by the signature of the Mayor attested by the signature of the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted December 8th, 2020 as part of Ordinance No. 1110 of the City of Aurora, Nebraska."

405.03 Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant part thereof remaining, shall be preserved together with all available related amendment records.

SECTION 406 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

406.01 Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be interpreted as following such centerlines.

406.02 Boundaries indicated as following platted lot lines shall be interpreted as following such platted lot lines.

406.03 Boundaries indicated as approximately following the corporate limit lines of the City shall be interpreted as following such corporate limit lines.

406.04 Boundaries indicated as approximately following railroad lines shall be interpreted as following a line midway between the main railroad tracks.

406.05 Boundaries indicated as following the shore lines of a river, creek, canal, lake or other body of water shall be interpreted as following such shore lines and boundaries indicated as approximately following the centerline of a river, creek, canal, lake or other body of water shall be interpreted as following such centerline. In either instance, in the event of a change in the location of the shore line or centerline of any such body of water, the boundaries shall be interpreted as moving with such shore lines or centerlines.

406.06 Boundaries indicated as parallel to or extensions of features indicated in Subsections 406.01 through 406.05 above shall be so interpreted and distances not specifically indicated on the Official Zoning Map shall be determined by the scale of said Official Zoning Map.

406.07 Where a zoning district boundary line divides a lot which was of single ownership at the time of adoption of this Ordinance, the Board of Zoning Adjustment may permit the extension of the zoning district boundary for either portion of the lot, not to exceed fifty (50) feet beyond the location of the boundary line indicated on the Official Zoning Map, into the remaining portion of the lot.

406.08 In circumstances not covered by Subsections 406.01 through 406.07 above, or where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Zoning Adjustment shall interpret the zoning district boundary.

SECTION 407 ANNEXATION RULE

Annexation of land to the City shall not affect the zoning applied to such annexed land prior to such annexation, except where annexation of land occurs which is outside the jurisdictional planning and zoning boundaries of the City as indicated on the Official Zoning Map, in which case the area annexed shall be zoned in a manner consistent with the

Comprehensive Plan of the City and the Official Zoning Map shall be modified in a manner consistent with such additional jurisdictional planning and zoning area.

SECTION 408 DISTRICT REGULATIONS

District regulations for each zoning district as set forth in Section 402 of this Ordinance shall be as hereinafter described.

SECTION 409 AG AGRICULTURAL DISTRICT

409.01 INTENT:

This district is established for the purpose of protecting and preserving productive agricultural land and to avoid, as much as possible, agricultural versus urban use conflicts in the area surrounding the City by discouraging leap-frog urban development and avoiding the development of agricultural uses which would be incompatible with the existing and proposed urban uses within and around the City.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

409.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Single-family residential dwellings, including manufactured homes meeting the definition for such homes and the performance standards for such homes as set forth in Subsection 303.190 of this Ordinance, and including manufactured homes meeting the definition for such homes as set forth in Subsection 303.191 of this Ordinance, provided such homes shall meet the performance standards listed as Items 4 through 8 in Subsection 303.190 of this Ordinance, but excluding manufactured or mobile homes which do not meet said definitions and performance standards and subject to the limitations of Section 409.05, Paragraph 1 of this Ordinance.

2. Kennels, as defined in Sections 303.163 and 303.164 of this Ordinance, subject to the following limitations and requirements:
   A. Any kennel shall be located at least one-half (1/2) mile from any undeveloped lot of record less than twenty (20) acres in area, school, church, public use area or dwelling unit not of the same ownership and on the same premises as the kennel unless an impact easement, as defined in Sections 303.163 and 303.164 is negotiated with the owner(s) of any such lot of record, school, church, dwelling unit or public use area, in which case such kennel may be located closer than one-half (1/2) mile to any such lot of record, school, church, public use area or dwelling unit from which the impact easement is granted. Measurement of this distance shall be from the point of the kennel or kennel runs nearest such school, church, public use area or dwelling unit to the nearest wall of a school, church, or dwelling unit or the nearest boundary of a lot or record less than twenty (20) acres in area or public use area. Exceptions to the minimum separation distance may be authorized by conditional use where the type of animals kenneled will present no or very limited noise or other impacts on adjoining properties.

   B. Disposal of dead animals, animal waste, bedding and other kennel waste material shall be in accordance with the requirements of the Nebraska Department of Agriculture and applicable requirements of Title 124 of the Nebraska Department of Environmental Energy.

   C. The owner of any kennel shall have a license / permit for a kennel as required by the Nebraska Department of Agriculture.

   D. Any signage identifying a kennel shall be set back from the right-of-way line of any roadway be a distance not less than ten (10) feet and surface area of such sign shall not exceed forty (40) square feet per side, subject to the limitations of Section 520.20 of this Ordinance.

409.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Accessory Buildings and uses are permitted that are customarily associated with, incidental to and located on the same lot with a permitted use or approved conditional use.

409.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed by conditional use:

1. Electrical distribution substations, regulator stations, communications equipment buildings, storage or maintenance yards, buildings or administrative offices for such utilities, communications, microwave, cellular communications or other non-wind energy towers more than thirty-five (35) feet in height, provided that such towers shall be separated from the property line of any residentially zoned property (including R-1, R-R and R/O) by one hundred fifty (150) feet, and comply with all applicable provisions of any Airport Hazard regulations, including a maximum elevation of 1,946.9 feet above mean sea level.

2. Sexually oriented businesses in compliance with the requirements and regulations of Section 524 of this Ordinance, provided that consideration of a conditional use for a sexually oriented business by the Planning Commission shall be limited to the determining if the proposed sexually oriented business is in compliance with the requirements and conditions set forth in Sections 524.04 and 524.05 of this Ordinance and further provided that the licensing requirement set forth in Section 524.05, Item 1 shall be applied only as a condition for granting approval of a conditional use when such use is proposed to be located within the corporate limits of the City and the lack of such license at the time of consideration by the Planning Commission shall not be cause for denial of the conditional use. When the proposed use is to be located outside of the corporate limits of the City, the licensing requirement of Section 524.05, Item 1 shall not apply. *(Section 409, amended September 13, 2016, by Ord. 1037)* Sexually oriented businesses, as defined by Aurora Municipal Code Chapter Eleven, are prohibited in this Zoning District.

3. Shooting Range as defined in Section 2 of the Nebraska Shooting Range Protection Act, subject to the following limitations and requirements: *(Section 410, amended February 14, 2023, by Ord. 1159)*

   A. Design, Construction and Operation shall be in accordance with Neb. RS 37-1301 through 37-1310 known as the Nebraska Shooting Range Protection Act; providing shooting range performance standards as specified within the revised edition of the National Rifle Association's (NRA) range source book titled "A Guide to Planning and Construction" adopted by the NRA on January 1, 2009 for the safe operation of shooting ranges.

   B. Any shooting range shall be located outside municipal corporate limits.

   C. For use by organized groups for educational purposes only.

   D. The owner of the property in which the shooting range is constructed and operated shall indemnify and hold harmless the City of Aurora, Nebraska from and against any and all claims, damages, or causes of action and all liability, cost or expense specifically including court costs and all reasonable attorney fees to the extent the same arise out of or in any way connected with the use of any said shooting range. Without limiting the foregoing, the property owner, through such conditional use, hereby acknowledges and agree that the foregoing indemnification specifically includes any claims, damages, or causes of action and all liability, cost or expense specifically including court costs and all reasonable attorney fees for any and all shooting range-related issues.

4. Other uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

409.05 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 409.02 shall be two (2) acres, provided that the number of residential dwelling units, farm or non-farm related, shall not exceed two (2) per quarter section of land.

2. The minimum lot area for conditional uses listed in Section 409.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

409.06 MINIMUM LOT WIDTH AND FRONTAGE:

The minimum lot width, measured at the minimum required front setback line, and the minimum lot frontage, measured at the front lot (right-of-way) line, for uses authorized in this district shall be as follows:

1. The minimum lot width for uses listed in Section 409.02 shall be one hundred fifty (150) feet.

2. The minimum lot frontage for uses listed in Section 409.02 shall be seventy-five (75) feet.

3. The minimum lot width and frontage for conditional uses listed in Section 409.04 shall be the width and frontage appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance, provided, however, that in no event shall the minimum lot width be less than one hundred fifty (150) feet and the minimum lot frontage be less than seventy five (75) feet.

409.07 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line shall be as follows:

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), thirty-five (35) feet from a roadway designated as a Major Arterial roadway (restricted right-of-way) or Minor Arterial roadway, and twenty (20) feet from a roadway designated as a collector roadway, local roadway or frontage road.

2. Side Yard - Each side yard shall be ten (10) feet, provided that where any use permitted in this district other than a single-family dwelling unit abuts a residential zoning district the minimum side yard on the side adjoining such zoning district shall be fifty (50) feet.

3. Rear Yard - Twenty (20) feet, provided that where any permitted use other than a single-family dwelling unit abuts a residential zoning district, the minimum rear yard shall be fifty (50) feet.

409.08 MAXIMUM HEIGHT:

No limitation, except for any applicable height restrictions of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level.

409.09 MAXIMUM LOT COVERAGE:

The maximum area of any lot which is occupied by buildings, structures, decks, patios, accessory buildings, driveways, and parking areas shall not exceed fifty (50) percent of the lot area.

409.10 OFF-STREET PARKING:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 515 through 518 of this Ordinance.

SECTION 410 R-1 RESIDENTIAL DISTRICT

410.01 INTENT:

This district is established for the purpose of providing and preserving areas within the City and areas within the zoning jurisdictional area of the City for low to high density residential uses, to encourage the development of alternative housing styles which make more efficient use of the land and public infrastructure and create more usable open spaces while maintaining building height and building mass compatibility of such alternative housing styles with single-family detached housing, which will encourage the redevelopment of lots within the older residential areas of the City and for the purpose of protecting such residential areas from development of incompatible land uses in order to promote and maintain a stable residential environment.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

410.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Single-family, detached and attached (zero lot line) dwellings, two-family (duplex) dwellings, multi-family dwellings, townhouses, including manufactured homes meeting the definition for such homes and the performance standards for such homes as set forth in Subsection 303.190 of this Ordinance, and including manufactured homes meeting the definition for such homes as set forth in Subsection 303.191 of this Ordinance, provided such homes shall meet the performance standards listed as Items 4 through 8 in Subsection 303.190 of this Ordinance, but excluding manufactured homes which do not meet said definitions and performance standards and further excluding the use of steel storage and/or shipping containers converted for residential use. *(Section 410, amended August 13, 2019, by Ord. 1095)*

2. Raising of crops, pasturing of livestock (in accordance with applicable City ordinances), but excluding the feeding of any type of livestock in buildings or pens and excluding any buildings for agricultural equipment storage, grain storage bins or buildings, buildings for the raising or management of livestock or other building which supports agricultural operations on the premises.

410.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Garages, carports, patios, outbuildings for storage and other similar structures customary and incidental to the permitted uses and authorized conditional uses, provided outbuildings shall not include buildings for storage of agricultural equipment, grain, for the raising of livestock or other agricultural use and shall not include steel storage and/or shipping containers, buildings or structures with canvas, plastic, unpainted or galvanized steel, tin or other non-customary residential dwelling building materials used for the roof or walls and accessory buildings shall comply with the following limitations:

   A. Accessory buildings shall not be placed in any recorded utility or other easement,

   B. Accessory buildings shall be permitted only after the erection of the principal structure on the lot,

   C. Accessory building shall be of a color and/or material comparable to the primary dwelling on the premises. *(Section 410, amended, July 12, 2022, by Ord. 1151)*

   D. Accessory building shall comply with yard setback requirements and height and lot coverage limitations set forth in Subsection 410.07 of this Ordinance. *(Section 410, amended August 13, 2019, by Ord. 1095)*

2. One (1) attached or detached residential apartment on the same lot as a primary residential dwelling, provided such apartment structure shall comply with all minimum yard requirements of this zoning district and provided that only one (1) additional off-street parking space may be added.

3. In-home concerts, provided such concerts shall be limited to four (4) per year per residential dwelling, shall be conducted inside the dwelling and shall be limited to a maximum of forty (40) guests per concert.

4. In the instances where former churches or other similar non-residential structures in this zoning district have been converted to a residential use, portions of such buildings may, as accessory uses, be used as an art or antique gallery, a facility to host wedding and other receptions or reunions or wine tastings events, provided the number of such events shall not exceed eight (8) per calendar year without approval of the City Council.

5. Greenhouse structures not exceeding 14 feet in height and 150 square feet in size. *(Section 410, amended December 9, 2021, by Ord. 1031)*

6. The provisions of Subsection 410.03 as stated above and Section 512 regarding limitations on size shall not apply to accessory buildings located within the Extraterritorial Jurisdiction (ETJ) provided they meet the following requirements *(Section 410, amended June 13, 2023, by Ord. 1168)*:

   A. Accessory buildings shall be located on a lot or parcel greater than or equal to five (5) acres in size as of the date of adoption of this amendment.

   B. Accessory buildings shall be located in the rear yard as defined in subsection 303.309 of this Ordinance.

   C. An accessory building shall not exceed 2,000 square feet in size and 24 feet in height.

   D. The total of accessory buildings located in the rear yard shall not exceed 3,000 square feet in size.

   E. Accessory buildings shall comply with yard setback requirements set forth in Subsection 410.07 of this Ordinance.

   F. Accessory buildings located on a lot or parcel adjacent and/or contiguous to the corporate limits shall require the approval of a Conditional Use Permit.

410.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed by conditional use:

1. Agricultural buildings, non-commercial grain storage bins and similar structures designed to support existing agricultural operations.

2. Shooting Range as defined in Section 2 of the Nebraska Shooting Range Protection Act, subject to the following limitations and requirements: *(Section 410, amended February 14, 2023, by Ord. 1159)*

   A. Design, Construction and Operation shall be in accordance with Neb. RS 37-1301 through 37-1310 known as the Nebraska Shooting Range Protection Act; providing shooting range performance standards as specified within the revised edition of the National Rifle Association's (NRA) range source book titled "A Guide to Planning and Construction" adopted by the NRA on January 1, 2009 for the safe operation of shooting ranges.

   B. Any shooting range shall be located outside municipal corporate limits.

   C. For use by organized groups for educational purposes only.

   D. The owner of the property in which the shooting range is constructed and operated shall indemnify and hold harmless the City of Aurora, Nebraska from and against any and all claims, damages, or causes of action and all liability, cost or expense specifically including court costs and all reasonable attorney fees to the extent the same arise out of or in any way connected with the use of any said shooting range. Without limiting the foregoing, the property owner, through such conditional use, hereby acknowledges and agree that the foregoing indemnification specifically includes any claims, damages, or causes of action and all liability, cost or expense specifically including court costs and all reasonable attorney fees for any and all shooting range-related issues.

3. Accessory buildings located within the Extraterritorial Jurisdiction (ETJ) on a lot or parcel adjacent and/or contiguous to the corporate limits meeting the requirements set forth in Subsection 410.03, Line item 6. *(Section 410, amended June 13, 2023, by Ord. 1168)*

4. Other uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

410.05 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 410.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot area for conditional uses listed in Section 410.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

410.06 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 410.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot width and frontage for conditional uses listed in Section 410.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

410.07 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), thirty-five (35) feet from a roadway designated as a Major Arterial roadway (restricted right-of-way) or Minor Arterial roadway and twenty (20) feet from a roadway designated as a collector roadway, local roadway or frontage road.

   For newly developed areas, and/or existing subdivisions located in a residentially zoned district which provides a cul-de-sac in the street design of the subdivision, the front yard setback shall be measured from the nearest point of the front of the primary structure to the property line, provided that in no event shall such front yard be less than twelve (12) feet from the front property line to the closest point of the primary structure.

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, except in the case of a cul-de-sac said minimum front yard shall be twelve (12) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - For all uses, except accessory buildings, each side yard shall be a minimum of five (5) feet, provided that: *(Section 410, amended June 13, 2023, by Ord. 1168)*

   A. Where any side yard of a townhouse or a two or more story multi-family residential use abuts a residential use other than another townhouse or two or more story multi-family use, the side yard abutting such non-townhouse or non-two or more story multi-family residential use shall be a minimum of twenty (20) feet.

B. Where any use, other than a residential use, which is permitted outright or by conditional use in this district, abuts a residentially zoned lot on the side, the minimum side yard on the side adjoining such lot shall be a minimum of twenty (20) feet.

C. For zero lot line housing, the side yard setback shall be zero (0) along the common wall.

For accessory buildings, the minimum side yard shall be two (2) feet from the side lot line to the nearest point of the accessory building, provided that such accessory buildings shall comply with all of the following restrictions:

A. Accessory buildings shall not be placed on any recorded easement.

B. Accessory buildings located in the side yard, as defined in Section 303.310 of this Ordinance, shall not be eligible for the two (2) foot side yard, and shall comply with the minimum five (5) foot side yard.

C. On corner lots, the two (2) foot minimum yard for accessory buildings shall apply only to accessory buildings located further from each street frontage than a line extending across the lot which is an extension of the wall of the primary building furthest from each street. Any accessory building located in any other part of a corner lot shall have a minimum side yard of five (5) feet.

D. The total accessory building or buildings shall not cover more than thirty (30) percent of the rear yard, as defined in Subsection 303.309 of this Ordinance.

E. The maximum height of any accessory building with a rear yard setback of less than twenty (20) feet or a side yard setback of less than five (5) feet shall be limited to fourteen (14) feet.

3. Rear Yard - The minimum rear yard shall be twenty (20) feet, provided that where any use permitted outright or by conditional use in this district other than a single family detached or attached dwelling unit, a two-family dwelling unit or single story multi-family residential use, abuts a residentially zoned lot to the rear, the minimum rear yard shall be thirty (30) feet.

For accessory buildings, the minimum rear yard shall be two (2) feet, provided that accessory buildings shall comply with all requirements for accessory buildings as set forth in Subsection 2 immediately above.

410.08 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be fifty (50) feet, except for allowable wind generation towers, all subject to any applicable height restriction of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District regulations, including a maximum elevation of 1,946.9 feet above mean sea level.

410.09 OFF-STREET PARKING:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 515 through 517 of this Ordinance.

SECTION 411 R-R RESIDENTIAL RANCHETTE DISTRICT

411.01 INTENT:

This district is established for the purpose of providing areas within and on the periphery of the City for lower density residential uses, to encourage the development of alternative housing styles which make more efficient use of the land and public infrastructure and create more usable open spaces while maintaining building height and building mass compatibility of such alternative housing styles with single-family detached housing and for the purpose of protecting such residential areas from development of incompatible land uses in order to promote and maintain a stable residential environment. Each such district established shall contain a minimum of twelve (12) acres. A previously established district may be expanded by adding property of less than twelve (12) acres, if the property sought to be included shares an entire common boundary with the established district. Further, if a Residential Ranchette District is sought to be established, and such proposed district is separated from a previously established district only by a public street, alley, or road, such district may be established with a minimum of ten acres. Any such district so created containing less than twelve (12) acres shall be conditionally approved by the Planning Commission and finally approved by the City Council.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

411.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Manufactured homes meeting the definition for such homes and the performance standards for such homes as set forth in Subsection 303.190 of this Ordinance, and including manufactured homes meeting the definition for such homes as set forth in Subsection 303.191 of this Ordinance, provided such homes shall meet the performance standards listed as Items 4 through 8 in Subsection 303.190 of this Ordinance, but excluding manufactured homes which do not meet said definitions and performance standards.

2. Raising of crops, pasturing of livestock (in accordance with applicable City ordinances), but excluding the feeding of any type of livestock in buildings or pens and excluding any buildings for agricultural equipment storage, grain storage bins or buildings, buildings for the raising or management of livestock or other building which supports agricultural operations on the premises.

3. Below ground utility lines and above ground utility installations and structures including local distribution lines, cable, poles and appurtenances, storage or maintenance yards, buildings or administrative offices for such utilities, below ground and above ground public utility water storage tanks, but excluding major power transmission lines designed to transmit electrical power to areas outside of the City of Aurora, distribution substations, regulator stations, communications equipment buildings, communications, micro-wave, cellular communications or other non-wind energy towers less than thirty five (35) feet in height.

411.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Garages, carports, patios, outbuildings for storage and other similar structures customary and incidental to the permitted uses and authorized conditional uses, provided outbuildings shall not include buildings for storage of agricultural equipment, grain, for the raising of livestock or other agricultural use and shall not include steel storage and/or shipping containers, buildings or structures with canvas, plastic, unpainted or galvanized steel, tin or other non-customary residential dwelling building materials used for the roof or walls and accessory buildings shall comply with the following limitations:

   A. Accessory buildings shall not be placed in any recorded utility or other easement,

   B. Accessory buildings shall be permitted only after the erection of the principal structure on the lot,

   C. Accessory building shall be of a color and/or material comparable to the primary dwelling on the premises. *(Section 411, amended, July 12, 2022, by Ord. 1151)*

   D. Accessory building shall comply with yard setback requirements and height and lot coverage limitations set forth in Subsection 411.08 of this Ordinance. *(Section 410, amended August 13, 2019, by Ord. 1095)*

2. One (1) attached or detached residential apartment on the same lot as a primary residential dwelling, provided such apartment structure shall comply with all minimum yard requirements of this zoning district and provided that only one (1) additional off-street parking space may be added.

3. In-home concerts, provided such concerts shall be limited to four (4) per year per residential dwelling, shall be conducted inside the dwelling and shall be limited to a maximum of forty (40) guests per concert.

4. Greenhouse structures not exceeding 14 feet in height and 150 square feet in size. *(Section 411, amended December 9, 2021, by Ord. 1031)*

5. The provisions of Subsection 411.03 as stated above and Section 512 regarding limitations on size shall not apply to accessory buildings located within the Extraterritorial Jurisdiction (ETJ) provided they meet the following requirements *(Section 411, amended June 13, 2023, by Ord. 1168)*:

   A. Accessory buildings shall be located on a lot or parcel greater than or equal to five (5) acres in size as of the date of adoption of this amendment.

   B. Accessory buildings shall be located in the rear yard as defined in subsection 303.309 of this Ordinance.

   C. An accessory building shall not exceed 2,000 square feet in size and 24 feet in height.

   D. The total of accessory buildings located in the rear yard shall not exceed 3,000 square feet in size.

   E. Accessory buildings shall comply with yard setback requirements set forth in Subsection 411.08 of this Ordinance.

   F. Accessory buildings located on a lot or parcel adjacent and/or contiguous to the corporate limits shall require the approval of a Conditional Use Permit.

411.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Agricultural buildings, non-commercial grain storage bins and similar structures designed to support existing agricultural operations.

2. Animals not listed in Section 411.05, but comparable, upon application and receipt of a permit as outlined in Section 411.05.

3. Accessory buildings located within the Extraterritorial Jurisdiction (ETJ) on a lot or parcel adjacent and/or contiguous to the corporate limits meeting the requirements set forth in Subsection 411.03, Line item 5. *(Section 411, amended June 13, 2023, by Ord. 1168)*

4. Other uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

411.05 ALLOWABLE ANIMALS AND PERMIT PROCESS:

Horses and cattle may be kept in this district upon the issuance of a permit as hereafter provided and subject to the following conditions:

1. Horses and cattle shall not be kept on a zoned lot or partial lot less than four (4) acres in total area.

2. A maximum of two (2) horses or cattle may be kept on any one (1) four (4) acre lot or partial lot, provided however, that any offspring born to the two (2) allowable animals may be kept only until said offspring is weaned and may be safely cared for away from its mother.

3. The confinement area for the allowable animals shall be at least three (3) acres and shall be located in the rear yard. Only one (1) accessory building (including a stable) shall be allowed for each confinement area. The confinement area shall not be included in the area used to calculate the thirty (30) percent restriction defined in Section 411.08, which provides that the total accessory building or buildings shall not cover more than thirty (30) percent of the rear yard.

4. A stable building shall be required for the housing of any allowable animals and shall be constructed and complete prior to the issuance of any permit. Stables shall meet the following requirements:

   A. Stable buildings shall be at least four hundred (400) square feet for any animal and an additional two hundred (200) square feet for any additional animal. Said square footage requirement shall include the storage area for bedding, feed, fodder, other consumable materials, and tack. All such bedding, feed, fodder, other consumable materials, and tack shall be stored inside the stable.

   B. The stable shall be located at least one hundred (100) feet from any residential building or any non-residential ranchette zoned district other than the dwelling located upon the same lot with the stable and shall not be located within one hundred fifty (150) feet of the front property line.

   C. The side yard and the rear yard for the stable shall be at least twenty (20) feet.

5. Application for a permit to keep animals, as permitted above, shall be made to the City Clerk in writing upon forms provided for that purpose by the City. Such application shall contain the following information in addition to such other information as the City Clerk may require:

   A. Name and residence of applicant,

   B. Location of premises where animals are to be kept,

   C. Species of animal to be kept,

   D. Number of animals to be kept,

   E. Diagram or plat of premises showing dimensions of premises, the location of any enclosure, pen and shelter and the distance from residential buildings either on the same lot or on adjacent property.

6. Before any permit for the keeping of animals is issued, the Zoning Administrator shall investigate the application and determine whether or not said premises conform to all the requirements of this Article and other ordinances of the City with respect to the sanitation and location of enclosures, pens and shelter. No permit shall be issued except upon the recommendation of the Zoning Administrator. Upon recommendation of the Zoning Administrator, the application shall be forwarded to the Planning Commission, which shall hold a public hearing on the merits of the application. At the conclusion of the public hearing, the Planning Commission shall forward a recommendation to the City Council regarding approval or denial of the application. The City Council, upon receipt of the Planning Commission recommendation shall either approve issuance of a permit or deny the application for a permit.

7. Before any permit is issued, the applicant shall pay to the City Clerk, a fee of twenty-five dollars ($25.00) for each premise upon which animals are to be kept. Said fee shall be deposited with the City Treasurer for credit to the General Fund.

   A. The permit issued shall be for a period of one (1) year. The permit may thereafter be renewed annually upon the approval of the Zoning Administrator, provided the requirements of this Article are being met. The Zoning Administrator shall have the authority to revoke any permit issued at any time after issuance if the permit holder fails to comply with the provisions of this Article or any other ordinance or fails to keep the confinement area in clean and sanitary condition. Any such revocation may be appealed to the City Council, upon written request to the City Clerk within ten (10) days after revocation and the City Council, at its next regularly scheduled meeting, shall hear such appeal. The City Council may approve or reverse any revocation.

411.06 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. Confined feeding of livestock of any kind in buildings or pens is prohibited in this zoning district. Sexually oriented businesses, as defined by Aurora Municipal Code Chapter Eleven, are prohibited in this Zoning District.

411.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 411.02 of this Ordinance shall be at least one (1) acre, provided that each lot shall provide a marketable building area and all building(s) thereon shall comply with the minimum width, yard, parking area and the maximum rear yard coverage requirements specified in this District.

2. The minimum lot area for uses listed in Section 411.04 shall be at least one (1) acre, and shall be an area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

411.08 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), Thirty-five (35) feet from a roadway designated as a Major Arterial roadway (restricted right-of-way) or Minor Arterial roadway and twenty (20) feet from a roadway designated as a collector roadway, local roadway or frontage road.

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be not less than twenty (20) feet.

2. Side Yard - For all uses, except accessory buildings, each side yard shall be a minimum of six (6) feet, provided that: *(Section 411, amended June 13, 2023, by Ord. 1168)*

   A. Where any side yard of a townhouse or a two or more story multi-family residential use abuts a residential use other than another townhouse or two or more story multi-family use, the side yard abutting such non-townhouse or non-two or more story multi-family residential use shall be a minimum of twenty (20) feet.

   B. Where any use, other than a residential use, which is permitted outright or by conditional use in this district, abuts a residentially zoned lot on the side, the minimum side yard on the side adjoining such lot shall be a minimum of twenty (20) feet.

   For accessory buildings, other than stables, the minimum side yard shall be two (2) feet from the side lot line to the nearest point of the accessory building, provided that such accessory buildings shall comply with all of the following restrictions:

   A. Accessory buildings shall not be placed on any recorded easement.

   B. Accessory buildings located in the side yard, as defined in Section 303.310 of this Ordinance, shall not be eligible for the two (2) foot side yard, and shall comply with the minimum five (5) foot side yard.

   C. On corner lots, the two (2) foot minimum yard for accessory buildings shall apply only to accessory buildings located further from each street frontage than a line extending across the lot which is an extension of the wall of the primary building furthest from each street. Any accessory building located in any other part of a corner lot shall have a minimum side yard of five (5) feet.

   D. The total accessory building or buildings shall not cover more than thirty (30) percent of the rear yard, as defined in Subsection 303.309 of this Ordinance.

E. The maximum height of any accessory building with a rear yard setback of less than twenty (20) feet or a side yard setback of less than five (5) feet shall be limited to fourteen (14) feet.

3. Rear Yard - The minimum rear yard shall be twenty (20) feet, provided that where any use permitted outright or by conditional use in this district other than a single family detached or attached dwelling unit, a two-family dwelling unit or single story multi-family residential use, abuts a residentially zoned lot to the rear, the minimum rear yard shall be thirty (30) feet.
For accessory buildings, the minimum rear yard shall be two (2) feet, provided that accessory buildings shall comply with all requirements for accessory buildings as set forth in Subsection 2 immediately above.

4. Stables - the minimum yard requirements for stables shall be as provided in Section 411.05 of this Article.

411.09 MAXIMUM HEIGHT:
The maximum height for any structure or building shall be fifty (50) feet, except for any applicable height restriction Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level.

411.10 OFF-STREET PARKING:
The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Sections 515 through 517 of this Ordinance.

SECTION 412 R/O RESIDENTIAL - OFFICE DISTRICT

412.01 INTENT:

This district is intended primarily as an institutional buffer zone, which because of its proximity to commercial business uses, public uses, and residential uses is designed to provide for a transition in land usage between such business and public uses and nearby residential uses. This district is not intended to be commercial in character and is deemed to include only those non-residential uses which are reasonably compatible with adjoining residential uses and which will not create land use conflicts which would tend to blight adjoining residential uses.

412.02 GENERAL PROVISIONS:

The conduct of permitted uses in this district shall be within completely enclosed buildings, except for vehicle parking and loading areas.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

412.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Garages, carports, patios, outbuildings for storage and other similar structures customary and incidental to the permitted uses and authorized conditional uses, provided outbuildings shall not include building for storage of agricultural equipment, grain, or other agricultural use except such buildings associated with sale of produce produced on premises and shall not include steel shipping containers, buildings or structures with canvas, plastic, unpainted or galvanized steel, tin or other non-customary residential dwelling building materials used for the roof or walls and accessory buildings shall comply with the following limitations:

   A. Accessory buildings shall not be placed in any recorded utility or other easement,

   B. Accessory buildings shall be permitted only after the erection of the principal structure on the lot,

   C. Accessory building shall be of a color and/or material comparable to the primary dwelling on the premises. *(Section 412, amended, July 12, 2022, by Ord. 1151)*

   D. Accessory building shall comply with yard setback requirements and height and lot coverage limitations set forth in Subsection 412.08 of this Ordinance. *(Section 412, amended August 13, 2019, by Ord. 1095)*

2. One (1) attached or detached residential apartment on the same lot as a primary residential dwelling, provided such apartment structure shall comply with all minimum yard requirements of this zoning district and provided that only one (1) additional off-street parking space may be added.

3. In-home concerts, provided such concerts shall be limited to four (4) per year per residential dwelling, shall be conducted inside the dwelling and shall be limited to a maximum of forty (40) guests per concert.

4. Greenhouse structures not exceeding 14 feet in height and 150 square feet in size. *(Section 411, amended December 9, 2021, by Ord. 1031)*

412.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Other uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

412.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. Sexually oriented businesses, as defined by Aurora Municipal Code Chapter Eleven, are prohibited in this Zoning District.

412.06 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 412.03 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot area for conditional uses listed in Section 412.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

412.07 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 412.03 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot width and frontage for conditional uses listed in Section 412.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

412.08 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), thirty five (35) feet from a roadway designated as a Major Arterial (restricted right-of-way) or Minor Arterial roadway and twenty (20) feet from a roadway designated as a collector roadway, local roadway or frontage road.

   Except for two-family, townhouse and multi-family dwellings, a landscape buffer, as defined in Subsection 303.168 of this Ordinance, at least five (5) feet in depth shall be provided and maintained along and adjacent to the front property line, provided that the street abutting said property is a Major Arterial roadway (unrestricted right-of-way), a Major Arterial roadway (restricted right-of-way), a Minor Arterial roadway or a Collector roadway.

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - For all uses permitted in this district as permitted or conditional uses, each side yard shall be a minimum of ten (10) feet, provided that where a permitted or conditional use in this district, other than a residential use, abuts a residentially zoned lot on the side, the minimum side yard on the side adjoining such lot shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.169 of this Ordinance shall be installed and maintained on the property line or within the side yard. In determining the side yard for a use other than a residential use, which abuts a dedicated alley which, in turn, abuts a residential zoning district, such side yard may be measured to the centerline of the abutting alley.

   For accessory buildings, the minimum side yard shall be two (2) feet from the side lot line to the nearest point of the accessory building, provided that such accessory buildings shall comply with all of the following restrictions:

   A. Accessory buildings shall not be placed on any recorded easement.

   B. Accessory buildings located in the side yard, as defined in Section 303.310 of this Ordinance, shall not be eligible for the two (2) foot side yard, and shall comply with the minimum five (5) foot side yard.

C. On corner lots, the two (2) foot minimum yard for accessory buildings shall apply only to accessory buildings located further from each street frontage than a line extending across the lot which is an extension of the wall of the primary building furthest from each street. Any accessory building located in any other part of a corner lot shall have a minimum side yard of five (5) feet.

D. The total accessory building or buildings shall not cover more than thirty (30) percent of the rear yard as defined in Subsection 303.309 of this Ordinance.

E. The maximum height of any accessory building with a rear yard setback of less than twenty (20) feet or a side yard setback of less than five (5) feet shall be limited to fourteen (14) feet.

3. Rear Yard - Twenty (20) feet, provided that where any use permitted outright or by conditional use in this district, other than a residential use, abuts a residentially zoned lot to the rear, the minimum rear yard shall be thirty (30) feet and a landscape screen, as defined in Subsection 303.169 of this Ordinance shall be installed and maintained on the property line or within the side yard. In determining the rear yard for a use other than a residential use, which abuts a dedicated alley which, in turn, abuts a residential zoning district, such rear yard may be measured to the centerline of the abutting alley.

For accessory buildings, the minimum rear yard shall be two (2) feet, provided that accessory buildings shall comply with all requirements for accessory buildings as set forth in Subsection 2 immediately above.

412.09 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be fifty (50) feet, except for allowable wind energy towers, all subject to applicable height restrictions of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District regulations, including a maximum elevation of 1,946.9 feet above mean sea level.

412.10 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted outright or authorized as a conditional use in this district shall be in accordance with the requirements of Section 515 through 517 and Section 519 of this Ordinance.

SECTION 413 C-1 CENTRAL BUSINESS DISTRICT

413.01 INTENT:

This district is intended to provide a commercial area for those establishments serving the general shopping, business service, financial and professional service needs of the trade area, in particular those establishments customarily oriented to the pedestrian shopper. The district is intended to preserve the central business area of the City as a primary shopping, service and governmental center while providing the flexibility of land uses and development standards to allow the central business area to adjust to changes in shopper preferences and the development of a tourist oriented center.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

413.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Private clubs or lodges, philanthropic and charitable institution uses, athletic clubs, health studios, provided any club shall not be construed to include any sexually oriented business, as defined in Section 524 of this Ordinance, *(Section 413, amended September 13, 2016, by Ord. 1037)*

2. Lounges, taverns and night clubs, provided such uses shall not be construed to include any sexually oriented business, as defined in Section 524 of this Ordinance, *(Section 413, amended September 13, 2016, by Ord. 1037)*

3. On-site signs, excluding billboards, related to permitted uses and approved conditional uses, all subject to the regulations and requirements of Section 520 of this Ordinance.

413.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Outdoor display of merchandise, provided such display shall not be interpreted as meaning the storage, stockpiling, or warehousing of materials which are not immediately available for purchase.

2. Residential dwelling units (internal or attached), including small and medium group homes, on the first floor in the rear of the building or on the second or higher floors, physically separated from the primary use of the structure, regardless of ownership. *(Section 413, amended June 24, 2025, by Ord. 1221)*

3. Accessory uses and structures customarily associated with and incidental to the principal uses.

413.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Other office, business and commercial service uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district, provided that a sexually oriented business, as defined in Section 524 of this Ordinance, shall not be considered comparable and compatible with other uses or consistent with the intent of this district. *(Section 413, amended September 13, 2016, by Ord. 1037)*

2. Communications, microwave, cellular communications or other non-wind energy towers in excess of thirty-five (35) feet in height, all subject to the applicable provisions of any Airport Hazard regulations, provided that such towers shall be separated from the property line of any residentially zoned property (including R-1, ,R-R and R/O) by a distance of one hundred fifty (150) feet, and comply with all applicable provisions of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level.

3. Contractor/Trade shops, cabinet, plumbing, electrical, HVAC, or sheet metal shops located no less than one block from the downtown square, provided it complies with the performance standards established for zoning district I-1 at all times. *(Section 413, amended June 24, 2025, by Ord. 1222)*

413.05 PROHIBITED USES AND STRUCTURES:
All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. Sexually oriented businesses, as defined in Section 524 of this Ordinance are specifically prohibited in this Zoning District. The use of steel storage and/or shipping containers as principal or accessory use is prohibited. *(Section 413, amended August 13, 2019, by Ord. 1095 & amended September 13, 2016, by Ord. 1037)*

413.06 MINIMUM LOT AREA:
No limitation

413.07 MINIMUM LOT WIDTH AND FRONTAGE:
No limitation

413.08 MINIMUM YARD REQUIREMENTS:
The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Zero (0) feet, except where the front yard of a use abuts an area zoned for residential use where a minimum front yard of twenty (20) feet shall be required.

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than zero (0) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - Zero (0) feet, except where the lot line abuts a residential zoning district the minimum side yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.169 of this Ordinance shall be installed and maintained on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.

3. Rear Yard - Zero (0) feet, except where the lot line abuts a residential zoning district the minimum side yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.169 of this Ordinance shall be installed and maintained on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

413.09 MAXIMUM HEIGHT:
The maximum height for any structure or building shall be seventy five (75) feet, except for applicable height restriction of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District regulations, including a maximum elevation of 1,946.9 feet above mean sea level.

413.10 MAXIMUM LOT COVERAGE:
No limitation

413.11 OFF-STREET PARKING AND LOADING AREAS:
The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Section 515 through 519 of this Ordinance.

SECTION 414 C-2 GENERAL COMMERCIAL DISTRICT

414.01 INTENT:

This district is intended primarily for application along and near the major highway corridors serving the City to provide areas for development of highway-oriented commercial uses offering goods and services to the motoring public and the development of general business uses.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

414.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Sales, rental and display of automobiles, trucks, campers, recreational vehicles, manufactured homes, boats, and agricultural equipment, provided that all servicing and maintenance shall be conducted entirely within enclosed buildings.

2. Automobile and tire service uses, but not including auto or truck body repair, the dismantling or salvaging of vehicles or the storage of damaged or inoperable vehicles.

3. Raising of crops, pasturing of livestock (in accordance with any other applicable City ordinances) and other open space agricultural uses, but excluding agricultural production related grain bins and buildings or the confined feeding of livestock.

414.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. On-site signs, including billboards, related to permitted uses and approved conditional uses, all subject to the regulations and requirements of Section 520 of this Ordinance.

2. Outdoor display of merchandise, provided such display shall not be interpreted as meaning the storage, stockpiling or warehousing of materials which are not immediately available for purchase.

3. Accessory uses and structures customarily associated with and incidental to the principal uses.

414.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Kennels, as defined in Sections 303.163 and 303.164 of this Ordinance, subject to the following limitations and requirements:

   A. Any kennel shall be located at least one-half (1/2) mile from any undeveloped lot of record less than twenty (20) acres in area, school, church, public use area or dwelling unit not of the same ownership and on the same premises as the kennel unless an impact easement, as defined in Sections 303.163 and 303.164 is negotiated with the owner(s) of any such lot of record, school, church, dwelling unit or public use area, in which case such kennel may be located closer than one-half (1/2) mile to any such lot of record, school, church, public use area or dwelling unit from which the impact easement is granted. Measurement of this distance shall be from the point of the kennel or kennel runs nearest such school, church, public use area or dwelling unit to the nearest wall of a school, church, or dwelling unit or the nearest boundary of a lot or record less than twenty (20) acres in area or public use area. Exceptions to the minimum separation distance may be authorized by conditional use where the type of animals kenneled will present no or very limited noise or other impacts on adjoining properties.

   B. Disposal of dead animals, animal waste, bedding and other kennel waste material shall be in accordance with the requirements of the Nebraska Department of Agriculture and applicable requirements of Title 124 of the Nebraska Department of Environmental Energy.

C. The owner of any kennel shall have a license / permit for a kennel as required by the Nebraska Department of Agriculture.

D. Any signage identifying a kennel shall be set back from the right-of-way line of any roadway be a distance not less than ten (10) feet and surface area of such sign shall not exceed forty (40) square feet per side, subject to the limitations of Section 520.20 of this Ordinance.

2. Light industrial uses, provided that:

A. All activities of such uses, including the storage or warehousing of raw materials or products produced occur within completely enclosed buildings,

B. No emission of gases, odor, dust, smoke, noise, glare, heat, or vibration is detectable beyond the property line of the site on which the use is located,

C. All waste materials produced shall be stored indoors or outdoors, provided that all outdoor storage of such waste materials shall be in containers which are not visible from the street or streets serving the use or any abutting residential zoning district.

D. Such light industrial use shall not result in incompatibilities with adjoining land uses.

3. Other office, business and commercial service uses, determined at the sole discretion of the Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district, provided that a sexually oriented business, as defined in Section 524 of this Ordinance, shall not be considered comparable and compatible with other uses or consistent with the intent of this district. *(Section 414, amended September 13, 2016, by Ord. 1037)*

4. Communications, microwave, cellular communications or other non-wind energy towers in excess of thirty-five (35) feet in height, all subject to the applicable provisions of Section 420 of this Ordinance, which is the Airport Hazard Overlay District, provided that such towers shall be separated from the property line of any residentially zoned property (including R-1, R-R and R/O) by a distance of one hundred fifty (150) feet, and comply with all applicable provisions of the Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level.

414.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. Sexually oriented businesses, as defined in Section 524 of this Ordinance are specifically prohibited in this Zoning District. The use of steel storage and/or shipping containers as principal or accessory use is prohibited. *(Section 414, amended August 13, 2019, by Ord. 1095 & amended September 13, 2016, by Ord. 1037)*

414.06 PERFORMANCE STANDARDS:

The following conditions shall apply to all uses within this zoning district:

1. All activities of uses in this district shall be within entirely enclosed buildings, except for outdoor display of products and merchandise available for sale.

2. Outdoor storage of junk, debris, inoperable vehicles or parts thereof shall be prohibited.

414.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 414.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot area for conditional uses listed in Section 414.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

414.08 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 414.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot width and frontage for conditional uses listed in Section 414.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

414.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), thirty five (35) feet from a roadway designated as a Major Arterial roadway (restricted right-of-way) or Minor Arterial roadway and twenty (20) feet from a roadway designated as a collector roadway, local roadway, access or frontage road.

   A landscape buffer, as defined in Subsection 303.168 of this Ordinance, at least five (5) feet in depth shall be provided and maintained along and adjacent to the front property line, provided that the street abutting said property is a Major Arterial roadway (unrestricted right-of-way), a Major Arterial roadway (restricted right-of-way), a Minor Arterial roadway or a Collector roadway.

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - The minimum side yard shall be ten (10) feet where the lot line abuts another commercial or industrial zoning district. Where the lot line abuts an agricultural, residential or office - commercial district the minimum side yard shall be twenty (20) feet and a landscape screen, as defined in Subsection 303.169 of this Ordinance shall be installed and maintained on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.

3. Rear Yard - The minimum rear yard shall be ten (10) feet where the lot line abuts another commercial or industrial zoning district. Where the lot line abuts an agricultural, residential or office - district the minimum rear yard shall be thirty (30) feet and a landscape screen, as defined in Subsection 303.169 of this Ordinance shall be installed and maintained on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

414.10 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be fifty (50) feet, except for wind energy towers, all subject to applicable height restrictions of Section 420 of this Ordinance, which is the AHO Airport Hazard Overlay District regulations, including a maximum elevation of 1,946.9 feet above mean sea level.

414.11 MAXIMUM LOT COVERAGE:

No limitation

414.12 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Section 515 through 517 and Section 519 of this Ordinance.

SECTION 415 I-1 LIGHT INDUSTRIAL DISTRICT

415.01 INTENT:

This district is established to provide areas for a limited range of industrial and certain commercial uses which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from land use conflicts or undesirable environmental impacts and to protect such industrial and commercial uses from negative impacts from other commercial and industrial uses not able to meet the performance standards.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

415.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Uses permitted in the C-2, General Commercial District, wholesale, warehouse, distribution, storage, and transfer businesses meeting the performance requirements set forth in this I-1, Light Industrial District.

2. Raising of crops and pasturing of livestock, provided that such use shall be prohibited within the corporate limits of the City of Aurora.

3. Billboards and similar off-site signs in accordance with the regulations of Section 520 of this Ordinance.

415.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. General office and sales rooms, medical and recreational facilities and watchman quarters associated with the permitted uses.

2. On-site signs related to permitted uses and approved conditional uses, subject to the regulations and requirements of Section 520 of this Ordinance.

3. Accessory uses and structures customarily associated with and incidental to the principal uses.

415.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Electrical distribution substations, regulator stations, communications equipment buildings, communications, micro wave, cellular communications, water storage or other non-wind energy towers in excess of thirty five (35) feet in height, provided that such towers shall be separated from the property line of any residentially zoned real property (including R-1, R-R and R/O) by a distance of one hundred fifty (150) feet and comply with all applicable provisions of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level.

2. Sexually oriented businesses in compliance with the requirements and regulations of Section 524 of this Ordinance, provided that consideration of a conditional use for a sexually oriented business by the Planning Commission shall be limited to the determining if the proposed sexually oriented business is in compliance with the requirements and conditions set forth in Sections 524.04 and 524.05 of this Ordinance and further provided that the licensing requirement set forth in Section 524.05, Item 1 shall be applied only as a condition for granting approval of a conditional use when such use is proposed to be located within the corporate limits of the City and the lack of such license at the time of consideration by the Planning Commission shall not be cause for denial of the conditional use. When the proposed use is to be located outside of the corporate limits of the City, the licensing requirement of Section 524.05, Item 1 shall not apply. *(Section 415, amended September 13, 2016, by Ord. 1037)*

3. Other industrial and commercial service uses, determined solely by the Planning Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district.

415.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. The use of steel storage and/or shipping containers as principal or accessory use is prohibited. *(Section 415, amended August 13, 2019, by Ord. 1095)*

415.06 PERFORMANCE STANDARDS:

All uses permitted in this zoning district shall at all times comply with the following performance standards:

1. All activities shall be conducted within entirely enclosed buildings including storage or warehousing of raw materials or products produced.

2. Emission of gasses, odor, dust, smoke, noise, glare, heat or vibration detectable beyond the property line of the site on which the use is located is prohibited.

3. Any waste materials produced on the premises shall be stored outdoors, provided such materials are stored in containers which are not visible from the street(s) on which the use has frontage or access or any abutting residential zoning district and such containers will avoid the blowing of waste material or the attraction of insects or vermin.

415.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 415.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot area for conditional uses listed in Section 415.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

415.08 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 415.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot width and frontage for conditional uses listed in Section 415.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

415.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required modifications to minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), thirty five (35) feet from a roadway designated as a Major Arterial roadway (restricted right-of-way) or Minor Arterial roadway and twenty (20) feet from a street classified as a collector roadway, local roadway, access or frontage road. A landscape buffer, as defined in Section 303.168 of this Ordinance, at least five (5) feet in depth shall be provided along and adjacent to the front property line, provided that the street abutting said property is a Major Arterial roadway (unrestricted right-of-way), or a Major Arterial roadway (restricted right-of-way). *(Section 415, amended February 14, 2012 by Ord. 967)*

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - The minimum side yard shall be ten (10) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum side yard shall be twenty (20) feet and a landscape screen, as defined in Section 303.169 of this Ordinance shall be installed on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.

3. Rear Yard - The minimum rear yard shall be twenty (20) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum rear yard shall be Thirty (30) feet and a landscape screen, as defined in Section 303.169 of this Ordinance shall be installed on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

415.10 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be unlimited, except for any applicable height restriction of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level and for uses located within one hundred (100) feet of any residential zoning district where such maximum height shall be fifty (50) feet.

415.11 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Section 515 through 517 and Section 519 of this Ordinance.

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SECTION 416 I-2 INDUSTRIAL DISTRICT

416.01 INTENT:

This district is established to provide areas for a wide range of industrial and certain commercial uses which are able to meet certain performance standards to protect nearby non-commercial and non-industrial uses from land use conflicts or undesirable environmental impacts and to protect such industrial and commercial uses from negative impacts from other uses which would conflict with such industrial and commercial uses.

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

416.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Any manufacturing or other industrial use which can meet the performance standards set forth in this I-2, Industrial District and which is not listed as a conditional use or prohibited use in this I-2, Industrial District.

416.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. General office and sales rooms, medical and recreational facilities and watchman quarters associated with the permitted uses.

2. On-site signs related to permitted uses and approved conditional uses, subject to the regulations and requirements of Section 520 of this Ordinance.

3. Accessory uses and structures customarily associated with and incidental to the principal uses.

416.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Electrical distribution substations, regulator stations, communications equipment buildings, communications, micro wave, cellular communications, water storage or other towers in excess of thirty five (35) feet in height, provided that such towers shall be separated from the property line of any residentially zoned real property (including R-1, R-2, R-R and R/O) by a distance of one hundred fifty (150) feet and comply with all applicable provisions of Section 420 of this Ordinance, which is the Airport Hazard Overlay District, including a maximum elevation of 1,946.9 feet above mean sea level.

2. Other industrial and commercial service uses, determined solely by the Planning Commission, to be comparable with the other uses permitted as conditional uses in this district, compatible with the uses permitted in the district and consistent with the intent of this district, provided that a sexually oriented business, as defined in Section 524 of this Ordinance, shall not be considered comparable and compatible with other uses or consistent with the intent of this district. *(Section 416, amended September 13, 2016, by Ord. 1037)*

416.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district.

416.06 PERFORMANCE STANDARDS:

All uses permitted in this zoning district shall at all times comply with the following performance standards:

1. All activities, excluding those uses such as ethanol production plants, cracking plants, fertilizer production plants or similar uses which utilize production structures instead of buildings, not conducted within entirely enclosed buildings including storage or warehousing of raw materials or products produced shall be screened from view from any abutting property not included in an I-2, Industrial District in accordance with the requirements of Section 416.09 of this Ordinance.

2. Emission of gasses, odor, noise, glare, heat or vibration detectable beyond the property line of the site on which the use is located is prohibited.

3. Emission of dust or smoke beyond the property line of the site on which the use is located shall not be of such quantity or concentration so as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public in general.

4. All activities involving the storage or salvaging of automobiles, trucks, agricultural or other equipment and similar operations shall be screened from view from all adjoining streets and all abutting properties not included in an I-2, Industrial District by an opaque fence or evergreen tree landscape screen and said screen shall be maintained in good repair at all times.

5. Any waste materials produced on the premises shall be stored outdoors, provided such materials are stored in containers which are not visible from the street(s) on which the use has frontage or access or any abutting residential zoning district and such containers will avoid the blowing of waste material or the attraction of insects or vermin.

416.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 416.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking and loading areas, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot area for conditional uses listed in Section 416.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

416.08 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 416.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum width, yard, parking area, and maximum rear yard coverage requirements specified in this district.

2. The minimum lot width and frontage for conditional uses listed in Section 416.04 shall be the area appropriate to each conditional use, as determined by the Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

416.09 MINIMUM YARD REQUIREMENTS:

The minimum yards or setbacks of any building from a property line or street right-of-way line shall be as follows, (Refer to Section 502 of this Ordinance for required modifications to minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like):

1. Front Yard - Sixty (60) feet from a roadway designated on the City's Major Street Plan as a Major Arterial roadway (unrestricted right-of-way), thirty five (35) feet from a roadway designated as a Major Arterial roadway (restricted right-of-way), or Minor Arterial roadway ~~or Collector~~ and twenty (20) feet from a roadway designated as a collector roadway, local roadway, access or frontage road. A landscape buffer, as defined in Section 303.168 of this Ordinance, at least five (5) feet in depth shall be provided and maintained along and adjacent to the front property line, provided that the street abutting said property is a Major Arterial roadway (unrestricted right-of-way), or a Major Arterial roadway (restricted right-of-way). *(Section 416, amended February 14, 2012 by Ord. 967)*

   For developed areas, as defined in Subsection 303.93 of this Ordinance, the required front yard shall be the average of the existing front yards, provided that in no event shall such front yard be less than twenty (20) feet, and further provided that where existing front yards exceed the required minimum front yard, the minimum front yard requirement shall apply.

2. Side Yard - The minimum side yard shall be ten (10) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum side yard shall be fifty (50) feet and a landscape screen, as defined in Section 303.169 of this Ordinance shall be installed and maintained on the property line or within the side yard. In determining the side yard requirements such side yard may be measured to the centerline of any abutting alley which is dedicated for public use.

3. Rear Yard - The minimum rear yard shall be twenty (20) feet where the lot line abuts an agricultural, commercial or industrial zoning district. Where the lot line abuts a residential zoning district the minimum rear yard shall be fifty (50) feet and a landscape screen, as defined in Section 303.169 of this Ordinance shall be installed and maintained on the property line or within the rear yard. In determining the rear yard requirements such rear yard may be measured to the centerline of any abutting alley which is dedicated for public use.

416.10 MAXIMUM HEIGHT:

The maximum height for any structure or building shall be unlimited, except for applicable height restrictions of Section 420 of this Ordinance, which is the Airport Hazard Overlay District regulations, including a maximum elevation of 1,946.9 feet above mean sea level and for uses located within three hundred (300) feet of any residential zoning district where such maximum height shall be fifty (50) feet.

416.11 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces required for each use permitted or authorized as a conditional use shall be in accordance with the requirements of Section 515 through 517 and Section 519 of this Ordinance.

SECTION 417 PUD PLANNED UNIT DEVELOPMENT DISTRICT

417.01 INTENT:

It is the intent of this district to provide considerably more land use and development flexibility than is possible through application of the zoning district regulations established by this Ordinance where such land uses and developments will not be contrary to the intent of this Ordinance, will be consistent with the City's Comprehensive Plan and will be in the best interest of the City and the developer. Land uses and developments in this district shall be pre-planned, designed and coordinated so that the impacts of the development can be pre-determined. Development of affordable entry level and elderly housing and the encouragement of redevelopment of blighted or substandard areas within the City shall be particular objectives of this district, as well as the following:

1. To encourage more creative and cost effective land and building site planning and design by providing flexibility and cost-saving incentives for such development,

2. To encourage development of functional and aesthetically desirable open spaces,

3. To encourage the effective reutilization of by-passed land or land so poorly planned and developed as to be a detriment to the community,

4. To simplify the public review and approval process of development proposals.

417.02 APPLICATION:

The provisions of this zoning district shall apply only to a lot, tract or parcel of land one (1) acre or larger in size and, if a residential or mixed use development is proposed such development shall include a minimum of four (4) dwellings.

417.03 PERMITTED USES:

The following uses shall be permitted in this zoning district:

1. Residential uses of all types, including non-commercial uses of a recreational, cultural, religious nature and commercial uses directly supportive of and sized to serve the proposed residential uses,

2. Commercial uses of all types which are compatible with each other and which are consistent with the Comprehensive Plan and the surrounding zoning,

3. Light industrial uses of all types which are compatible with each other and which are consistent with the Comprehensive Plan and the surrounding zoning,

4. Mixed uses, including combinations of residential, commercial and light industrial uses which are compatible with each other and which are consistent with the Comprehensive Plan and the surrounding zoning.

417.04 MINIMUM REQUIREMENTS:

In authorizing of a planned unit development the Commission, in its review and recommendation and the City Council in its review and authorization, may alter the yard, building setbacks, building height, building size, lot coverage, off-street parking and loading area, open space, landscaping and other regulations normally applicable in a zoning district, provided that in no event shall a use which is inconsistent with the Comprehensive Plan or other uses permitted in the zoning district in which the development is located, be authorized.

417.05 APPLICATION, REVIEW AND AUTHORIZATION PROCEDURE:

Authorization of a planned unit development shall be subject to the following:

1. The applicant(s) shall submit two (2) copies of a preliminary plan for any area proposed as a planned unit development to the Zoning Administrator together with any application fee established for such application. Such application shall be on forms provided by the Administrator and shall include the following information:

A. A site plan, drawn to a scale not exceeding one hundred (100) feet per one (1) inch, indicating the boundaries of the proposed development and the tentative arrangement of all lots, uses and their locations, buildings, streets, open spaces, parking and loading areas, landscape buffering and screening, sidewalks, common areas, recreation areas and other development elements which are integral to the proposed development.

B. The number of dwelling units, commercial or industrial uses, the approximate total square footage area of each type of use.

C. The proposed plans for handling vehicular and pedestrian access and circulation, surface drainage, water supply and sanitary sewage.

D. An indication of the types of protective covenants designed to protect the integrity and stability of the development together with an indication of how the ongoing financial capability for maintenance and operation any common areas, private streets or other common use shall be provided.

E. A tentative indication of the order or phasing of the development and the estimated timing of the development of each phase.

2. Within fifteen (15) days of submission of an application, the Zoning Administrator shall consult with the applicant regarding the completeness of the application and any adjustments recommended to meet the requirements of the Section. After such consultation, the applicant may make modifications to the proposed plan and submit such revisions to the Zoning Administrator.

3. The Zoning Administrator shall cause the application to be filed with the Commission for consideration as a zoning amendment subject to the procedures applicable to amendment of the Official Zoning Map.

4. The Planning Commission, at public hearing, shall review the proposed application and shall decide whether the proposed development is consistent with the Comprehensive Plan, is consistent with the uses and intensity of use permitted in the zoning district in which the proposed development is located, and is in the best interest of the City. Upon such determination, the Commission may approve the preliminary plan as submitted, may require amendments to such plan or disapprove the plan. In approving any preliminary plan, the Commission may attach any condition it deems appropriate to assure that the proposed development will be consistent with the Comprehensive Plan, the underlying zoning district and the best interest of the City. Upon action by the Commission to approve or deny the application, the Commission shall forward its recommendation regarding the preliminary plan to the City Council.

5. The City Council, after public hearing, shall review the Commission's recommendations regarding the preliminary plan and shall act to approve such plan, approve such plan with amendments or conditions, or deny such plan. If approved, the City Council shall communicate such approval and any amendments or conditions of such approval to the Planning Commission. The Commission shall thereafter exercise continuing jurisdiction of the planned unit development.

6. Prior to any development of the planned unit development, the applicant shall submit a detailed development plan, specifying the exact boundaries of the development, all proposed buildings and uses, the location, composition and engineering features of all lots, easements, surface drainage, water and sewer improvements, recreational or other common use facilities, open spaces, parking and loading areas, street locations, rights-of-way, design and specifications, landscape buffering and screening, signage, site perimeter treatments, construction phases and other pertinent site development features, to the Planning Commission for approval. In addition, the applicant shall submit all information regarding restrictive covenants, the entity(s) to be established to operate and maintain any common areas or common uses and together with details of how such entity(s) will develop and maintain the financial capability to operate and maintain such common areas or uses.

7. Approval of the detailed site plan by the Commission shall be conditioned upon a finding by the Commission by a properly approved motion by the Commission that the detailed site plan is consistent in all respects with the approved preliminary plan and any conditions of approval thereof. If the detailed site plan and related restrictive covenant, owner's association or other entity and financial capability

information is found to be inconsistent with such approved preliminary plan, it shall be returned to the applicant for modification to remove any inconsistencies found by the Commission. If such inconsistencies are not removed, the Commission shall not approve a detailed site plan and shall not allow the planned unit development to proceed.

8. In approving any detailed site plan, the Commission may attach any condition, including the reservation of land for any reasonable public purpose, to assure that the proposed planned unit development will continue to comply with the approved preliminary plan and to assure that the development is consistent with the Comprehensive Plan, the underlying zoning district and in the best interest of the City. Any required reservation of land for a public purpose shall provide that, if a governmental unit or agency thereof does not proceed with the acquisition of the reserved land within a period of two (2) years from the date of approval of a detailed site plan, said reservation shall terminate and the applicant may proceed to submit an application for an amendment to the planned unit development for the development and use of such previously reserved land.

9. An approved "detailed planned unit development site plan, if it contains all information required under the subdivision regulations of the City, may mean and be designated the same as a final plan, and shall in all instances be recorded for public record in an appropriate plat book of Hamilton County, Nebraska in accordance with the requirements of the subdivision regulations, provided such recording occurs within two (2) years from the date of the Commission's approval of such detailed site plan.

10. In the event a detailed site plan and related documents is not submitted for approval or approval is not obtained within one (1) year from the date of City Council approval of the preliminary site plan or an extension of time for such submission or approval has not been granted by the Commission, the Commission shall initiate an amendment of the Official Zoning Map to eliminate the approved preliminary site plan and return the land to the zoning district in which it is located.

11. No construction or installation in the approved planned unit development shall proceed until satisfactory plans and specifications have been submitted and approved by the City and all construction shall be in conformance with the approved detailed site plan.

12. In exercising it continuing jurisdiction of a planned unit development, the Commission may, from time to time, authorize modifications to the approved detailed site plan in any manner which is consistent with the approved preliminary site plan. The Commission shall take any appropriate enforcement action against any deviations for the approved detailed site plan.

417.06 COVENANTS, OWNER ASSOCIATIONS, AND MAINTENANCE:

1. The Commission may require the establishment and recording of covenants for any reasonable purpose, including, but not limited to, imposing standards for development of property within a planned unit development. Such covenants and restrictions may include, but not be limited to, the following:

   A. Lot Area,

   B. Floor Area,

   C. Ratios of floor area to land area,

   D. Areas in which buildings and / or structures are not permitted,

   E. Open space,

   F. Setback lines and minimum building separation,

   G. Maximum height of structures,

   H. Signs,

   I. Off-street parking and loading areas,

J. Design standards,

K. Building additions,

L. Accessory uses and structures,

M. Building, structure and open space maintenance,

N Provisions empowering the owners of property within the planned unit development and the City to enforce the covenants in the event of failure to do so by the developer or owner's association.

2. In any planned unit development which contains open space, facilities, or utilities, owned and/or maintained in common by the owners of property within such planned unit development or which contains private streets, the Commission shall require that appropriate covenants and the creation of an owner's association or other similar entity be provided as an integral part of such planned unit development to assure stability and longevity of the development. Said covenants and provisions establishing an owner's association or other similar entity shall:

A. Provide specific remedies in the event that common open space, facilities or utilities are permitted to deteriorate or are not maintained in a condition consistent with the best interest of the property owners within the development and the City as a whole and shall include the authority of the City to take such remedial action as necessary to assure proper maintenance of such common open space, facilities or utilities.

B. Provide for agreement of all owners of property within the planned unit development that if the City is requested or required to perform maintenance activities on common open spaces, facilities, utilities or private streets within the planned unit development, said owners shall pay costs thereof to the City and that if not paid the same shall become a lien upon all applicable properties within such planned unit development until such costs and interest thereon is paid in full.

C. Insure that the developer shall be responsible for creation of any owner's association or other such entity and shall remain a member of such association or other entity until all property within the planned unit development is sold by the developer.

D. Insuring that any certificate of incorporation, declaration of covenants and restrictions, association bylaws, contracts, agreements and the legal description of property within the planned unit development shall be included in the deed or other instrument of conveyance on each lot or unit of property and shall be made binding on all purchasers and lessees.

E. Provide legal assurances that any owner's association or other similar entity shall be self-perpetuating and shall have the authority to assess and collect assessments from owners of property within such planned unit development for the purposes of properly maintaining any common open space, facilities, utilities or private streets, parking areas and other commonly owned areas.

417.07 EXPIRATION OF PLANNED UNIT DEVELOPMENT APPROVAL:

Approval of any preliminary plan for a planned unit development shall expire two (2) years from the date of approval of a preliminary site plan by the City Council if no detailed development plan has been submitted or if no construction of the planned unit development has been initiated. In such event, the Commission shall initiate an amendment of the Official Zoning Map to eliminate the approved preliminary site plan and return the land to the zoning district in which it is located.

417.08 REZONING LIMITATION:

The Commission or City Council shall not initiate any amendment to this Zoning Ordinance concerning any property included in an approved planned unit development before the completion of such planned unit development, provided such planned unit development is in conformity with the approved detailed site plan and all conditions attached thereto and construction of such planned unit development has been initiated within two (2) years.

SECTION 418 I80X INTERSTATE INTERCHANGE DISTRICT

418.01 INTENT:

This district is established to provide an area for the provision of a wide range of services to the motoring public traveling Interstate 80, commercial users of I-80, light industrial uses and warehouse facilities which benefit from a close proximity to the Interstate, technology companies and companies which require convenient access to employees residing outside of Aurora and/or Hamilton County. This district shall be that area either side of Nebraska Highway 14 (South 16th Street) between Hamilton County Roads 9 and 11. *(Section 418, amended August 11th, 2015 by Ord. 1019)*

Outright allowable, permitted, accessory, and conditional uses are listed within Section 421. Special requirements for certain uses are listed below in this section.

418.02 PERMITTED PRINCIPAL USES AND STRUCTURES:

The following uses and structures shall be permitted uses and structures, but shall require the issuance of a zoning permit and/or certificate of zoning compliance:

1. Truck stops and terminals, including those with complete car and truck services, excluding vehicle towing services when any vehicle is kept outside of an enclosed building, vehicle salvage operations and metal recycling operations.

2. Raising of crops and pasturing of livestock, provided that the raising of livestock cannot be done in conjunction with a residential use on the same tract of land.

3. Those uses consistent with the Intent of this zoning district and determined at the sole discretion of the Planning Commission to be comparable with other uses allowed in this district. Public notification and a public hearing for such comparability determination are to be conducted in the same manner as a conditional use hearing.

418.03 PERMITTED ACCESSORY USES AND STRUCTURES:

1. Those permitted accessory uses and structures permitted in the C-1, Central Business District, the C-2, General Business District and I-1, Light Industrial District.

2. Those accessory uses consistent with the Intent of this zoning district and determined at the sole discretion of the Planning Commission to be comparable with the other uses allowed in this district. Public notification and a public hearing for such comparability determination are to be conducted in the same manner as a conditional use hearing.

418.04 CONDITIONAL USES AND STRUCTURES:

After the provisions of Article 7 of this Ordinance relating to conditional uses have been met, the following uses may be allowed as conditional uses:

1. Those uses which are not otherwise allowed in Permitted Principal Uses and Structures in this District, but are allowed in the C-1, Central Business District, the C-2, General Business District and the I-1, Light Industrial District, provided that a sexually oriented businesses allowable in the I-1 Light Industrial Zoning District shall not be allowed.

2. Facilities for the commercial storage/distribution/sale of fertilizer/toxic/flammable agriculture chemicals, provided that the facility complies with all State and Federal permitting, regulations and requirements administered by the following entities but not limited to; Nebraska Department of Agriculture (NDA), Nebraska Department of Environment and Energy (NDEE) and United States Environmental Protection Agency (EPA). *(Section 418, amended September 13, 2016, by Ord. 1037)*

3. Other commercial, office, business and industrial uses consistent with the Intent of this zoning district and determined at the sole discretion of the Planning Commission to be comparable with the other uses allowed in this district, provided that a sexually oriented business, as defined in Section 524 of this Ordinance, shall not be considered comparable and compatible with other uses or consistent with the intent of this district. *(Section 418, amended March 14, 2023, by Ord. 1165)*

418.05 PROHIBITED USES AND STRUCTURES:

All other uses and structures, which are not specifically permitted or authorized as conditional uses shall be prohibited in this zoning district. Vehicle towing services, when any vehicle or portion of vehicle is kept outside of an enclosed building, vehicle salvage operations and metal recycling operations. Sexually oriented businesses, as defined in Section 524 of this Ordinance, are prohibited in this Zoning District. *(Section 418, amended September 13, 2016, by Ord. 1037)*

418.06 PERFORMANCE STANDARDS:

All uses permitted in this zoning district shall at all times comply with the performance standards established for zoning district I-1 provided, those uses requiring conditional use approval in an area located a distance greater than ¼ mile from Hwy. 14 comply with minimum performance standards as determined by the Planning Commission. *(Section 418, amended Aril 14, 2015 by Ord. 1016)*

418.07 MINIMUM LOT AREA:

1. The minimum lot area for uses listed in Section 418.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum front, side and rear yard requirements.

2. The minimum lot area for conditional uses listed in Section 418.04 shall be the area appropriate to each conditional use, as determined by the Planning Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

418.08 MINIMUM LOT WIDTH AND FRONTAGE:

1. The minimum lot width and frontage for uses listed in Section 418.02 shall be unrestricted, provided that each lot shall provide a marketable buildable area and all building(s) thereon shall comply with the minimum front, side and rear yard requirements.

2. The minimum lot width and frontage for conditional uses listed in Section 418.04 shall be the area appropriate to each conditional use, as determined by the Planning Commission in its review and authorization of each conditional use in accordance with Article 7 of this Ordinance.

418.09 MINIMUM YARD REQUIREMENTS:

The minimum yard or setbacks of any building from a property line or street right-of-way line shall be as follows: (Refer to Section 520 of this Ordinance for required modifications to minimum yard and setback regarding eaves, cornice overhangs, awnings, balconies, exceptions and the like; and further provided that structures associated with and necessary to the operation of public utilities are not required to comply with this section.

1. Front Yard - The minimum front yard shall be sixty (60) feet from the right-of-way of Interstate 80 and Nebraska Highway 14; thirty-five (35) feet from any frontage or access road; and twenty (20) feet from any other street or road. Access road, for the purpose of this section shall mean any street or roadway, which intersects with Nebraska Highway 14. State of Nebraska requirements, if more restrictive, shall apply where applicable.

   Corner lots shall comply with the front yard requirement appropriate for each street type forming the intersection as per the above setback requirements.

2. Side Yard - The minimum side yard shall not be less than ten (10) feet.

3. Rear Yard - The minimum rear yard shall not be less than twenty (20) feet.

418.10 MAXIMUM HEIGHT:

The maximum height for any structure (excluding signs) or building shall be fifty (50) feet if such building or structure is located within twenty-five (25) feet of any adjacent property line. Structures or buildings located more than twenty-five (25) feet from an adjacent property line shall not be restricted in maximum height, except for any applicable height restriction of Section 420 of this Ordinance, which is the Airport Hazard Overlay District regulations, including a maximum elevation of 1,946.9 feet above mean sea level

418.11 OFF-STREET PARKING AND LOADING AREAS:

The minimum number of off-street parking spaces and loading areas is to be determined by the developer of each property at the time of construction. Said minimum number of parking spaces shall be adequate to accommodate the anticipated number of customers, employees and deliveries customarily projected for such use. Provisions of Section 515 through Section 519 of this Ordinance shall not apply in the I80X Zoning District. The use of public streets for customer, employee, other parking or deliveries shall not be allowed and is expressly prohibited.

418.12 LANDSCAPE REQUIREMENTS:

No landscaping standards are established for the I80X Zoning District. Property developers are encouraged to beautify their property as appropriate.

418.13 DRAINAGE STUDY:

No drainage study is required for construction / development in the I80X Zoning District.

418.14 SIGNAGE:

The provisions of Section 520 (Signs) of this Ordinance shall not apply in the I80X Zoning District. Sign installation, where applicable, must comply with "Rules and Regulations Relating to the Control of Advertising Signs in Areas Adjacent to the Interstate and Federal-Aid Primary Highways", Fifth Edition, effective October 26, 1983 and subsequent editions, Nebraska Department of Roads. No sign is to be constructed which obstructs the vision of the motoring public within the "sight triangle" at street intersections, as defined in this Ordinance.

SECTION 419 WPO WELLHEAD PROTECTION OVERLAY DISTRICT

419.01 INTENT:
The intent of this district is to provide the City of Aurora, Nebraska with the ability to protect the municipal water supply from contamination, as much as possible, through the regulation of land uses which have the potential for contamination of the groundwater source(s) from which municipal wells derive water.

419.02 PREREQUISTE REQUIREMENTS FOR APPLICATION OF THIS DISTRICT:
Prior to the application of this district to any lands in the City of Aurora, Nebraska or its one (1) mile jurisdictional area, the City shall first comply with all other requirements of the Wellhead Protection Areas Act (Neb. Rev. Stat. 46-1501 through 46-1509). These requirements include the following:

1. Delineation of the Wellhead Protection Area based upon a twenty (20) year time of travel recharge zone,

2. Approval of such Wellhead Protection Area by the Nebraska Department of Environmental Energy,

3. Completion and mapping of an inventory of potential contamination sources within the Wellhead Protection Area,

4. Formulation of emergency / contingency / long-range plans in the event of disruption of supply of water from the wells in the Wellhead Protection Area,

5. Formulation of and ability to implement an on-going Public Involvement / Education Program to permit public comment in the establishment of the Wellhead Protection Program and to provide information to the public regarding the program and voluntary cooperation with said program,

6. Development of a program to install and maintain Wellhead Protection Area signs on roadways around the Wellhead Protection Area,

419.03 LIMITATION ON APPLICATION OF THIS DISTRICT:
This district may be applied only to Wellhead Protection Areas officially approved by the Nebraska Department of Environmental Energy. In the event the boundaries of any such officially approved Wellhead Protection Areas do not follow easily identifiable boundaries such as roads, rivers, creeks, section, quarter section or quarter-quarter section lines, the boundaries of such area shall be expanded to the nearest such lines to avoid confusion and added administrative costs associated with in-the-field determination of such boundaries.

419.04 AMENDMENT OF OFFICIAL ZONING MAP:
Whenever the requirements of Section 419.02 of this Ordinance have been complied with, and the Planning Commission and City Council have conducted public hearings regarding application of this overlay zoning district in accordance with Article 10 of this Ordinance and the City Council has acted to approve a wellhead protection overlay district, the boundaries of such wellhead protection area (overlay zoning district), defined in accordance with Section 419.03 above, shall be indicated on the Aurora, Nebraska Official Zoning Map and such map shall be signed in accordance with the requirements of Section 404 of this Ordinance.

419.05 ALLOWABLE, PERMITTED AND ACCESSORY USES AND STRUCTURES:
Any use or structure indicated as an allowable use, permitted use or accessory use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, shall be allowed or permitted in accordance with the zoning permit requirements set forth in such primary zoning district(s), except when specifically prohibited in Section 419.07 of this Ordinance and except when an otherwise allowable, permitted or accessory use is listed as a conditional use in Section 419.08 of this Ordinance. All such allowable, permitted and accessory uses shall comply with the additional wellhead protection restrictions set forth in Section 419.08 of this Ordinance.

419.06 CONDITIONAL USES:
Any use listed as a conditional use in the primary zoning district(s) on which this wellhead protection overlay district is overlain, except the uses specifically prohibited in Section 419.07 of this Ordinance, may be authorized as a conditional use in accordance with the requirements and procedures specified in Article 7 of this

Ordinance, provided the authorization of any conditional use shall comply with the additional wellhead protection restrictions set forth in Section 419.08 of this Ordinance.

419.07 PROHIBITED USES AND STRUCTURES:

Uses and structures, which are prohibited in the primary zoning district(s) on which this district is overlain, shall be prohibited and, regardless of whether prohibited in the primary zoning district(s), the following uses and structures shall be specifically prohibited on any land area on which this wellhead protection overlay district is applied:

1. Confined animal feeding uses and associated waste handling facility uses,

2. Landfills and refuse recycling centers.

419.08 WELLHEAD AREA PROTECTION REQUIREMENTS:

The following restrictions shall apply to all uses within any land areas on which this Wellhead Protection Overlay District is applied:

1. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or in association with another land use, shall comply with the rules and regulations of Titles 126 and 159, administered by the Nebraska Department of Environmental Energy or other responsible agency or department. Storage of gasoline, diesel fuel, fuel oil or other similar fuels, whether on a farm or ranch or other land area, in excess of one thousand one hundred (1,100) gallons shall be prohibited.

2. Fuel storage associated with any irrigation well engine shall be equipped with a containment area in accordance with the National Fire Protection Association Code 30 and with Title 126, administered by the Nebraska Department of Environmental Energy, in the event of a fuel release.

3. Fuel storage, except when associated with a commercial or industrial use, except for any fuel storage associated with any irrigation well engines (Item 2 above) shall not be permitted within one thousand (1,000) feet of any well protected under this wellhead protection overlay district.

4. Storage of fertilizers, herbicides, pesticides and other materials, determined by the United States Environmental Protection Agency to be hazardous materials, shall be prohibited, except when a conditional use for such use is authorized and such authorization includes a condition that all such uses shall comply with the applicable rules and regulations of Title 118, 121, 126, 128, 159 and 198, administered by the Nebraska Department of Environmental Energy and other agencies.

5. No septic tank, tile field or other on-site sewage disposal system, associated with any residential, commercial, industrial or other type of land use, shall be located within one thousand (1,000) feet of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in Section 303.66 of this Ordinance, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one septic tank and tile field or other on-site sewage disposal system may be established, provided such tank, tile field or other system complies with all requirements of Title 124 of the Nebraska Department of Environmental Energy.

6. Domestic, irrigation and any other water wells shall not be located closer than one thousand (1,000) feet of any well protected under this wellhead protection overlay district, provided that if a lot of record, as defined in Section 303.66 of this Ordinance, exists as of the effective date of application of this wellhead protection overlay district, and the entirety of said lot of record lies within the land area on which this wellhead protection overlay district is applied, one (1) well may be established, provided such well shall be constructed in accordance with the rules and requirements of Title 178.

7. Any application of fertilizers, pesticides, or herbicides to the land or crops through an irrigation system (chemigation) shall comply with the rules and requirements of Title 195.

8. If any land area contained within a wellhead protection overlay zoning district is also part of a special protection area or ground water management area, established under the Groundwater Management

Protection Act, all uses within such areas, including agricultural uses, shall comply with the action plan and best management practices established for such areas by the local Natural Resource District(s).

419.09 MINIMUM LOT AREA REQUIREMENTS:
The minimum lot area for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

419.10 MINIMUM LOT AREA AND FRONTAGE:
The minimum lot width and frontage for any lot in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain.

419.11 MINIMUM BUILDING SETBACK REQUIREMENTS:
The minimum setback for all regulated structures and buildings in this overlay district shall be as set forth in the primary zoning district(s) on which this district is overlain, provided that the minimum setback requirements from protected wells, as set forth in Section 419.08 of this Ordinance, shall also be complied with.

419.12 MAXIMUM HEIGHT:
The maximum height of any building or structure shall be as set forth in the primary zoning district on which this district is overlain.

SECTION 420 AHO AIRPORT HAZARD OVERLAY DISTRICT

420.01 INTENT:
This district is established as an overlay district for application over any primary zoning district in all directions from the adjacent boundaries of the Aurora Municipal Airport and any other qualifying airport for which an airport hazard approach zone extends into the planning and zoning jurisdiction area of the City of Aurora, Nebraska and is intended to prevent airport hazards and protect the public investment and utility of the airport.*(Section 420, amended September 13, 2016, by Ord. 1036)*

420.02 DEFINITIONS: *(Section 420, amended September 13, 2016, by Ord. 1036)*

1. **AIRPORT:** Any area of land or water designated and set aside that is used or intended to be used for landing and takeoff of aircraft, including any related buildings and facilities. Airport includes only public use airports with state or federally approved airport layout plans and military airports with military service approved military layout plans.

2. **AIRPORT HAZARD:** Any structure, tree or use of land which penetrates any approach, operation, transition or turning zone.

3. **AIRPORT HAZARD AREA:** The airport hazard area is any area of land or water upon which an airport hazard might be established if not prevented as provided in the Airport Zoning Act, but such shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition and turning zones.

4. **AIRPORT LAYOUT PLAN:** A scaled drawing of existing and proposed land, buildings and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

5. **APPROACH ZONE:** A zone that extends from the end of each operation zone and is centered along the extended runway centerlines, described as follows:

   A. **FOR AN INSTRUMENT RUNWAY (EXISTING OR PROPOSED):**

      1. An approach zone extends ten (10) miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand (1,000) feet wide at the end of the zone nearest the runway and expands uniformly to sixteen thousand eight hundred forty (16,840) feet wide at the farthest end of the zone, and

      2. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every fifty (50) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three (3) miles from such operation zone, the height limit resumes sloping one (1) foot vertically for every fifty (50) feet horizontally and continues to the ten-mile limit, and

   B. **FOR A VISUAL RUNWAY (EXISTING OR PROPOSED):**

      1. An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is five hundred (500) feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three (3) miles from the operation zone, the approach zone is three thousand seven hundred (3,700) feet wide, and

      2. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every forty (40) feet horizontally, except that the height limit shall not exceed one hundred fifty (150) feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.

6. **ELECTRIC UTILITY:** An electric utility means an overhead electric line, including poles or other supporting structures, owned or operated by an electric supplier for the transmission or distribution of electrical power to the electric supplier's customers.

7. **EXISTING RUNWAY:** An instrument or visual runway that is paved or made of turf that has been in constructed or is under construction.

8. **INSTRUMENT RUNWAY:** An existing runway with precision or non-precision instrument approaches as developed by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After September 6, 2013, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after public hearing on such designation.

9. **OPERATION ZONE:** A zone that is longitudinally centered on each existing or proposed runway. Operation zones are as follows:

   A. For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of the runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends.

   B. For existing and proposed instrument runways, the operation zone is one thousand (1,000) feet wide, with five hundred (500) feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is five hundred (500) feet wide, with two hundred fifty (250) feet on either side of the centerline.

   C. The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or surface of the ground, whichever is higher.

10. **PERSON:** Any individual, firm, partnership, Limited Liability Company, corporation, company, association, joint stock association or body politic and includes trustee, receiver, assignee or other similar representation thereof.

11. **POLITICAL SUBDIVISION:** Any municipality, city, village or county.

12. **PROPOSED RUNWAY:** An instrument runway or visual runway that has not been constructed and is not under construction, but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval, to the Federal Aviation Administration.

13. **RUNWAY:** A defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

14. **STRUCTURE:** Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission or distribution lines.

15. **TRANSITION ZONE:** A zone that extends outward at a right angle to the runway centerline and upward at a rate of one (1) foot vertically for every seven (7) feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.

16. **TREE:** Any object of natural growth.

17. **TURNING ZONE OUTER LIMIT:** The area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone or transition zone. The height limit of the turning zone is one hundred fifty (150) feet above the highest elevation on the existing or proposed runway.

18. **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service approved layout plan or any planning documents submitted to the Federal Aviation Administration by a competent authority.

420.03 HEIGHT RESTRICTIONS:

No building, transmission line, pole, tower, chimney, wires or other structure or appurtenance 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 above the heights described in Section 420.02, Subsections 5, 9, 15 and 17 immediately above.

420.04 AIRPORT ZONING MAP:

The boundaries, operation zones, approach zones, transition zones and turning zones are indicated on the Airport Zoning Map for the Aurora Municipal Airport, prepared by the Nebraska Department of Aeronautics as Map Drawing No. ZN-AUH-15. Said Airport Zoning Map is hereby made part of this Ordinance by reference.

420.05 ZONING PERMIT AND CERTIFICATES OF ZONING COMPLIANCE REQUIREMENTS:

1. A zoning permit or certificate of zoning compliance shall be required to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tower, smokestack, 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 which, when mature, would violate the height limitations of Section 420.03 above.

2. Application for a zoning permit / certificate of zoning compliance shall be as required under Sections 904 and 905 of this Ordinance.

420.06 NON-CONFORMING STRUCTURES:

Unless otherwise limited by other any other section(s) of this Ordinance, within the zoned airport hazard area, any 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 may hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, provided that any such non-conforming use, structure or natural growth shall not increase in height or create a greater hazard to air navigation than existed on the effective date of this Ordinance or applicable amendment thereto. In accordance with Sections 605.01, Subsections 5 and 6 of this Ordinance, any non-conforming use which has been voluntarily abandoned for a period of twelve (12) consecutive months or which has been involuntary removed or damaged fire, wind or act of God to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the height limitations set forth in Section 420.03 above or applicable amendment thereto.

420.07 MARKING OF NON-CONFORMING STRUCTURES:

Whenever the Zoning Administrator shall determine, or shall be notified that a specific non-conforming structure or object exists and has existed prior to the effective date of these regulations and within the airport hazard 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 the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Zoning Administrator and shall, within a reasonable time, permit the marking thereof by suitable lights or other signals as recommended by the Nebraska Department of Aeronautics. The cost of such marking shall not be assessed against the owner or lesser of said premise, but may be paid by the local airport board, municipality, county or other governmental entity or department.

420.08 LAND USES:

Any use listed as an allowable, permitted, accessory or any use authorized as a conditional use in the primary zoning district over which this AHO, Airport Hazard Overlay district is applied shall be allowed in this overlay district, provided that all buildings, structures and other obstacles shall comply with the height limitations of Section 420.03 of this district.

420.09 ADMINISTRATION AND ENFORCEMENT:

The Zoning Administrator of Aurora, 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.

420.10 BOARD OF ADJUSTMENT:

The Board of Adjustment of Aurora, Nebraska shall be the Board of Adjustment with respect to these regulations, to have and to exercise the powers conferred by Section 3-320, R.R.S. 1943, and such other powers and duties as are conferred or imposed by law.

420.11 VARIANCES:

In accordance with the procedures, requirements and limitations of Article 8, Subsection 802.03 of this Ordinance, a variance to the height limitations established in this overlay district may be requested. Where the Board of Adjustment finds that the proposed variance will not require any modification or revision to any approach or approach procedure as approved the Federal Aviation Administration and it is documented that the proposed structure or alteration of the structure will not require any modification of any airport minimum standards, the Board may find that a hardship exists in the form of peculiar and exceptional practical difficulties and, if so found, may grant a variance from the height restrictions of Section 420.03above.

420.12 CONFLICTS:

In the event of any conflict between these airport hazard regulations and any other regulations established by this or other ordinances, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent or restrictive limitation shall govern and prevail.

SECTION 421 USE REGULATION MATRIX

Permitted uses in each district are in accordance with the use matrix on the following pages.

O = Outright Allowable **P** = Permitted **C** = Conditional Use **A** = Accessory Use Only **CA** = Accessory Only, Conditional Use Required "-" = Prohibited		Agricultural	Residential	Residential Ranchette	Residential/Office	Central Business	General Commercial	Light Industrial	Industrial	Interstate Interchange	
	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
1	Accessory dwelling units	-	A	A	A	A	-	-	-	-	See Section 410.03 (R-1), 411.03 (R-R), 412.03 (R/O), 413.03 (C-1)
2	Accessory apartments	-	A	A	A	A	-	-	-	-	See Section 410.03 (R-1), 411.03 (R-R), 412.03 (R/O), 413.03 (C-1)
3	Accessory structures and uses	A	A	A	A	A	A	A	A	A	
4	Active open space such as public/private golf courses and driving ranges, parks, playgrounds, public aquatic facilities, wildlife preserves, conservation areas, lakes, and ponds	P	C	C	C	-	P	P	P	P	
5	Agricultural Farmer's Markets	P	P	P	P	P	P	P		P	
6	Adult/Sexually Oriented Businesses/Entertainment	C	-	-	-	-	-	C	-	-	Must adhere to Sections 524, 409.04 (AG), 415.04 (I-1)
7	Agricultural Uses as defined in Section 303.11	O	C	C	-	-	-	-	-	-	Sec. 303.11 uses prohibited; see Sections 410.03 and 410.04 (R-1); 411.03 (R-R), 411.05 (R-R)
8	Airport control tower, maintenance facilities, and hangar facilities	C	-	-	-	-	-	-	-	-	
9	Airports and aircraft landing strips	C	-	-	-	-	-	-	-	-	
10	Amphitheater	-	-	-	-	-	P	-	-	P	
11	Amusement or theme park	-	-	-	-	-	P	P	-	P	
12	Animal hospitals and veterinary clinics	P	-	-	-	-	C	C	-	C	
13	Animal Uses	O	-	C	-	-	-	-	-	-	See Section 411.02 and 411.05 (R-R)
14	Antique and craft stores	-	-	-	-	P	-	-	-	C	

O = Outright Allowable **P** = Permitted **C** = Conditional Use **A** = Accessory Use Only **CA** = Accessory Only, Conditional Use Required "-" = Prohibited		Agricultural	Residential	Residential Ranchette	Residential/Office	Central Business	General Commercial	Light Industrial	Industrial	Interstate Interchange	
	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
15	Appliance Stores	-	-	-	-	P	P	P	P	P	
16	Aquarium	-	-	C	-	P	P	-	-	P	
17	Assembly and construction-type plants	-	-	-	-	-	-	P	P	P	
18	Assisted living services	-	P	C	P	-	-	-	-	-	
19	Auction rooms (non-livestock)	-	-	-	-	-	P	P	P	P	
20	Automobile parking facilities	-	-	-	P	P	P	P	P	P	
21	Automobile (car or truck) repair and services structures	-	-	-	-	C	P	P	P	P	See Section 414.02 (C-2), 418.02 (I80X)
22	Automobile (car or truck) sales and services	-	-	-	-	C	P	P	P	P	See Sections 414.02 and 414.03 (C-2)
23	Automotive (car or truck) body and painting services	-	-	-	-	-	-	P	P	-	
24	Automotive (car or truck) Wash Facilities	-	-	-	-	-	P	P	P	P	See Section 418.02 (I80X)
25	Automotive (car or truck) wrecking and graveyards, salvage yards, and junkyards	-	-	-	-	-	-	-	C	-	
26	Bakeries	-	-	-	-	P	P	P	P	P	
27	Barbershops, beauty parlors, shoe shine shops	-	-	-	-	P	P	P	P	P	
28	Bars, lounges, taverns, and nightclubs	-	-	-	-	P	P	P	P	P	See Section 413.02 (C-1)
29	Bed-and-breakfast inn	-	C	C	P	P	P	P	P	P	

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
30	Beer, wine, and liquor store (off-premises consumption of alcohol)	-	-	-	-	P	P	P	P	P	
31	Billboard Signs	-	-	-	-	-	A	P	-	A	All subject to Section 520, See Section 414.03 (C-2), 415.03 (I-1)
32	Boat or craft dealer	-	-	-	-	-	P	P	P	P	
33	Building material sales, except for ready-mix concrete plants and similar uses which emit particulate, odor, and smoke	-	-	-	-	-	P	P	P	P	
34	Bus or truck maintenance facility, including truck stops	-	-	-	-	-	C	P	P	C	See Section 418.02 (I80X)
35	Bus stop shelter	-	-	-	-	-	P	P		P	
36	Bus terminal	-	-	-	-	-	P	P		P	
37	Bus, truck, mobile home, or large vehicle dealers	-	-	-	-	-	P	P	P	P	See Section 418.02 (I80X)
38	Camps, camping, and related establishments	C	-	-	-	-	P	P	P	P	
39	Car rental and leasing	-	-	-	-	-	P	P	P	P	
40	Cemetery, tombstone, or mausoleum	C	-	-	-	-	-	-	-	-	
41	Child and youth services, including children's homes, day nurseries, and group daycare centers	-	-	-	P	P	P	P	P	P	

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
42	Child care center	-	C	C	C	P	P	P	P	P	
43	Child care institution Nebraska Designated Home I	-	C	P	C	P	-	-	-	-	
44	Child care institution Nebraska Designated Home II	-	C	P	C	P	-	-	-	-	
45	Churches, temples, synagogues, mosques, and other religious facilities excluding buildings used all/in part as schools or for (non-religious) education of youth where the curriculum is similar to a public school.	P	P	P	P	P	P	P	P	P	
46	Clubs or lodges, fraternities, and meeting place of non-commercial nature	-	-	-	-	P	P	P	P	P	See 413.02 (C-1)
47	College or university facility (privately owned)	-	C	C	C	C	-	P	P	P	
48	Commercial amusement, sports, or recreation establishment (arcade skating rink such as bowling alleys, billiards, dance studios)	-	-	-	-	P	P	P	P	P	
49	Commercial center	-	-	-	-	P	P	P	P	P	
50	Commercial forestry, tree farming and plant nurseries, and vineyards without facilities for wine making or tasting.	O	-	-	-	-	P	P	P	P	
51	Commercial Orchards	O	A	-	-	-	P	P	P	P	
52	Communications equipment and utility buildings and uses	P	-	P	P	-	P	P	P	P	See Section 411.02 (R-R) for additional regulations

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
53	Communications, micro-wave, cellular communications, or other non-wind energy towers less than thirty-five (35) feet in height	**P**	**C**	**P**	**-**	**-**	**P**	**P**	**P**	**P**	See Section 411.02 (R-R) for additional regulations
54	Communications, micro-wave, cellular communications, or other non-wind energy towers in excess of thirty-five (35) feet in height	**P**	**C**	**P**	**-**	**C**	**C**	**C**	**C**	**C**	See Section 413.04 (C-1), 414.04 (C-2), 415.04 (I-1), 416.04 (I-2)
55	Community centers, including senior centers	**-**	**-**	**-**	**P**	**P**	**P**	**P**	**P**	**P**	
56	Community food services	**-**	**-**	**-**	**-**	**P**	**P**	**P**	**P**	**P**	
57	Concrete, asphalt, and other paving materials production and recycling	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**C**	**C**	
58	Congregate living, including group housing, and rooming and boarding houses	**-**	**-**	**-**	**P**	**A**	**-**	**-**	**-**	**-**	See Section 413.03 (C-1)
59	Construction-batch plant	**T**	**-**	**-**	**-**	**-**	**-**	**-**	**T**	**-**	See Section 521.01 and 521.03
60	Construction-related businesses (to include construction sales and service)	**-**	**-**	**-**	**-**	**P**	**P**	**P**	**P**	**P**	
61	Contractor/Trade shops, cabinet, plumbing, electrical, HVAC, or sheet metal shops	**-**	**-**	**-**	**-**	**C**	**C**	**P**	**P**	**-**	See Section 413.04 (C-1) for additional regulations
62	Convenience stores or centers	**-**	**-**	**-**	**-**	**P**	**P**	**P**	**P**	**P**	
63	Correctional or rehabilitation facility	**C**	**-**	**-**	**-**	**-**	**-**	**C**		**-**	
64	Courier and messenger services	**C**	**-**	**-**	**-**	**P**	**P**	**P**		**P**	
65	Covered or partially covered atriums and public enclosures	**-**	**-**	**-**	**-**	**P**	**A**	**P**		**A**	
66	Cremation facilities	**C**	**-**	**-**	**-**	**-**	**-**	**P**		**-**	

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
67	Crop seed and commercial grain storage and processing facilities and similar agricultural services.	**C**	-	-	-	-	**P**	**P**	**P**	**P**	
68	Data storage, processing, and transmission facilities and associated equipment	-	-	-	-	-	-	**P**	**P**	**P**	
69	Demolition business	-	-	-	-	-	-	**C**		-	
70	Department store building	-	-	-	-	-	**P**	**P**	**P**	**P**	
71	Distribution substations, regulator stations, communications equip. buildings, storage/maintenance yards, buildings/administrative offices for such utilities	**C**	-	**P**	**C**	**P**	**P**	**P**	**P**	**P**	See Sections 409.04 (AG), 411.02 (R-R) for additional regulations
72	Communications, microwave, cellular communications/other non-wind energy towers less than 35' high.	**C**	-	**P**	-	**P**	**P**	**P**	**P**	**P**	See Sections 409.04 (AG), 411.02 (R-R) for additional regulations
73	Domestic Livestock Use	**P**	**A**	**A**	-	-	-	-	-	-	
74	Dormitories	-	-	-	-	-	-	-	-	-	
75	Drive-in theater	-	-	-	-	-	**P**	-	-	**P**	
76	Dry cleaning and/or laundry plants	-	-	-	-	-	-	**P**	-	-	
77	Dry cleaning/laundry establishments	-	-	-	-	**P**	**P**	**P**	-	**P**	
78	Drive-thru facilities	-	-	-	-	**A**	**A**	-	-	**A**	
79	Duplex (two-family) dwellings	-	**P**	**P**	**P**	**A**	-	-	-	-	See Section 413.03 (C-1)
80	Emergency operation center	**C**	-	-	-	**P**	**P**	**P**	-	**P**	

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
81	Environmental monitoring station (air, soil, etc.)	C	C	-	-	-	-	C	-	-	
82	Exhibitions, art galleries, and artists' studios	-	-	-	P	A	P	P	P	P	
83	Exhibition, convention, conference, or assembly halls	-	-	-	P	C	P	P	P	P	
84	Facilities for the commercial storage/distribution/sale of fertilizer/toxic/flammable agriculture chemicals	-	-	-	-	-	-	C	C	C	See Section 418.04 for additional regulations
85	Farm/agricultural service establishments engaged in providing horticultural/animal husbandry products/services to area agricultural product producers	C	-	-	-	-	P	P	P	P	See Section 414.02 (C-2)
86	Fire and rescue station	-	C	C	C	C	C	C	C	C	
87	Fishing, hunting, and trapping, including game preserves and retreats	P	-	-	-	-	-	-	-	-	
88	Fitness, recreational sports, gym, or athletic club	-	-	-	-	P	P	P	P	P	
89	Fountain, sculpture, monument, or other aesthetic structure	P	P	P	P	P	A	P	-	A	
90	Funeral home	-	-	-	P	P	P	P	P	P	
91	Gas or electric power generation facilities and/or sub-stations	-	-	-	-	-	C	C	C	C	
92	Gasoline Service Stations	-	-	-	-	C	P	P	P	P	
93	Grain storage or grain milling facilities	A	-	-	-	-	P	P	P	P	
94	Greenhouses	O	A	A	A	-	P	P	P	P	See Section 410.03 (R-1), 411.03 (R-R), 412.03 (R/O)

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
95	Grocery retail	-	-	-	-	P	P	P	P	P	
96	Hardware and similar building supply stores	-	-	-	-	P	P	P	P	P	
97	Hazardous/explosive material collection, manufacture, storage, or use	-	-	-	-	-	-	C	C	-	
98	Hazardous waste treatment and disposal	-	-	-	-	-	-	C	C	-	
99	Heliport facility	-	-	-	-	-	-	C	C	-	
100	High-rise mini warehouse	-	-	-	-	-	P	P	P	P	
101	Highway rest stops and welcome centers	P	-	-	-	-	P	P	-	P	
102	Home occupations and home-based businesses	A	A	A	A	-	-	-	-	-	All subject to Section 514
103	Horticultural Uses customary to urban residential uses	-	P	C	P	-	-	-	-	-	
104	Hospitals	-	C	C	C	-	P	P	P	P	
105	Hotel, motel, or tourist court	-	-	-	-	P	P	P	P	P	
106	Incinerator, composting, or similar facility	-	-	-	-	-	-	C	C	-	
107	Industrial parks	-	-	-	-	-	-	P	P	-	
108	Interurban, charter bus, and other similar establishments	C	-	-	-	-	P	P	-	P	
109	In home concerts/entertainment	-	A	A	A	-	-	-	-	-	See sections 410.03 (R-1), 411.03 (R-R), 412.03 (R/O)
110	Irrigation facilities	O	-	-	-	-	-	P	P	-	
111	Kennels and other canine-related facilities	P	-	-	-	-	C	-	-	C	See section 409.02 (AG), 414.04 (C-2)
112	Kiosks (including ATM's)	-	-	-	P	P	P	P	P	P	

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	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
113	Laboratory or specialized industrial facility	-	-	-	-	-	-	P	P	-	
114	Large area distribution or transit warehouse	-	-	-	-	-	P	P	P	P	
115	Leasing, sales, and display trucks, trailers, recreational vehicles, and manufactured homes	-	-	-	-	-	P	P	P	P	See Section 414.02 (C-2)
116	Library, or other public uses of an administrative, service, or cultural nature or similar uses	-	C	C	C	P	P	P	P	P	
117	Life care or continuing care services	-	-	-	P	-	-	-	-	-	
118	Light industrial uses	-	-	-	-	-	C	P	P	C	See section 414.04 (C-2)
119	Livestock Confinement Facilities as defined in Section 303.28 (AG 8)	-	-	-	-	-	-	-	-	-	
120	Livestock auction barns or yards	-	-	-	-	-	-	-	C	-	
121	Livestock stables	O	-	A	-	-	C	C	C	C	
122	Lumberyard and building materials		-	-	-	P	P	P	P	P	
123	Manufactured housing, residential design	P	P	P	P	-	-	-	-	-	See sections 409.02 (AG), 410.02 (R-1), 411.02 (R-R)
124	Manufacturing plants	-	-	-	-	-	-	P	P	-	
125	Market shops, including open markets	-	-	-	-	P	P	P	P	P	
126	Medical clinic building (includes optometry and dental), including pharmacy directly associated with clinic	-	-	-	P	P	P	P	P	P	
127	Mill-type factory structures	-	-	-	-	-	-	P	P	-	
128	Mineral extraction, which shall include oil wells, sand, rock, and gravel	C	-	-	-	-	-	-	C	-	

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129	Miniature golf establishments	-	-	-	-	-	P	P	P	P	
130	Mini-warehouse (mini-storage)	-	-	-	-	-	P	P	P	P	
131	Mobile Food Unit	-	-	-	P	P	P	P	-	P	See Section 513.03
132	Mobile home, park, court, or subdivision	-	C	C	C	-	-	-	-	-	Must comply with Section 522 (R-1, R-R)
133	Model home display and sales	-	-	-	-	-	P	P	P	P	
134	Monument Sales and similar special uses	-	-	-	-	-	P	P	P	P	
135	Motor vehicles sales and service establishments	-	-	-	-	-	P	P	P	P	
136	Movie theaters, auditoriums	-	-	-	-	P	P	P	P	P	
137	Multifamily dwellings	-	P	P	P	A	-	-	-	-	See Section 413.03 (C-1)
138	Multistoried parking structure with ramps	-	-	-	P	-	A	P	P	A	
139	Museum, exhibition, similar facilities, or other public uses of an administrative, service, or cultural nature, or similar uses	-	C	C	C	P	P	P	P	P	
140	Newspaper publishing	-	-	-	-	P	P	P	P	P	
141	Office and or store building with residence on top	-	-	-	-	A	A	-	-	A	
142	Office and/or bank building (with drive-through facility)	-	-	-	-	P	P	P	P	P	
143	Office building over storefronts	-	-	-	-	P	P	P	P	P	
144	Office or bank buildings (without drive-through facility)	-	-	-	P	P	P	P	P	P	

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145	Outdoor display of merchandise	-	-	-	-	A	A	-	-	A	See Section 413.03 (C-1), 414.06 (C-2)
146	Outdoor open storage facilities (automobiles, campers, trailers, boats, etc)	-	-	-	-	-	-	C	C	-	See Section 508.04
147	Passenger terminal, mixed mode	-	-	-	-	-	P	P	-	P	
148	Passive open space	P	P	P	P	P	P	P	-	P	
149	Pasturing of livestock	O	P	P	-	-	P	P	P	P	See Sections 410.02 (R-1), 411.02 (R-R), 414.02 (C-2), 415.02 (I-1 and I-2), 418.02 (I80X)
150	Pawnshops		-	-	-	-	P	P	P	P	
151	Performance theater	-	-	-	-	-	P	-	-	P	
152	Personal and professional services, excluding retail	-	-	-	P	P	P	P	P	P	
153	Photography studios	-	-	-	-	P	P	P	P	P	
154	Pipeline transportation	-	-	-	-	-	-	-	-	-	
155	Planetarium	-	-	C	-	P	P	-	-	P	
156	Police station	-	-	-	-	-	-	C	C	-	
157	Postal transportation services	C	-	-	-	-	-	P	-	-	
158	Printing and lithography uses	-	-	-	-	-	-	P	P	-	
159	Private Wells	C	-	-	-	-	-	-	-	-	
160	Processing, cleaning, testing, and/or refining of products	-	-	-	-	-	-	P	P	-	
161	Produce warehouse (refrigerated and frozen food storage	-	-	-	-	-	P	P	P	P	

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162	Professional and business service offices	-	-	-	P	P	P	P	P	P	
163	Public and parochial elementary and Secondary	C	C	C	C	C	P	P	P	P	
164	Public uses of an administrative or service nature including post offices, fire stations, administrative offices, and similar uses	-	-	-	P	P	P	C	C	P	
165	Racetrack	C	-	-	-	-	C	C	-	C	
166	Radio and television studios	-	-	-	-	P	P	P	P	P	
167	Radio, television, or wireless transmitter and/or substations	C	C	-	-	-	C	C	-	C	
168	Radio antennae and television satellite receiving antennae (satellite dishes), provided that such satellite receiving antennae larger than twenty-four (24) inches in diameter shall be located in the side or rear yard.	A	A	A	A	A	A	A	A	A	
169	Raising of crops	O	P	P	-	-	P	P	P	P	See Sections 410.02 (R-1), 411.02 (R-R), 414.02 (C-2), 415.02 (I-1 AND I-2), 418.02 (I80X)
170	Railroad facility	C	-	-	-	-	-	P	P	-	
171	Recycling Centers and Waste Composting Centers	C	-	-	-	-	-	C	C	-	
172	Research-and-development services (scientific, medical, and technology)	-	-	-	-	-	-	P	P	-	
173	Restaurant, with incidental consumption of alcoholic beverages	-	-	-	-	P	P	P	P	P	

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174	Restaurant, with no consumption of alcoholic beverages permitted	-	-	-	-	P	P	P	P	P	
175	Retail shop of store building without drive-through facility	-	-	-	-	P	P	P	P	P	
176	Retail/wholesale sale of parts, accessories, or tires	-	-	-	-	C	P	P	P	P	
177	Retail/wholesale shops or stores without drive-through facility	-	-	-	-	P	P	P	P	P	
178	Retirement housing services	-	-	-	P	-	-	-	-	-	
179	Road, ground passenger, and transit transportation	C	-	-	-	-	P	P	-	P	
180	Roadside stand, pushcarts, etc. to include sale of farm produce	P	A	-	-	P	A	P	-	A	
181	Rooftop parking facility	-	-	-	P	P	A	A	A	A	
182	Runway	C	-	-	-	-	-	-	-	-	
183	Sales and service of irrigation equipment	-	-	-	-	-	P	P	P	P	See Section 414.02 (C-2)
184	Sales and showrooms, including service facilities and rental of equipment, provided all displays and merchandise are within the enclosure of buildings	-	-	-	-	-	P	P	P	P	See Section 414.02 (C-2)
185	School facility (privately or publicly owned)	C	C	C	C	-	-	-	-	-	
186	School and employee bus transportation	C	C	-	-	-	P	P	-	P	
187	Septic tank and related services	C	C	-	-	-	-	C	-	-	
188	Services for elderly and disabled	C	C	-	-	P	P	-	-	P	
189	Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating)	-	-	-	-	-	-	P	P	-	
190	Sewer treatment plants and facilities	C	-	-	-	-	-	P	-	-	

O = Outright Allowable **P** = Permitted **C** = Conditional Use **A** = Accessory Use Only **CA** = Accessory Only, Conditional Use Required "-" = Prohibited		Agricultural	Residential	Residential Ranchette	Residential/Office	Central Business	General Commercial	Light Industrial	Industrial	Interstate Interchange	
	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
191	Shipping container/storage or shipping conex	-	-	-	-	-	-	-	P	-	
192	Shooting Range (firearms and/or archery practice)	C	C	-	-	-	-	-	-	-	See Sections 409.04 and 410.04 for additional regulations
193	Shop or store building with drive-through facility	-	-	-	-	P	P	-	-	P	
194	Shopping center	-	-	-	-	-	P	P	P	P	
195	Signs, on-site (excluding billboards)	A	A	A	A	A	A	A	A	A	All subject to Section 520; See Section 413.02 (C-1), 414.03 (C-2), 415.02 (I-1), 416.03 (I-2)
196	Single-family (attached [zero lot line] dwellings)	P	P	P	-	A	-	-	-	-	See Section 413.03 (C-1)
197	Single-family (attached and detached) dwellings in excess of 2 dwellings per quarter section	C	-	-	-	-	-	-	-	-	
198	Single-family (detached) dwellings	P	P	P	-	A	-	-	-	-	See Section 413.03 (C-1)
199	Single-room occupancy units	-	-	-	-	A	-	-	-	-	See Section 413.05 (C-1)
200	Skilled nursing services/Nursing and Convalescent Homes, including Hospice Centers	-	P	C	P	-	-	-	-	-	
201	Slaughterhouse, including animal rendering, animal slaughtering, curing, and tanning plants	-	-	-	-	-	-	-	C	-	
202	Social assistance, welfare, and charitable services (not otherwise enumerated)	-	-	-	P	P	P	P	P	P	
203	Solar Energy Systems	A	A	A	A	A	A	A	A	A	All are subject to Section 525
204	Solid waste (garbage and refuse) collection and disposal contractors	-	-	-	-	-	-	C	C	-	

O = Outright Allowable **P** = Permitted **C** = Conditional Use **A** = Accessory Use Only **CA** = Accessory Only, Conditional Use Required "-" = Prohibited		Agricultural	Residential	Residential Ranchette	Residential/Office	Central Business	General Commercial	Light Industrial	Industrial	Interstate Interchange	
	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
205	Solid waste combustor or incinerator	-	-	-	-	-	-	C	C	-	
206	Sanitary landfill	C	-	-	-	-	-	-	C	-	
207	Sports stadium or arena	-	-	-	-	-	P	P	P	P	
208	Stand-alone store/shop building	-	-	-	-	P	P	P	P	P	
209	Support functions for agriculture and forestry to include machinery sales and service	P	-	-	-	-	P	P	P	P	
210	Surface parking, covered	-	-	-	P	P	A	P	P	A	
211	Surface parking, open	-	-	-	P	P	A	P	P	A	
212	Swimming Pool	A	A	A	A	-	A	-	-	A	
213	Tar, tar paper and tar product manufacturing or processing	-	-	-	-	-	-	-	C	-	
214	Tattoo parlors	-	-	-	-	P	P	P	-	P	
215	Taxi and limousine service	C	-	-	-	-	P	P	-	P	
216	Telecommunication Uses	-	-	-	-	P		-	-	C	
217	Temporary uses	-	P	P	P	P	P	P	P	P	All are subject to Section 521
218	Towing and other road services	-	-	-	-	-	P	P	P	P	
219	Townhouses	-	P	P	P	-	-	-	-	-	
220	Trade schools	-	-	-	-	-	C	P	-	P	
221	Truck and freight transportation	-	-	-	-	-	P	P	-	P	
222	Utility grid wind energy systems	C	-	-	-	-	-	-	-	-	See Section 523
223	Utility (public) storage or maintenance, buildings, or administrative offices for such utilities	P	P	P	P	P	P	C	C	P	

O = Outright Allowable **P** = Permitted **C** = Conditional Use **A** = Accessory Use Only **CA** = Accessory Only, Conditional Use Required "-" = Prohibited		Agricultural	Residential	Residential Ranchette	Residential/Office	Central Business	General Commercial	Light Industrial	Industrial	Interstate Interchange	
	USE/ACTIVITY	**AG**	**R-1**	**R-R**	**R/O**	**C-1**	**C-2**	**I-1**	**I-2**	**I80X**	**SUPPLEMENTAL INFORMATION**
224	Warehouse discount store/superstore	-	-	-	-	-	P	P	P	P	
225	Warehouse structure (cold storage)	-	-	-	-	-	P	P	P	P	
226	Wastewater storage or pumping station facility; lift stations	P	P	-	-	-	-	P	-	-	
227	Water reservoir	C	C	-	-	-	-	P	-	-	
228	Water supply pump station	P	P	P	P	P	P	P	-	P	
229	Water supply-related facility	P	P	P	P	P	P	P	-	P	
230	Water storage tanks for public utilities (elevated, at grade, underground)	P	P	P	P	P	P	P	P	P	
231	Water treatment and purification facility	C	C	-	-	-	-	P	-	-	
232	Weather stations or transmitters	C	C	-	-	-	C	C	-	C	
233	Wholesale trade - durable goods	-	-	-	-	-	P	P	P	P	
234	Wholesale trade - nondurable goods	-	-	-	-	-	P	P	P	P	
235	Wind energy systems (on-site)	P	P	P	P	P	P	P	P	P	See Section 523
236	Zoological parks	C	-	-	-	-	C	-	-	C	

ARTICLE 5: SUPPLEMENTAL REGULATIONS

SECTION 501 APPLICATION

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

SECTION 502 YARD REQUIREMENTS

502.01 Minimum yards shall be required along all public and private streets as set forth in the zoning district regulations. Any yard abutting a street shall be deemed a front yard for purposes of determining yard requirements.

502.02 No principal or accessory building or structure or part thereof, except those structures listed in Section 503 of this Ordinance, shall project into a required front, side, or rear yard.

502.03 No eave, cornice overhang, awning, balcony, bay window, sills, lintels, chimneys or other similar architectural features of any building shall project into a required front, side or rear yard.

502.04 No enclosed steps, porch, entrance platform, ramp, terrace, landing, deck or similar above grade structure shall project into a required front, side or rear yard. (Refer to Section 503.02).

SECTION 503 YARD EXCEPTIONS

503.01 At grade patios, parking areas, loading areas and similar at grade surfacing shall be permitted to encroach into any yard, and such surfaced areas shall not be included in the calculation of maximum lot coverage as set forth in each zoning district regulation.

503.02 Notwithstanding the requirements of Section 502.04 of this Ordinance, canopies for drive through entrances to multi-family, group housing, assisted living, hospitals, nursing homes, convalescent centers, and canopies associated with commercial uses, except open air businesses and canopies over fuel pumps as regulated in Section 513 of this Ordinance, shall be permitted to encroach on a front yard, but shall not extend closer than twelve (12) feet to the front lot line.

503.03 Unenclosed steps, porches, entrance platforms, ramps, terrace, landing, deck or similar above grade structure may project into a front or rear yard, provided such projection shall not exceed eight (8) feet from the building wall or eight (8) feet into the required front or rear yard, whichever is less. Projection of steps, porches, entrance platforms, ramps, terrace, landing, deck or similar above grade structure into a minimum side yard shall be prohibited. Unenclosed shall mean there is no wall, post, column, trellis, roof or structural component above standard railing height.

503.04 Ornamental fences, open fences, screen fences, walls, and structural screens shall be permitted in any required yard, provided that any residential or residential / office zoning district, any fence, wall, or structural screen located in the front yard shall not exceed a height of forty eight (48) inches, except that a fence, wall or screen which covers not more than fifty percent (50%) of any front yard may be up to six (6) feet in height provided that such fence, wall or screen is set back from the right-of-way line of any street by a minimum distance of twelve (12) feet and complies with the intersection visibility requirements of Section 509 of this Ordinance. Any fence, wall or structural screen located in a side or rear yard in a residential or residential / office zoning district or in the side or rear yard of any non-residential district which abuts a residential zoning district shall not exceed a height of six (6) feet. The height of any fence, wall, or structural screen in a side or rear yard in any non-residential district which abuts any other non-residential zoning district shall not exceed a height of ten (10) feet. All such fences, walls, or structural screens shall comply with the requirements of Section 509 of this Ordinance with regard to driver visibility at street intersections.

503.05 Nothing contained in this Section shall be deemed to prohibit the erection and maintenance of an open fence or chain link fence in any required yard, provided such open fence shall have at least fifty (50) percent

unobstructed openings and shall comply with the requirements of Section 509 of this Ordinance with regard to driver visibility at street intersections.

503.06 Fences shall be constructed of quality, durable materials that are commonly associated with the uses of the zoning district. Permitted materials for a fence include: chain link, wood, vinyl, wrought iron, composite/recycled materials, or other manufactured material or combination of materials commonly used for fencing. Prohibited materials for fence include: chicken wire/poultry netting, t-posts, woven wire, livestock panels, wooden pallets, plywood or any other materials not typically used for fencing. The use of any electrified or barbed wire fence is not permitted within the corporate limits of the City of Aurora, Nebraska unless such area is zoned AG, Agricultural and is used for agricultural purposes. *(Section 503, amended, July 12, 2022, by Ord. 1150)*

503.07 The provisions of this Section shall not apply to retaining walls; window air conditioners projecting not more than 18 inches into any required yard; playground and other recreational equipment, outside elements of central air conditioning systems, and emergency egress systems for basements projecting into any required rear or side yard.

503.08 Open air businesses and fuel pump canopies may encroach upon the front yard as specified in Section 513 of this Ordinance.

SECTION 504 HEIGHT EXCEPTIONS

The height limitations set forth in the zoning district regulations shall not apply to spires, belfries, cupolas, parapets, grain elevators, silos, grain legs, antennae, water towers, ventilators, chimneys or other roof appurtenance usually required to be placed above the roof level provided that said appurtenance is not intended for human habitation and that appurtenances such as towers for mechanical or structural necessity with a roof area equal to or in excess of fifty (50) percent of the first floor area of the building shall be considered part of the regulated height of the building, except for the limitations of Section 420 of this Ordinance, which is the Airport Hazard Overlay District.

SECTION 505 BUILDING RELOCATION

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

SECTION 506 BULK STORAGE OF CERTAIN MATERIALS

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

SECTION 507 STRUCTURES TO HAVE ACCESS

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

SECTION 508 PARKING AND STORAGE OF CERTAIN VEHICLES

508.01 Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in all zoning districts other than in completely enclosed buildings, except in permitted salvage yards.

508.02 Storage or parking of licensed recreational vehicles, travel trailers, pickup campers, boats, boat trailers and the like, except when in completely enclosed buildings, shall not occur in any front yard in any residential zoning district. Storage or parking of such vehicles in a side yard of residential zoning district shall be permitted, provided that a minimum distance of five (5) feet between any such vehicle and the side lot line shall be maintained. Not more than two (2) such vehicles shall be stored or parked on any lot and at no time shall such vehicle be occupied or used for living or sleeping purposes, except for visitations which are less than seven (7) days in length.

508.03 Storage or parking of licensed or unlicensed vehicles for sale on any residential property where the vehicles for sale are not owned by the owner of the residential property shall be prohibited.

508.04 Outdoor open storage facilities for automobiles, campers, trailers, boats, etc. permitted by conditional use must meet the following requirements:

1. All vehicle storage facilities shall be setback a minimum of 300 feet from the right-of-way of Highways 14 and 34.

2. All outdoor open storage facilities shall have a secure fencing system with a minimum height of 8'-0" and constructed of approved materials as set forth 503.06.

3. All automobiles, campers, trailers, boats, etc. stored within an open outdoor storage facility shall be concealed from the view of the traveling public utilizing screening as defined in 303.169.

4. All vehicles in an outdoor open storage facility shall be operable and able to legally travel upon the streets and highways of the City of Aurora and State of Nebraska.

SECTION 509 STREET INTERSECTION VISIBILITY – SITE TRIANGLE

On any corner lot in any zoning district, except the C -1, Central Business District, no building, fence, wall, structure or other obstruction shall be placed or maintained between a height of three and one-half (3 ½) feet and eight (8) feet above the centerline elevations of each of the intersecting streets within the triangular area formed by the intersecting street right-of-way lines and a line connecting points on said right-of-way line which is twenty five (25) feet from the intersection of said right-of-way lines. For streets classified as local streets where the existing right-of-way width is more than sixty (60) feet, the street intersection visibility triangle shall be calculated using an assumed right-of-way width of sixty (60) feet. The street centerline elevations shall be taken at points on the centerline of the streets which are perpendicular to points on the street rights-of-way lines which are twenty five (25) feet back from the intersection of said street right-of-way lines.

SECTION 510 ONE PRIMARY STRUCTURE PER LOT

No more than one (1) primary structure shall be located on a single lot, except where primary structures are designed and platted as a single entity, under single ownership and control, such as multi-family, clustered residential developments and townhouse developments. This limitation shall not apply to lots or tracts in any residential/office, commercial or industrial zoning district. *(Section 510, amended May 08, 2012, by Ord. 975)*

SECTION 511 EASEMENTS

No building or structure shall be placed or erected on or over any utility easements, except for structures associated with such utility easements. The provisions of this section shall not apply to portable storage sheds provided construction includes skids and flooring, where in the portable storage shed is not to exceed 100 square feet in size and 10 feet in overall height provided the City or Utility Company will not repair or pay for any repairs or damage done to any such portable storage shed located on an easement which may be damaged by the City or any Utility Company engaged in Municipal or Utility Company operations. *(Section 511, amended February 14, 2012 by Ord. 968)*

SECTION 512 ACCESSORY USES

512.01 Accessory uses shall be incidental to, subordinate to, and commonly associated with the principal use of the premises and shall be operated and maintained under the same ownership and on the same lot as the principal use.

512.02 Accessory uses shall be subordinate to the principal structure on the lot in height, area, bulk, extent and purpose, shall not be located closer to any lot line than set forth in the minimum yard requirements for the zoning district in which it is located and shall be included in the calculation of maximum lot coverage regulations of the zoning district in which it is located.

512.03 Accessory uses shall be permitted only after the erection and operation of the principal structure and shall not be used unless the principal structure is being used.

SECTION 513 OPEN AIR BUSINESSES

513.01 Any business establishment where the principal use is the drive-in type or is generally characterized by open

air operations shall be permitted to locate such open air aspects of the business in the front yard, provided that a landscape buffer, as defined in this Section 303.168 of this Ordinance, at least ten (10) feet in width shall be provided along the front property line. The Landscape Buffer requirements set forth in this Section shall not apply to the I-1 Light Industrial District and I-2 Industrial Development District except when located along and adjacent to the front property line which is abutting a Major Arterial Roadway (unrestricted right-of-way) or a Major Arterial Roadway (restricted right-of-way). *(Section 513, amended February 14, 2012 by Ord. 968)*

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

513.03 Mobile Food Units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. All units shall be located on vacant lots or on a business lot except in the C-1 Downtown Commercial District where on-street parking may be permitted. On-street parking shall only be allowed during times of operation with permission from the City.

2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.

3. All refuse shall be transported off-site unless an agreement with the property owner is submitted to the City identifying an alternate.

4. All units shall not be allowed to use intense lights in order to attract customers.

5. During non-operation hours, these units shall be stored on a vacant lot or in an enclosed structure.

SECTION 514 HOME OCCUPATIONS AND HOME BASED BUSINESSES

514.01 A home occupation or home based business may be permitted to accompany any residential use only after the issuance of a certificate of zoning compliance by the Zoning Administrator and such certificate shall be issued only if the home occupation or home based business complies in all respects to the requirements of this Section.

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

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

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

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

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

514.07 No additional or separate entrance which is inconsistent with the use of the residential dwelling structure shall

be constructed solely for the purpose of conducting such home occupation or home based business.

514.08 No display of goods or exterior evidence of the home occupation or home based business shall be permitted, except for one (1) non-animated, non-illuminated, non-flashing sign which identifies the occupation business. Said sign shall not exceed a total of ten (10) square feet in area and shall be attached flat against a wall of the residential dwelling structure or accessory structure in which the occupation or business is conducted. No temporary or movable signs of any type shall be used in conjunction with any such occupation or business.

514.09 No equipment of process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises of such home occupation or home based business.

514.10 No stock in trade or products, other than those used, manufactured, assembled, produced or created on the premises shall be sold on the premises, provided that a stocking of products to be sold where the operator of the home occupation or business delivers such products to the purchaser and the number of customers visiting the location of the home occupation business to pick up such products is limited to a total of Four (4) per day.

SECTION 515 OFF-STREET PARKING

515.01 Accessory off-street parking facilities, including parking facilities for handicapped drivers as required under the Americans with Disabilities Act, shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Ordinance in accordance with the provisions of this Section, which are designed to alleviate or prevent congestion of public streets by establishing minimum requirements for on-site and off-site parking areas for motor vehicles consistent with the parking needs of the use on each premises.

515.02 No use lawfully existing at the date of adoption of this Ordinance or amendment thereto shall be required to provide or maintain the parking spaces required in this Section, provided that off-street parking spaces required by any previous ordinance shall be provided and maintained and further provided that if the number of existing off-street parking spaces which are in excess of any prior ordinance, but less than the number required by this Ordinance shall be maintained.

515.03 For any non-conforming structure which is hereafter damaged or partially destroyed and which is lawfully reconstructed, reestablished, or repaired, off-street parking spaces equivalent to those maintained on the premises at the time of such damage shall be restored and maintained, provided that in no case shall it be required to restore off-street parking spaces in excess of those required by this Ordinance for the use on the premises.

515.04 If the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity or other means which will have the effect of increasing the need for parking spaces, the number of additional off-street parking spaces required by this Ordinance for such additions shall be provided.

515.05 Whenever, the existing use of a building, structure or premises shall hereafter be changed or converted to another use, off-street parking spaces required by this Ordinance for such new use shall be provided on the premises, except that this requirement shall not apply to a change of use in the C-1, Central Business District.

515.06 Nothing in this Ordinance shall prevent the voluntary establishment of accessory off-street parking facilities to serve any existing use, provided that all requirements with regard to location, design, landscape screening or buffering are complied with.

515.07 Off-street parking spaces shall be provided in one or more areas on the same lot or premises as the use served, except as otherwise provided in the Ordinance.

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

515.09 Required off-street loading areas shall not be construed as being part of any required off-street parking area on any premises, except in accordance with off-site parking areas as regulated in Sections 516 and 518 of this Ordinance.

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

1. **NUMBER OF DISABLED ACCESSIBLE PARKING SPACES:**

Total Parking Spaces	Required Minimum Number of Disabled Accessible Parking Spaces
1 - 25 ……..	1
26 - 50 ……..	2
51 - 75 ……..	3
76 - 100 ……	4
101 - 150 ……	5
151 - 200 ……	6
201 - 300 ……	7
301 - 400 ……	8
401 - 500 ……	9
501 - 1,000 …….	Two (2) percent of the total
1,001 and over ……..	Twenty (20) plus one (1) for each 100 over 1,000

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

Outpatient Facilities……. Ten percent (10%) of the total spaces

Facilities specializing in treatment
or services for persons with
mobility impairments…….. Twenty percent (20%) of the total spaces

2. **LOCATION OF DISABLED ACCESSABLE PARKING SPACES:**
Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from the parking area to an accessible entrance. In parking facilities which do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking areas, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

3. **SIGNAGE:**
Signage of accessible parking spaces shall be designated as reserved by a sign showing a symbol of accessibility. Spaces complying with Subsection 4 below shall have an additional "van accessible" sign mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

4. **ACCESS AISLES:**
One (1) in every eight (8) disabled accessible parking spaces, but not less than one (1) space, shall be served by an access aisle at least eight (8) feet wide and shall be designated "van accessible". The vertical clearance shall be at least the minimum specified in Subsection 7 below. All such spaces may be grouped on one (1) level of a parking structure. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle.

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

5. **VALET PARKING:**
If valet parking services and facilities are provided a passenger loading zone complying with Subsection 6 below, located on an accessible route to the entrance of the facility served, shall be provided.

6. **PASSENGER LOADING ZONES:**
If passenger loading zones are provided in association with any use, at least one (1) passenger loading zone shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.

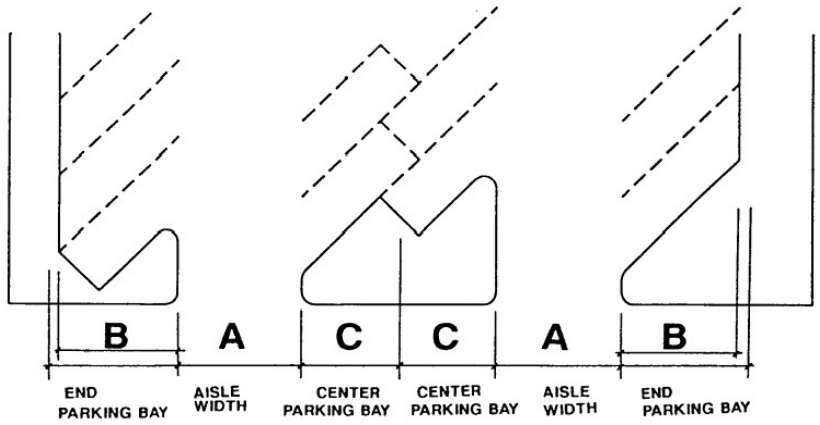
7. **MINIMUM VERTICAL CLEARANCE:**
Minimum vertical clearance of one hundred fourteen (114) inches at accessible passenger loading zones and along at least one (1) vehicle route to such areas from the site entrance(s) and exit(s) shall be provided. At parking spaces complying with Subsection 4 above a minimum vertical clearance of ninety eight (98) inches at the parking space and along at least one (1) vehicle access to such space from the site entrance(s) and exit(s) shall be provided.

515.11 Each required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives or aisles, ramps, columns or work areas, provided that the minimum length of any parallel parking space shall be twenty three (23) feet and further provided that parking space dimensions for handicapped drivers shall be as established in the standards set for the Americans with Disabilities Act. Such parking spaces shall have adequate vertical clearance to allow each space to be used for parking.

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

Standard parking stall dimensions shall not be less than 9 feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration	**90-degree**	**60-degree**	**45-degree**
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



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

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

Use Description	Off-Street Parking Spaces Required
Agricultural uses	No requirement, except roadside stands for the sale of produce shall be provided with an adequate number of off-street parking spaces so that parking does not occur on public roadway and for residential uses associated with an agricultural use which shall comply with the parking requirements for such residential use as set forth herein.
Single-family residential uses	Two (2) spaces per dwelling unit including garage, carport, or driveway parking
Two-family, townhouse or multi-family residential uses	One and one-half (1 ½) spaces per dwelling unit including garage, carport, or driveway parking
Rooming houses, dormitories, fraternities, or sororities	One (1) parking space for each two (2) beds
Hotels and motels	One (1) parking space per lodging room plus one (1)
Bed and Breakfast businesses	One (1) parking space for each two (2) lodging rooms
Nursing homes, and hospitals	One (1) parking space for each four hundred (400) square feet of floor area or one (1) parking space for each two patient beds, whichever is lesser, plus one (1) parking space per employee per largest working shift
Assisted living and hospice housing	One (1) parking space for each independent dwelling unit and one-half (1/2) space for each dependent dwelling unit plus one (1) parking space per employee per largest working shift
Children's homes	One (1) parking space for each six (6) children's beds, plus one (1) parking space for each employee per largest working shift
Childcare centers, day nurseries and similar uses	One (1) parking space for each three children served plus one (1) parking space for each employee per largest working shift.
Clubs, and lodges (without bars, lounges or restaurants), community centers, public administrative, utility and public service offices, libraries, museums and similar uses	One (1) parking space per each four hundred (400) square feet of floor area or one (1) parking space per for each eight hundred (800) square feet of floor area plus one (1) parking space for each employee per largest working shift, whichever is greater
Public or private schools	Eight (8) parking spaces per classroom, laboratory or other student instruction area

Sports arena, gymnasium, or similar use	One (1) parking space for each three (3) seats unless said arena or gymnasium is operated in conjunction with a public or private school where either the parking requirement for the school or for the arena or gymnasium, whichever is greater shall apply
Theaters, auditoriums, assembly halls, funeral homes and similar places of congregation	One (1) parking space for each four (4) seats in the main seating area
Churches and similar places of worship	One (1) parking space for each three (3) seats in the main seating area
Boarding schools, vocational and trade schools colleges and similar educational institutions	One (1) parking space for each six (6) students based upon the maximum number of students the facility is designed to accommodate at any one time during a twenty-four (24) hour period
General business uses, offices, retail and personal and professional service uses, except eating establishments, bars and lounges, discount retail stores and strip developments with more than two (2) retail stores and retail shopping malls	One (1) parking space for each four hundred (400) square feet of floor area
Discount retail stores, strip developments with more than two (2) retail stores and retail shopping malls	One (1) parking space for each three hundred (300) square feet of floor area
Eating establishments, bars, lounges, night clubs and similar uses, excluding drive-in eating establishments where the customers eat in their vehicles.	One (1) parking space for each three (3) customer seats plus one (1) parking space for each employee per largest working shift.
Drive-in eating establishments where the customers eat in their vehicle more than Two (2) retail stores and retail square feet of floor area	One (1) parking space for each two hundred (200) square feet plus one (1) parking space per employee per largest working shift shopping malls
Open air businesses including auto, truck, recreational vehicle, mobile home or boat sales uses, kennels, plant nurseries and similar uses	One (1) parking space per employee per largest working shift plus an adequate number of parking spaces for customers, but not less than five (5) additional parking spaces.
Automobile or truck service stations or repair businesses	One (1) parking space for each employee per largest working shift plus two (2) parking spaces for each automobile or truck service stall
Amusement establishments, public swimming pools, golf courses, bowling alleys, skating rinks, and similar recreational uses	One (1) parking space for each five hundred (500) square feet of floor area or five (5) parking spaces for each hole or alley, or one hundred (100) square feet of water surface area, whichever is greater
Commercial and industrial uses not catering to on premise retail customers	One (1) parking space for each one and one-fourth (1¼) employees per largest working shift plus an adequate number of parking spaces to accommodate visitors and business vehicles operating from the premises

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

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

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

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

SECTION 516 OFF-SITE PARKING FACILITIES

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

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

516.02 Any such off-site parking facility shall be located in an area included in the RO, Residential Office District or any non-residential zoning district and shall be situated within three hundred (300) feet of the lot(s) on which the use or uses to be served by said off-site parking facility, measured along the street or sidewalk connecting such parking facility to the use or uses served by the parking facility.

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

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

516.05 Any off-site parking facility shall have a landscape buffer on all street frontages at least six (6) feet in width and any off-site parking facility located in a residential zoning district shall be required to have a landscape screen in all side or rear yards. Any such off-site parking facility not located in a residential zoning district, but which abuts a residential zoning district shall be required to have a landscape screen in any side or rear yard which abuts a residential zoning district.

SECTION 517 ON-STREET PARKING BLISTERS

Notwithstanding other requirements of this Ordinance, the establishment of parking blisters on public street rights-of-way within the City may be authorized by the City Council, after review and recommendation by the Planning Commission, to substitute for all or part of the off-street parking requirements as set forth in this Ordinance for any type of use, subject to the following limitations and requirements:

517.01 Parking blisters shall be permitted only on streets classified on the City's Major Street Plan as local streets.

517.02 All parking blisters shall be located to maintain the minimum street intersection site distance as required in Section 509 of this Ordinance and such site distance requirement shall also apply to any intersection of a street and a public alley.

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

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

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

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

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

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

SECTION 518 DOWNTOWN PARKING

518.01 Due to the pedestrian oriented nature of the areas included in the C-1, Central Business Zoning District, and the availability of on-street parking in the central business district, the off-street parking requirements contained in Section 515 of this Ordinance shall not be applicable to any commercial use existing in the C-1, Central Business District.

SECTION 519 LOADING AREA REQUIREMENTS

519.01 Except for uses located in the C-1, Central Business District and RO, Residential Office District, every lot used for commercial or industrial purposes shall be provided with an off-street loading area that will accommodate semi-tractors and trailers. Such loading area shall have access to a public street or alley and shall not interfere with the use of required off-street parking spaces or interfere with any sidewalk on the premises to maneuver or park any vehicles for loading or unloading. Such loading areas shall be surfaced with gravel or crushed rock or paved with asphalt or concrete.

519.02 Commercial uses located in the C-1, Central Business District and existing at the date of adoption of this Ordinance shall not be required to meet the loading area requirements of this Section. Commercial uses located in the C-1, Central Business District which are developed after the date of adoption of this Ordinance shall be required to be provided with a loading area having direct access to a platted alley, or in the event there is no alley, shall be provided with an off-street loading area developed in accordance with the requirements of Subsection 519.01 above.

SECTION 520 SIGNS

520.01 Any sign shall, by definition, be a structure. No land, building, or structure shall be used for sign purposes except in conformance with these regulations and those of the applicable zoning district. Signs shall only be permitted in zoning districts permitting the same and no sign shall be erected, enlarged, or otherwise modified until a building permit for same has been issued, except as specified in this Section.

520.02 All signs legally existing at the date of adoption of this Ordinance or applicable amendment thereto may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed without compliance with this Ordinance, provided, however, that normal maintenance of such signs and the changing of the advertising display in the case of billboards shall not be restricted. Conversion of any non-conforming business sign to another business sign or product name

may be done, provided such non-conforming sign is not an obsolete sign, as defined in Section 520.03, Subsection 7 herein. If such non-conforming sign is determined to be an obsolete sign, it shall not be converted to any other sign unless such conversion would bring such sign in conformance with these regulations.

520.03 DEFINITIONS:

1. **BILLBOARD:** An off-site free-standing sign, unattached to any other structure, which directs attention to an object, product, place, activity, business, person or persons, service or interest not situated on the same premises as such billboard.

2. **BUSINESS SIGN:** An on-site sign which identifies or directs attention to an object, product, place, activity, business, person or persons, service or interest situated on the same premises as such sign.

3. **PRIMARY STREET FRONTAGE:** On corner lots, the primary street frontage shall be the front yard of any lot which coincides with the primary entrance to the primary building on said lot and/or the front yard which serves as the primary vehicular entrance to the lot.

4. **SECONDARY STREET FRONTAGE:** On corner lots, the secondary street frontage shall be the front yard of any corner lot which is ninety (90) degrees or nearly ninety (90) degrees from the primary entrance to the primary building on said lot and/or the front yard which has no vehicular entrance or which serves as a secondary vehicular entrance.

5. **SIGN:** Any outdoor visual identification, description, display, or illustration which is affixed to, painted on, or attached to a building, post, pole or other structure and which directs attention to an object, product, place, activity, business, person or persons, service or interest, provides direction or otherwise provides a means of visually communicating with the general public.

6. **SIGN FACE:** The surface of the sign upon, against, or through which the message of the sign is exhibited.

7. **SIGN, FREE STANDING:** A sign attached to a self-supporting structure which is unattached to any building or other structure.

8. **SIGN, GROUND MOUNTED:** A free-standing sign in which the sign face is supported by a continuous and solid base which extends the full length of the sign face or is supported by posts not more than six (6) inches above the ground on which the sign face is mounted.

9. **SIGN, INCIDENTAL:** A nameplate, temporary sign, or on-site sign providing direction for entrances, exits, parking areas and similar uses, including real estate “for sale” and “for rent or lease” signs and elected office or public issue campaign signs

10. **SIGN, OBSOLETE:** Any sign which advertises a business no longer in existence or a product no longer offered for a period of one (1) year after the termination of such business or product availability.

11. **SIGN, POLE MOUNTED:** A free-standing sign in which the sign face is mounted on one (1) or more poles and the base of the sign face is situated more than six (6) inches above the ground.

12. **SIGN, PROJECTING:** A sign suspended from or supported by a building and extending outward therefrom more than fifteen (15) inches.

13. **SIGN STRUCTURE:** The support or supports, uprights, bracing and framework which supports the sign surface. In the case of a sign structure consisting of two (2) or more sign faces, where the angle formed between any of the faces, or projections thereof, exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

14. **SIGN SURFACE:** The entire area within a single continuous perimeter enclosing all elements of a sign

which are intended to be part of the visual image of the sign. For free-standing pole mounted signs, the sign surface shall include any pole or combination of poles in which the horizontal dimension exceeds one (1) foot. For free-standing ground mounted signs, the sign surface area shall include that portion of the base of the sign which is above ground.

520.04 EXEMPTIONS:

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

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, address numbers, names of occupants or premises, or other identification of the premises not denoting any business activity.

2. Flags, signs and insignia of any governmental unit, civic, educational or religious organization, except where displayed in connection with a business promotion.

3. Legal notices, identification, informational, warning, no trespassing, directional or other similar signs erected or required to be erected by any governmental unit.

4. Memorial plaques, historical markers, integral decorative or architectural features of a building, except trademarks, moving parts or moving lights.

5. One (1) real estate sign for each lot frontage indicating “for sale”, “for rent or lease”.

6. Political campaign yard signs, provided such signs are not placed in any public right-of-way.

520.05 INCIDENTAL SIGNS:

The following incidental signs shall be permitted, subject to the requirements and limitations of this subsection:

1. Signs, on private property, directing and guiding traffic, identifying a parking or loading area, or designating building entrances. Such signs shall not exceed ten (10) square feet in sign surface area for each sign, shall not exceed a height of three and one-half (3 1/2) feet. A free-standing sign shall be set back a minimum of five (5) feet from any street or alley right-of-way line.

2. Temporary signs in connection with a special event, provided such signs are limited in use to thirty (30) days per premises and are set back a minimum of five (5) feet from any right-of-way line.

3. Temporary signs in connection with buildings under construction, model homes and similar longer term temporary signs which shall be removed when the work or sale is completed. Such signs shall be set back a minimum of five (5) feet from any right-of-way line.

4. A temporary or permanent subdivision identification sign for each street entrance into a subdivision. Such sign shall not exceed two hundred fifty (250) square feet or forty-two (42) inches in height and shall be set back a minimum of ten (10) feet from any right-of-way line unless a greater set back is required to maintain street intersection visibility in accordance with Section 509 of this Ordinance.

520.06 MAINTENANCE AND REMOVAL:

1. All signs shall be kept in good repair.

2. Signs and sign structures which are obsolete or are no longer functional or are abandoned and which are determined by the Zoning Administrator to be a public safety hazard shall be removed from the premises within sixty (60) days after written notification from the Zoning Administrator.

3. Signs and sign structures which are obsolete or are no longer functional or are abandoned which are not determined to be a public safety hazard may remain in place and be reused, provided that any new sign face shall not exceed the size of the existing sign face by more than twenty percent (20%) and the height of the sign is not increased, unless additional height is allowable under these regulations.

520.07 GENERAL PROVISIONS:

1. No sign or sign structure shall be placed on private property or public property without the consent of the

owner of such property.

2. No sign or sign structure, other than official street or highway signs, shall be placed upon, over or in any street or highway right-of-way, except in the Central Business District included in a C-1, Central Business Zoning District.

3. No sign or sign structure shall be erected at any location where it will interfere with, obstruct the view of pedestrians or on-coming vehicular or railroad traffic, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency vehicle lights shall be used in connection with any sign.

4. It shall be unlawful to erect and maintain:
   A. Any sign which is not included under the types of signs permitted in this Ordinance.

   B. Any portable or movable sign, except as a temporary sign in accordance with the regulations set forth in this Section.

   C. A billboard and a on-site business sign on the same lot.

   D. Any trailer, vehicle, semi-truck trailer or other movable vehicle shall not be used as a structure for any sign, except as a temporary sign in accordance with the regulations in this Section.

5. Business signs and billboards may be illuminated, flashing or animated, except as otherwise restricted in this Section. When such signs are directly lighted such light fixtures and reflectors shall not extend more than eight (8) feet from the sign face and shall not extend into any public right-of-way. Such light fixture extension shall be allowed to encroach on a required yard.

6. No sign or sign structure, except a projecting sign, shall extend more than fifteen (15) inches from the building wall on which it is mounted.

7. Not more than one (1) projecting sign shall be allowed for each lot or occupant thereof and the maximum sign surface area shall be fifty (50) square feet per side. In no case shall a projecting sign extend more than eight (8) feet beyond its supporting structure or be less than nine (9) feet above ground level. Projecting signs may be illuminated, flashing or animated, except as otherwise restricted in this Section.

8. Signs or sign structures shall be set back from any right-of-way line in accordance with the yard requirements of the applicable zoning district, except as otherwise specified in this Section and provided that in the case of a projecting sign where the building wall on which the sign is mounted is located closer than eight (8) feet to the setback line, such sign may extend up to eighteen (18) inches into the required yard.

9. The minimum side or rear yard setback for any sign shall be five (5) feet for a ground mounted sign and ten (10) feet for a pole mounted sign. Such minimum distance shall be measured from the property line to the nearest point of the sign.

520.08 BUSINESS SIGNS:

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

1. No more than one (1) business sign shall be permitted on any lot used for business purposes in the RO, Residential Office Zoning District and no more than three (3) business signs shall be permitted on any lot in a commercial or industrial zoning district, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets or when the principal business building has public entrances to both a front and rear of the building, one (1) additional sign shall be permitted.

2. The maximum sign face area for wall mounted business signs in the RO, Residential Office Zoning District shall be fifty (50) square feet for each street frontage. The maximum sign face area for wall mounted

business signs in a commercial or industrial zoning district shall be one hundred fifty (150) square feet for each street frontage, provided that on lots having street frontage greater than fifty (50) feet, the maximum wall-mounted business sign face area may be increased one (1) square foot for each lineal foot of street frontage over fifty (50) feet up to a maximum of two hundred (200) square feet.

3. A free-standing business sign shall be classified as either a pole mounted sign or ground mounted sign in accordance with the definitions in Section 520.03 of this Ordinance. Either type of free-standing business sign shall be located no closer than five (5) feet to a lot line, except where the street intersection site distance requirements of Section 509 of this Ordinance requires a larger setback from the intersecting streets. Sign size and height shall vary depending on the setback distance from a street right(s)-of-way line in accordance with the following regulations:

   A. The maximum sign surface area, the maximum sign structure height and the minimum height to base of the sign face on free-standing pole mounted signs shall vary in accordance with the setback distance(s) from the street right(s)-of-way as set forth in Table 520.08, FREE STANDING SIGN SIZE, HEIGHT AND SETBACK REGULATIONS of this Ordinance.

   B. The maximum sign face area and sign structure height for free-standing ground mounted signs shall vary in accordance with the setback distance(s) from the street right(s)-of-way as set forth in Table 520.08, FREE STANDING SIGN SIZE, HEIGHT AND SETBACK REGULATIONS of this Ordinance.

   C. On corner lots, as defined in Section 303.160 of this Ordinance, the required setback distances from the street, defined in Section 520.03 of this Ordinance as a secondary street, may be reduced to those minimum setback distances for secondary streets as set forth in Table 520.08, FREE STANDING SIGN SIZE, HEIGHT AND SETBACK REGULATIONS of this Ordinance.

   D. On corner lots, in place of a free-standing sign on each street frontage, a single free-standing sign oriented to both streets may be installed, in which case the maximum sign surface area for said sign may be two (2) times the allowable sign surface area as set forth in Table 520.08, FREE STANDING SIGN SIZE, HEIGHT AND SETBACK REGULATIONS of this Ordinance.

4. For unified centers, including shopping centers and industrial parks, one (1) additional sign shall be permitted at the main entrance to such unified center, subject to the following requirements:

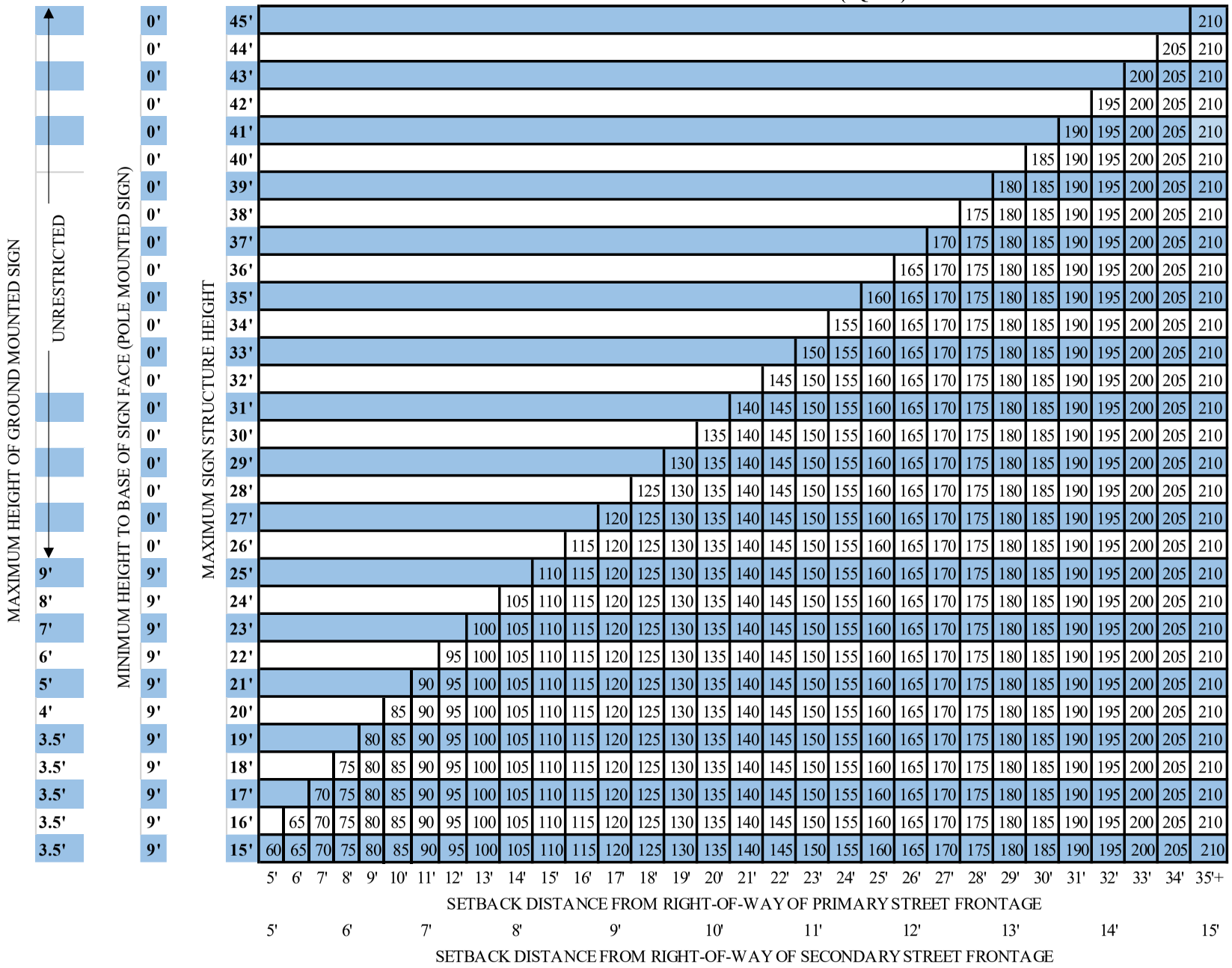
   A. Such sign shall indicate only the name and location of such unified center and the name and type of business of the occupants of such center.

   B. The setback, sign face surface area and height shall be as regulated in Subsection 520.07, of this Ordinance, provided that the maximum sign surface area may be three (3) times the allowable sign surface area as set forth in Table 520.08, FREE STANDING SIGN SIZE, HEIGHT AND SETBACK REGULATIONS of this Ordinance.

   C. Such sign may be illuminated or lighted but shall not be flashing or animated.

TABLE 520.08

FREE-STANDING SIGN SIZE, HEIGHT AND SETBACK REGULATIONS



520.09 BILLBOARDS:

1. It is the intent of this Section to establish reasonable and uniform limitations, safeguards and controls for the location of billboards. Such regulations are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interest of the City.

2. Billboards shall be permitted on a lot with one hundred (100) feet or more of frontage on a street classified in the City's Major Street Plan as an arterial street and only in areas included in the C-2, General Commercial District or any industrial zoning district.

3. A billboard shall not be less than fifty (50) feet from any other building or on-site sign or two hundred (200) feet from another billboard on the same side of the street.

4. Billboards shall not be permitted on the same lot as any unified center shopping center.

5. The minimum front yard from any street or highway right-of-way shall be in accordance with the front yard requirements of the applicable zoning district.

6. The minimum side or rear yard shall be five (5) feet, except as specified in Paragraph 7 below.

7. No billboard shall be permitted within one hundred (100) feet of a residential zoning district.

8. The sign face of a billboard shall not be greater than ten (10) feet in vertical dimension or greater than thirty (30) feet in horizontal dimension and the maximum sign face area shall not exceed three hundred (300) square feet.

9. A billboard shall not contain more than two (2) advertising sign per sign face.

10. A maximum of two (2) signs back-to-back shall be permitted per sign structure.

11. Double-decker sign faces are prohibited.

12. The maximum height of a billboard shall be twenty (20) feet above ground level at the base of the sign.

SECTION 521 TEMPORARY USES

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

Temporary Use	Time Limit
Temporary office, model home or apartment and incidental signs necessary for the sale, rental or lease of real property……..	1 year
Temporary building or yard for storage of construction materials and equipment necessary to the construction of a building or structure on or near the storage premises……	1 year
Temporary structures for farmer's markets, bazaars and similar activities……	6 months
Mobile home or truck trailer parking as a temporary construction office during construction of a building or structure on or near the office premises……	1 year
Announcement signs in association with buildings under construction, demolition or remodeling announcing the future use, developer, architect, engineer and contractor……	1 year
Subdivision or building development signs necessary to advertise the sale, rental or lease of real property within the subdivision or development……	1 year
Commercial construction / paving material batch plants necessary to construction on or near the batch plant premises, provided such plants shall not be located in any residential zoning district……	180 days
Sites for the sale of fireworks, Christmas trees and similar seasonal items and signs associated with such uses……	60 days
Special events, such as meetings, exhibitions, sales, political campaign Headquarters and similar special events……	60 days
Temporary signs announcing a special event……	60 days
Parking lot or areas designated for a special event……	30 days
Carnivals, rummage, garage or yards sales, auctions and similar uses……..	14 days / year
Other temporary uses customary to and commonly associated with the primary uses permitted in each zoning district……	60 days

521.02 Temporary uses shall also comply with the following performance standards:

1. Except for the temporary use of a portable public address system in association with an auction, no public address system or noise producing device shall be permitted in any residential zoning district.

2. Floodlighting or other lighting used in association with a temporary uses shall be restricted to lighting of the premises of the temporary use and shall not be directed or allowed to shine directly on to adjoining properties.

3. Temporary uses shall not block public street and alley intersection visibility and shall comply with Section 509 of this Ordinance.

4. Temporary uses shall not be permitted to use or occur on any public property, except as approved by the City and except for on street parking associated with a temporary use where such parking is permitted.

5. Temporary uses shall comply with the requirements of the zoning district in which the use occurs and signs associated with a temporary use shall comply with the applicable regulations of Section 520 of this Ordinance.

521.03 Construction Batch Plants shall comply with the following list of additional regulations:

1. No plant may be located within 600 feet of a developed residential use, park, or school.

2. Hours of operation do not exceed 12 hours per day.

3. The duration of the plant's operation does not exceed 180 days, but may be extended by the Zoning Administrator if unforeseen circumstances have delayed the project.

SECTION 522 MANUFACTURED HOME - MOBILE HOME PARKS, COURTS AND SUBDIVISIONS

522.01 Manufactured Homes, as defined in Sections 303.190 and 303.191 of this Ordinance and Mobile Homes, as defined in Section 303.192 of this Ordinance, as well as site-built homes may be placed in manufactured home - mobile home parks, courts or subdivisions, provided such mobile home parks, courts or subdivisions have been authorized as a conditional use and such parks, courts or subdivisions meet the following minimum requirements:

522.02 MANUFACTURED HOME - MOBILE HOME PARK / COURT:
The following minimum requirements shall apply to any manufactured home - mobile home park or court developed after the effective date of this Ordinance and to any expansion of any mobile home park or court already existing as of the effective date of this Ordinance:

1. A manufactured home - mobile home park or court shall have an area of not less than one (1) acre.

2. Each lot provided for manufactured or mobile home placement shall have on area of not less than four thousand (4,000) square feet and a minimum width of thirty-six (36) feet.

3. The minimum front yard for each manufactured or mobile home shall be sixty (60) feet from any public street classified on the City's Major Street Plan as a Major Arterial street (unrestricted right-of-way), thirty-five (35) feet from any public street classified on such Plan as a Major Arterial (restricted right-of-way) or Minor Arterial, Street or twenty (20) feet from any street classified as a collector street, local street or frontage road. A front yard shall be measured from the right-of-way line of any public street or from a point which is twelve (12) feet from the centerline of any private street providing access to the mobile home lot. For developed areas, as defined in this Ordinance, the minimum front yard shall be the average of the front yards, provided that no front yard shall be less than twenty (20) feet. A front yard may contain the vehicle parking spaces required for each mobile home lot.

4. The minimum side yard for each manufactured or mobile home or addition thereto shall be five (5) feet.

5. The minimum rear yard shall be fifteen (15) feet.

6. Each manufactured home or mobile home lot shall be served by a hard surfaced street at least twenty-four (24) feet in width. Any dead end street shall be provided with a hard surfaced turn-around at least sixty (60) feet in diameter.

7. Municipal water and sewage utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot is more than one hundred fifty (150) feet from a fire hydrant measured along the streets on the perimeter or within the mobile home park or court.

8. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Parking spaces and walkways connecting the parking spaces to the manufactured home or mobile home shall be hard surfaced.

9. Street lighting within and on the perimeter of any manufactured home - mobile home park or court shall be in a manner equivalent with that required for other residential subdivisions within the City.

10. Not less than eight (8) percent of the total land area in the manufactured home - mobile home park or court shall be designated as common open space for a park and playground. Any such area shall be designed so that its length is not more than twice its width and is not traversed by any street or motor vehicle traffic.

11. If common refuse storage facilities are to be provided, such facilities shall not be located more than one hundred fifty (150) feet from any mobile home lot and all refuse containers shall be screened from view by a solid fence at least six (6) feet in height with hinged openings to permit dumping of waste into the refuse containers and emptying of the containers.

12. The owner / management of the manufactured home - mobile home park or court shall prohibit storage of any materials, equipment, or trash receptacles, except licensed, operable vehicles, outside or underneath any manufactured home or mobile home unless such materials are stored in an enclosed building or inside a solid fence with a minimum height of six (6) feet.

13. All manufactured home and mobile homes located in a mobile home park shall be completely skirted, provided that skirting of recreational vehicles either pull type or motorized which are not designed for skirting shall not be required to be skirted.

14. All manufactured home and mobile home lots shall provide pads and anchors for support of and windstorm protection for such homes and such pads and anchors shall be constructed in accordance with manufacturer's specifications or in the event of non-availability of such specifications, such pads and anchors shall be constructed to meet the minimum requirements of 24 CFR 3280.

15. Each manufactured home or mobile home lot shall be provided with a minimum eighty (80) square foot of enclosed storage space for storage of refuse containers, bicycles, mowers or other items. Such enclosed storage space may be provided through providing a small storage building on each lot, by providing a centralized storage building sufficient in size to meet the minimum square footage of storage area requirement or by providing oversized garages sufficient in size to provide the required eighty (80) square feet of storage area.

16. Not less than one reinforced storm shelter be provided for use by occupants of the manufactured home - mobile home park or court in the event of hazardous storms. Such shelter shall be of adequate size and capacity to safely house all occupants in the mobile home park or court and shall provide at least ten (10) square feet of floor space for each person utilizing an average of two and one-half (2 ½) persons per manufactured home or mobile home. Such storm shelter shall be located near the center of the manufactured home - mobile home park or court to provide the shortest possible distance between all lots within the park or court.

522.03 MANUFACTURED HOME - MOBILE HOME PARK / COURT REQUIREMENTS:

As part of any conditional use application, the developer of any new or expanded manufactured home - mobile home park or court shall submit a complete, accurately scaled plan of the proposed park or court. Said plan shall include at least the following information:

1. The legal description and area of the land to be included in the park or court.

2. The number, size and location of each mobile home lot, including the location of required parking spaces and walkways.

3. A grading and drainage plan for the park of court.

4. The location and width of all streets and walkways.

5. The size and location of all water and sewer lines, fire hydrants and other infrastructure improvements together with easement locations and widths.

6. The location of all proposed street lights and utility easements to provide power to such lights.

7. The location and dimensions of the required common recreational open space together with playground equipment to be provided.

8. The location, size and capacity of the required reinforced storm shelter.

9. The location of all refuse storage areas, other buildings and structures and other improvements to be provided in the park or court.

10. Plans and specifications of all buildings to be provided.

522.04 MANUFACTURED HOME - MOBILE HOME SUBDIVISION:

The following minimum requirements shall apply to any manufactured home - mobile home subdivision developed after the effective date of this Ordinance and to any expansion of any manufactured home - mobile home subdivision already existing as of the effective date of this Ordinance:

1. A manufactured home or mobile home subdivision shall have an area of not less than two (2) acres.

2. Each lot provided for manufactured home or mobile home placement, or site-built home shall have on area of not less than six thousand (6,000) square feet and a minimum width of fifty (50) feet, except that any lot to accommodate a double-wide mobile home shall have a minimum lot width of seventy (70) feet.

3. The minimum front yard for each manufactured home or mobile home shall be sixty (60) feet from any public street classified on the City's Major Street Plan as a Major Arterial street (unrestricted right-of-way), thirty-five (35) feet from any public street classified on such Plan as a Major Arterial (restricted right-of-way) or Minor Arterial Street and twenty (20) feet from any street classified as a collector street, local street or frontage road. For developed areas, as defined in this Ordinance, the minimum front yard shall be the average of the front yards, provided that no front yard shall be less than twenty (20) feet. A front yard may contain the vehicle parking spaces required for each mobile home lot.

4. The minimum side yard for each manufactured home or mobile home or addition thereto shall be five (5) feet.

5. The minimum rear yard shall be fifteen (15) feet.

6. Each manufactured home or mobile home lot shall be served by a dedicated public street developed in accordance with the standards set forth in the City's Subdivision Regulation Ordinance.

7. Municipal water and sewage utilities shall be provided to each lot. The water supply shall be sufficient to provide water for domestic consumption and adequate flow for fire protection. Fire hydrants shall be installed so that no lot is more than one hundred fifty (150) feet from a fire hydrant measured along the streets on the perimeter or within the mobile home park or court.

8. Each lot shall be provided with a minimum of two (2) off-street parking spaces. Parking spaces and walkways connecting the parking spaces to the manufactured home or mobile home shall be hard surfaced.

9. Street lighting within and on the perimeter of any manufactured home - mobile home subdivision shall be in a manner equivalent with that required for other residential subdivisions within the City.

10. The developer of the manufactured home - mobile home subdivision shall establish restrictive covenants which prohibit storage of any materials, equipment, or trash receptacles, except licensed, operable vehicles, outside or underneath any manufactured home or mobile home unless such materials are stored in an enclosed building or inside an solid fence with a minimum height of six (6) feet.

11. The developer of the manufactured home - mobile home subdivision shall establish restrictive covenants which require that each manufactured home or mobile home located in the mobile home subdivision shall be completely skirted.

12. Not less than one reinforced storm shelter be provided for use by occupants of the manufactured home - mobile home subdivision in the event of hazardous storms. Such shelter shall be of adequate size and capacity to safely house all occupants in the mobile home subdivision and shall provide at least ten (10) square feet of floor space for each person utilizing an average of two and one-half (2 ½) persons per mobile home. Such storm shelter shall be located near the center of the mobile home subdivision to provide the shortest possible distance between all lots within the subdivision and the developer shall make provisions for a homeowner's association with assessment authority to provide sufficient funds with which the lot owners can properly maintain such storm shelter.

522.05 MANUFACTURED HOME - MOBILE HOME SUBDIVISION REQUIREMENTS:

As part of any conditional use application, the developer of any new or expanded manufactured home - mobile home subdivision shall submit a complete, accurately scaled plat of the proposed subdivision in accordance with the requirements of the Subdivision Regulation Ordinance of the City.

SECTION 523 WIND ENERGY SYSTEMS

523.01 INTENT:

According to the research conducted by the Michigan Department of Labor and Economic Development, Energy Office, generation of electricity in the United States is responsible for 36% of carbon dioxide pollution, 64% of sulfur dioxide pollution, 26% of nitrogen oxide pollution and 34% of mercury pollution.

Development of facilities to generate clean, renewable energy will reduce air pollution, increase the fuel diversity of our electric system, save natural resources and provide a hedge against increases in price of fossil fuels used for electric generation.

The intent of these regulations is to strike an appropriate balance between our Nation's need and our State's need to develop clean, renewable energy resources and the necessity to protect the public health, safety and welfare within the zoning jurisdiction of Aurora, Nebraska.

523.02 DEFINITIONS:

1. **AGGREGATE WIND ENERGY CONVERSION SYSTEM (WECS) PROJECT:** A utility grid wind energy conversion system project (WECS) or projects that is / are developed and operated in a coordinated fashion, but which have multiple entities separately owning one (1) or more of the individual WECS(s) within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity, but are also part of the aggregate project.

2. **AMBIENT:** The sound pressure level exceeded ninety percent (90%) of the time.

3. **ANSI:** American National Standards Institute.

4. **dB(A):** The sound pressure level in decibels utilizing the "a" weighted scale defined by ANSI for weighting the frequency spectrum to mimic the human ear.

5. **DECIBEL:** The unit of measure used to express the magnitude of sound pressure and sound intensity.

6. **FALL ZONE:** The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of structural failure. This area is less than the total height of the tower.

7. **FEEDER LINE:** Any power line that carries electrical power from one (1) or more wind turbines or individual transformers associated with individual wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems, the point of interconnection shall be the substation serving the wind energy conversion system.

8. **IMPACT EASEMENT:** An easement or deed restriction, recorded in the office of the Hamilton County, Nebraska Registrar of Deeds, which runs with the land, which is granted to the owner of an industrial use, a confined or intensive animal feeding use, a waste handling facility use, a wind energy conversion system or other use for the period of time that such use shall exist, by the owners of adjoining or neighboring real property in which it is mutually agreed between the grantor and grantee that the grantor shall hold the grantee harmless from odor, smoke, dust, noise, visual or other legal impacts associated with such use on the grantor's property when such use is operated in accordance with the terms of such easement or deed restriction.

9. **METEOROLOGICAL TOWER:** A temporary tower, base plate, anchors, guy wires, hardware, anemometers, wind direction vanes, booms to hold equipment, data loggers, instrument wiring and any telemetry devices that are used to monitor or transmit wind speed, direction and flow characteristics over a period of time at a given location. For the purpose of this regulation, such towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct and operate a WECS project which shall be in place on the premises not more than one (1) year from the date of completion of installation.

10. **MODIFICATION**: Any change to the on-site WECS that materially alters the size, type, capacity or location of the WECS. Like-kind replacement and normal repairs shall not be construed to be a modification.

11. **NET METERING:** The difference between the electricity supplied to a customer over the electric grid system and the electricity generated by the customer's WECS that is fed back into the grid system over a billing period.

12. **NOISE SENSITIVE RECEPTOR:** Any land area, building or facility which could experience interference with its common and normal use due to excess noise levels including, but not limited to, occupied buildings, as herein defined, hotels, motels, outdoor amphitheater, outdoor sports fields, parks, playgrounds, golf courses, water oriented recreation areas, riding stables and cemeteries

13. **OCCUPIED BUILDING:** A residential dwelling, school, hospital, church, public library or other building use for public gathering that is occupied by or used by humans for its intended purpose

14. **ON-SITE WIND ENERGY CONVERSION SYSTEM:** An on-site wind energy system with no tower or one (1) tower, intended to primarily serve the needs of the use on the premises where such system is located. Such system may be connected to the electric grid through net metering, but the ~~primary~~ only other use shall be to generate electricity to serve the needs of the use on the premises where such system is located.

15. **OPERATOR:** The entity responsible for the day-to-day operation and maintenance of any WECS, WECS project of substation, including any third-party subcontractors.

16. **OWNER:** The entity or entities with an equity interest in the WECS(s), including their respective, successors and assigns. Owner does not mean 1) the property owner from whom land is leased for locating the WECS(s) unless the property owner has an equity interest in the WECS(s) or 2) any person holding a security interest in the WECS(s) solely to secure an extension of credit or person foreclosing on such security interest, provided that after foreclosure such person seeks to sell the WECS(s) at the earliest practicable date.

17. **PUBLIC CONSERVATION LANDS:** Land owned in fee title by State or Federal Government agencies and managed specifically for conservation purposes, including but not limited to wildlife management areas, parks, wildlife refuges and waterfowl production areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations and private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

18. **PURE TONE:** A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty five (125) Hz.

19. **ROTOR:** A component of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

20. **SCADA TOWER:** A free-standing tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

21. **SHADOW FLICKER:** Alternating changes in light intensity caused by the moving blades of a wind energy system which cast a repeating pattern of shadows on the ground and stationary objects, such as a window of a dwelling.

22. **SOUND PRESSURE:** Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of sound measured at the receiver.

23. **SOUND PRESSURE LEVEL:** The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

24. **SUBSTATION:** The apparatus that connects the electrical collection system of the WECS(s) and increases the voltage for connection to the utility grid transmission lines.

25. **SYSTEM HEIGHT:** The vertical distance from ground level to the tip of the wind generator blade when at its highest point from the ground.

26. **TOWER HEIGHT:** The height above grade of the fixed portion of the tower, excluding the wind generator.

27. **TRANSMISSION LINE:** The electrical power lines that carry voltages of at least sixty-nine thousand volts (69kV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supply electrical energy to retail customers.

28. **UTILITY GRID WIND ENERGY SYSTEM:** A wind energy conversion system which is designed and constructed to provide electricity to an electric utility grid.

29. **WIND ENERGY CONVERSION SYSTEM (WECS):** A system with all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation and transformer, in any.

30. **WIND ENERGY CONVERSION SYSTEM PROJECT (WECS Project):** The WECS(s) and associated support facilities including, but not limited to, roads, transformers, electrical cabling, substations, operation and maintenance buildings, SCADA towers within the boundaries of the project site.

31. **WIND GENERATOR:** The blades and associated mechanical and electrical conversion components mounted on top of a tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

32. **WIND SITE ASSESSMENT:** An assessment to determine wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

523.03 ZONING PERMIT REQUIRED: Issuance of a zoning permit shall be required prior to construction of any on-site or utility grid WECS. Failure to comply with the permitting requirement or any requirement or standard of this section shall constitute a violation of this Ordinance.

523.04 ON-SITE WIND ENERGY CONVERSION SYSTEM REQUIREMENTS:

APPLICATION REQUIREMENTS: Applications for an on-site WECS shall contain a scaled site plan containing the following information together with attachments which provide non-map data indicated.

1. Property lines and physical dimensions of the property where the on-site WECS is proposed, including the right-of-way lines of any public road that is contiguous to the property.

2. Location, dimensions and types of existing major structures on the property and height to the top of the canopy of any tree(s) or other obstruction within three hundred feet (300') of the proposed WECS location.

3. Location of the proposed WECS, foundation, guy wire anchors and associated equipment.

4. Setback distances of the WECS as set forth in this regulation.

5. Location of overhead utility lines.

6. WECS specifications, including manufacturer, model, rotor diameter, tower height, system height, tower type and nameplate generation capacity.

7. Sound level analysis prepared by the manufacturer or qualified engineer.

8. Electrical components in sufficient detail to allow for determination of compliance with applicable electrical codes.

9. Evidence of compliance or non-applicability with the Federal Aviation Administration requirements.

10. If shadow flicker impacts are anticipated beyond the property lines on which the on-site WECS is located, an analysis of shadow flicker impacts on occupied buildings on abutting properties.

STANDARDS AND REQUIREMENTS: On-site WECS shall be permitted in the applicable zoning district when in compliance with the following standards and requirements:

1. **SETBACKS:** The setbacks shall be calculated by multiplying the minimum setback requirement number indicated in the table below by the system height and measured from the center of the tower base to the property lines, public road rights-of-way or nearest wall of an occupied building. In no event shall the setbacks be less than the minimum setbacks required in the applicable zoning district, except that guy wire anchors shall have a minimum setback from property lines of ten (10) feet.

MINIMUM SETBACK REQUIREMENTS			
From occupied buildings on the same premises as the WECS	From occupied buildings on abutting properties	From property lines and utility lines	From public road rights-of-way
0	1.1	1.1	1.1

2. **SYSTEM HEIGHT:** The maximum system height shall be forty (40) feet above the highest tree canopy of other obstruction within three hundred feet (300') of the WECS, provided that no system height shall exceed one hundred twenty feet (120'), except for any limitations of Section 420 of this Ordinance, which is the AHO, Airport Hazard Overlay District.

3. **SOUND LEVEL:** The on-site WECS shall not exceed fifty (50) decibels or five (5) decibels above the ambient sound level, whichever is less, using the A scale (dBA), as measured at the property lines, except during short-term events such as severe wind storms and utility outages.

4. **SHADOW FLICKER:** The on-site WECS shall be sited in a manner that does not result in shadow flicker impacts more than thirty (30) hours per year on any occupied building on abutting properties. Where a complaint is made regarding compliance with this limitation, the complainant shall provide documentation of the alleged violation to the City.

5. **SIGNS:** There shall be no signs or logos of any type allowed in the WECS tower or wind generator with the exception of warning signs and manufacturer identification.

6. **AVIATION:** Any on-site WECS proposed near an airport shall comply with applicable Federal Aviation Administration regulations.

7. **VISUAL IMPACTS:**
   A. Screening of ground mounted electrical and control equipment from public roads and occupied buildings on abutting properties shall be provided by means of fencing and /or landscaping or a combination thereof.

   B. The color of the on-site WECS shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends with the surrounding environment. Approved colors shall include white, off-white or gray or such other color that the applicant can demonstrate will blend with the surrounding environment and the sky.

   C. The on-site WECS shall not be artificially lit in any manner unless lighting is required by the Federal Aviation Administration, in which case shall provide a copy of the FAA determination and the

required markings and /or lights. Red lights shall be used during nighttime illumination to reduce impacts on abutting properties.

8. **ACCESS:** The WECS tower shall be designed and installed so as not to provide step bolts, ladders or other means of access for a minimum height of eight feet (8') from ground level and the applicant shall provided evidence as to how all ground mounted equipment shall be secured to prevent unauthorized access.

9. **DESIGN SAFETY:** On-site WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the National Electrical Commission (NEC). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party. Further, the applicant shall provide certification by a Professional Engineer, licensed in the State of Nebraska, that the WECS foundation and tower design is within accepted safety and design standards for the local soil and climate conditions. Such certification may be provided by the manufacturer of the WECS.

10. **CONTROLS AND BRAKES:** Each WECS shall be equipped with a redundant braking system, which may include aerodynamic overspeed controls (variable pitch, tip and / or other similar system and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection. Certification of compliance with this requirement shall be provided by the manufacturer.

11. **CODE COMPLIANCE:** On-site WECS(s) shall comply with the electrical codes applicable in the City and / or the National Electrical Code.

12. **UTILITY CONNECTION:** If the on-site WECS is to be connected to the utility grid, the applicant shall submit written verification that the utility serving the site of the proposed WECS has been notified and that the proposed interconnection complies with the requirements of said utility.

13. **ABONDONMENT:**
    A. At such time that an on-site WECS is scheduled to be abandoned or discontinued, the owner of said WECS shall notify the Zoning Administrator of the proposed date of abandonment or discontinuance of operation.

    B. Upon abandonment or discontinuation of use, the owner of the on-site WECS shall physically dismantle all above ground components of the WECS within ninety (90) days from the date of abandonment or discontinuation of use.

    C. In the event that an owner of an on-site WECS fails to give notice of abandonment or discontinuation of use, the WECS shall be considered to abandoned or discontinued if the system is out-of-service for a twelve (12) consecutive months. After such twelve (12) consecutive months the Zoning Administrator shall issue a written Notice of Abandonment by certified mail to the owner of the WECS at the address indicated for the site of the WECS in the County Treasurers Office. The owner of the WECS shall have the right to respond to the Notice of Abandonment within thirty (30) days from the date of receipt of such notice to present evidence that the WECS has not been abandoned or discontinued. The Zoning Administrator shall review any such response to determine if the WECS has been abandoned or discontinued. If it is determined that said WECS has not been abandoned or discontinued, the Notice of Abandonment shall be withdrawn and notice of same shall be provided to the owner of said WECS. If, after review of the owner's response, it is determined that said WECS has been abandoned or discontinued, notice of such finding shall be provided by certified mail to the owner of the WECS.

    If the owner of said WECS fails to respond to the Notice of Abandonment or of, after review of any response from the owner, the Zoning Administrator determines that the WECS has been abandoned or discontinued for twelve (12) consecutive months, the owner shall have ninety (90) days from the date of receipt of such notice to dismantle all above ground components of said WECS. If the owner of said WECS fails to dismantle said WECS within the prescribed time period, such shall be considered a violation of the Ordinance and shall be subject to the penalties set forth in Section 1102 of this Ordinance.

14. **PRIOR EXISTING USES:** On-site WECS(s) installed prior to the effective date of these regulations shall be exempt from the requirements of these regulations, except when modification of the WECS is proposed. Any on-site WECS which was abandoned or the use of which has been discontinued for a period of twelve (12) consecutive months prior to the effective date of these regulations shall be subject to the notice and dismantling requirements set forth in Item 13 immediately above.

523.05 UTILITY GRID WIND ENERGY CONVERSION SYSTEM REQUIREMENTS:

APPLICATION REQUIREMENTS:

PRELIMINARY PROJECT APPLICATION: At the option of the applicant, a preliminary project application may be filed. Such application shall be intended to consider the proposed project from a local land use perspective without submission of the required studies, detailed site plan and formal details of the project. Such application shall place local citizens, neighboring property owners and the general public on notice that a property or series of properties is under consideration for a utility grid wind energy conversion system project and shall give the applicant some awareness of the potential issues associated with the proposed project without having to incur all of the costs associated with a Final Project Application.

The process for review and action on any Preliminary Project Application shall be the same as prescribed for a conditional use application as set forth in Article 7 of this Ordinance.

Action to approve any Preliminary Project does not indicate a final approval of the proposed project, but shall be interpreted to mean that such project may be approved in final form after the studies required in the Final Project Application have been completed and effective measures have been implemented to avoid or minimize impacts based on the wind energy facilities.

An applicant for a utility grid WECS project may, at their option, skip the preliminary project application process and proceed directly to a Final Project Application.

PRELIMINARY PROJECT APPLICATION REQUIREMENTS: The following mapped information and other data and exhibits shall be required in a Preliminary Project Application:

1. The name(s) of the proposed owners of the utility grid WECS project, the names of the proposed operators of said WECS project, their respective business structures together with evidence of the financial capability of the proposed owners and operators to successfully implement, operate and maintain the proposed project.

2. A general site plan of the project area indicating:

   A. The proposed boundaries of the property or properties to be included in the project.

   B. The probable number, tower heights, diameter of rotors and location of such towers.

   C. The public roadways included in the project boundaries.

   D. The location of occupied buildings within and abutting the proposed project boundaries.

   E. The proposed location of any meteorological tower(s) to be constructed to evaluate the proposed project area.

3. Computer generated visual simulations, in color, showing the probable WECS towers, generators and rotors from at least four (4) viewable angles on the perimeter of the proposed project boundaries.

PRELIMINARY PROJECT APPLICATION REVIEW: In reviewing and acting on a preliminary utility grid wind energy conversion system project proposal, the Planning Commission and City Council shall consider the following:

1. The likelihood of the proposed project meeting or exceeding the minimum standards and requirements set forth under the Final Project Application section of this regulation. The applicant may submit a written statement or additional documentation indicating that the proposed project will comply with such final application standards and requirements.

2. With regard to visual impacts of the proposed project and the typical human reaction of "not in my back yard", the Planning Commission shall consider the historic impacts, or lack thereof, of the development of previously popular television reception towers and antennae, satellite dishes, and the current impacts, or lack thereof, of cellular and other communication towers, pivot irrigation systems and electrical transmission towers and lines when considering whether the potential visual impacts of the proposed WECS project on neighboring properties would be any different or less acceptable than the cellular and other communications towers, pivot irrigation systems and electrical transmission towers and line which already exist in the City.

3. The particular issues of concern with regard to final action on the proposed utility gird WECS project.

FINAL PROJECT APPLICATION: Application for a final Utility Grid WECS Project approval shall include the following information:

1. The name(s), address(es) and telephone number(s) of the project applicant(s)**.**

2. The name, address and telephone number of the project owner.

3. The legal description and address of the project.

4. A written narrative describing the proposed Utility Grid WECS Project, including an overview of the project, the generating capacity of the WECS Project, the number, type, height or range of heights of the wind turbines to be constructed including their generating capacity, dimensions and respective manufacturers and a description of ancillary buildings, structures and facilities.

5. Affidavit(s) or similar evidence of agreement between the property owner(s) and the WECS Project owner or operator demonstrating that the WECS Project owner or operator has the permission of the property owner(s) to apply for the necessary permits for construction and operation of the WECS Project.

6. A scaled site plan map or maps of the proposed Utility Grid WECS Project indicating:

   A. The boundaries of the proposed WECS Project indicating all properties within and adjacent to such boundaries.

   B. The location of each wind turbine together with setback distances from occupied buildings, utility lines, and public roads.

   C. The location of public roads within and bordering the proposed WECS Project together with access roads and turnout locations proposed within the project.

   D. The location of all proposed substations and the location of electrical cabling within the project area.

   E. The location, size, height and type of all ancillary equipment, buildings and structures proposed within the project area.

7. A decommissioning plan complying with the requirements of this regulation.

8. A shadow flicker analysis in accordance with the requirements of this regulation.

9. Evidence of notification of the owners / operators of all existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other communication systems within five (5) miles of the proposed utility grid WECS project boundaries and an analysis of potential electromagnetic interference.

10. Environmental Analysis in accordance with the requirements of this regulation.

STANDARDS AND REQUIREMENTS: Utility Grid WECS projects may be approved as a condition use / special exception in the applicable zoning district when in compliance with the following standards and requirements:

1. **SETBACKS:** The setbacks shall be calculated by multiplying the minimum setback requirement number indicated in the table below by the system height and measured from the center of the tower base to property lines, public road right-of-way lines or the nearest wall of an occupied building. In no event shall the setbacks be less than the minimum setbacks required in the applicable zoning district.

MINIMUM SETBACK REQUIREMENTS FOR WIND ENERGY CONVERSION TOWERS			
From occupied buildings on the same premises as the WECS	From occupied buildings on abutting properties	From property lines and utility lines	From public road rights-of-way
0	4	3 or ¼ mile, whichever is less	3 or ¼ mile, whichever is less

In the event any owner of abutting property shall grant an impact easement to the owner of the WECS project, the setback from the boundaries of the abutting owner's property and / or occupied buildings thereon shall be as set forth in said impact easement.

2. **SYSTEM HEIGHT:** No limitation.

3. **SOUND LEVEL:**
   A. The utility grid WECS sound levels, when in operation, shall not exceed thirty-five (35) decibels, or the ambient sound pressure level plus five (5) dBA, whichever is greater, measured at any occupied building or noise sensitive receptors within the project boundaries and on non-leased lands within the project boundaries and on lands within one (1) mile of the project boundaries. In the event audible noise from the operation of the WCES contains a pure steady tone, the maximum sound level shall be reduced by five (5) dBA.

   B. Prior to initiation of construction on any utility grid WCES project, a survey and study of ambient sound levels shall be conducted by a qualified engineer for all occupied buildings or noise sensitive receptors within the project boundaries and on non-leased lands within the project boundaries and on lands within one (1) mile of the project boundaries. The duration of ambient sound levels measurements shall be a minimum of ten (10) continuous minutes at each location and the duration shall include at least six (6) minutes that are not affected by transient, non-natural sources. Such measurements shall be taken on a weekday and at four (4) to six (6) feet above the ground and at least fifteen (15) feet from any reflective surface. Ambient sound levels may be performed when wind velocities are sufficient to allow wind turbine operation, provided that the wind velocity shall not exceed thirty (30) mph at the measurement location. Ambient sound level shall be expressed in terms of the whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour.

   C. As part of a final conditional use application, the applicant shall have prepared and submit for review a sound level study and report, prepared by a qualified engineer, which provides modeling and analysis that will confirm that the utility grid WECS project will not exceed the maximum permitted sound pressure levels set forth herein. Modeling and analysis shall conform to IEC 61400 and ISO 9613.

4. **SHADOW FLICKER:** The utility grid WECS towers shall be sited in a manner that does not result in shadow flicker impacts more than thirty (30) hours per year on any occupied building or noise sensitive receptor within one-half mile of any wind turbine. The applicant shall provide an analysis which shall identify the location(s) of shadow flicker for each wind turbine from sun-rise to sun-set over the course of a year which would impact occupied buildings or noise sensitive receptor within one-half mile of such wind turbines to verify that the standard set forth herein shall be complied with.

5. **SIGNS:** There shall be no signs or logos of any type allowed in the WECS tower or wind generator with the exception of warning signs and manufacturer identification. Visible high voltage warning signs shall be placed on all pad-mounted transformers and substations. Emergency contact signs shall be placed at or near

the project main operation and maintenance building and the primary entrance to the project area. The sign at the primary entrance shall also warn of the potential for falling ice.

6. **AVIATION:** Any utility grid WECS project proposed near an airport shall comply with applicable Federal Aviation Administration regulations.

7. **VISUAL IMPACTS:**
   A. All WECS towers shall be of monopole design.

   B. The color of the on-site WECS shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends with the surrounding environment. Approved colors shall include white, off-white or gray or such other color that the applicant can demonstrate will blend with the surrounding environment and the sky.

   C. The on-site WECS shall not be artificially lit in any manner unless lighting is required by the Federal Aviation Administration, in which case shall provide a copy of the FAA determination and the required markings and /or lights. Red lights shall be used during nighttime illumination to reduce impacts on abutting properties.

8. **ACCESS:** Wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface and all access doors to wind turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

9. **DESIGN SAFETY:** Utility grid WECS(s) shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the National Electrical Commission (NEC). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanischer Lloyd Wind Energie (GL), or an equivalent third party. Further, the applicant shall provide certification by a Professional Engineer, licensed in the State of Nebraska, that the WECS foundation and tower design is within accepted safety and design standards for the local soil and climate conditions. Such certification may be provided by the manufacturer of the WECS.

10. **CONTROLS AND BRAKES:** Each WECS shall be equipped with a redundant braking system, which may include aerodynamic overspeed controls (variable pitch, tip and / or other similar system and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection. Certification of compliance with this requirement shall be provided by the manufacturer.

11. **CODE COMPLIANCE:** All WECS(s) shall comply with the electrical codes applicable in the County and / or applicable State codes and / or the National Electrical Code.

12. **ELECTROMAGNETIC INTERFERENCE:** The project owner shall notify the owners / operators of all existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other communication systems within five (5) miles of the proposed utility grid WECS project boundaries upon application. No utility grid WECS project shall be located where its proximity to existing fixed broadcast, retransmission or reception antennae for radio, television, wireless telephone or other communication system would produce electromagnetic interference with signal transmission or reception unless the applicant shall provide a replacement signal to the affected party(s) that will restore the transmission or reception to at least the level present before operation of the WECS project.

13. **ENVIRONMENTAL IMPACT:** The applicant shall have a third party, qualified professional conduct and analysis to identify and assess any potential impacts on wildlife and endangered species and public conservation lands, with particular emphasis on areas where birds or bats are highly concentrated, significant bird migration flyways and areas that have landscape features known to attract large numbers of raptors.

14. **DECOMMISSION PLAN:** The applicant shall submit a decommissioning plan, which shall include at a minimum:

A. The anticipated life of the project,

B. The estimated decommissioning costs of removing all above ground facilities and underground improvements to a depth of three (3) feet, net of salvage value, in current dollars,

C. The method of ensuring that funds will be available for decommissioning,
D. The anticipated manner in which the project will be decommissioned, and

E. The time period in which the decommissioning shall be completed.

15. **PUBLIC ROAD IMPACTS:** The applicant shall, in coordination with representatives from the City and the County and other appropriate jurisdictions, conduct a pre-construction survey of road and bridge conditions which shall include photographs and written agreement documenting the condition of the public roads, to determine all county, township or municipal roads or streets to be used for the purposes of transporting WECS, substation parts, concrete and /or equipment for construction, operation and maintenance of the WECS and to determine all applicable weight and size permits from the impacted jurisdictions prior to construction. The owner of the WECS shall be responsible for restoring the roads, streets and bridges to pre-construction conditions where the impacts on such roads, streets and bridges is beyond normal wear under pre-existing conditions.

16. **EMERGENCY SERVICES:** The applicant shall provide a copy of the project description and site plan to the local fire department and rescue service having jurisdiction over the project area and shall coordinate with such local entities in the development of an emergency response plan.

17. **PUBLIC INQUIRIES AND COMPLAINTS:** The owner and operator of the utility grid WECS project shall maintain a publicly available telephone number and identify a responsible person or position for the public to contact with inquiries or complaints throughout the life the project. Said owner and operator shall make a reasonable effort to respond to the public's inquiries and complaints and shall maintain a record of such inquiries and complaints, together with actions taken and dates thereof and shall make such records available to the Zoning Administrator upon request.

SECTION 524 SEXUALLY ORIENTED BUSINESSES

(Section 524, amended September 13, 2016, by Ord. 1037)

524.01 PURPOSE AND INTENT:

It is the purpose of this subsection to regulate sexually oriented businesses so as to promote uniform regulations to promote and protect the health, safety and welfare of the citizens of the city. The provisions of this subsection have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. It is not the intent nor effect of this amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market.

524.02 FINDINGS:

Based upon documented evidence, studies, findings and reports concerning the negative secondary effects of sexually oriented businesses and the nexus between sexually oriented businesses and alcohol consumption, including findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *FW/PBS Inc. s*), *City of Erie v. Pap's A.M.*, 120 S.Ct. 1382 (2000) and findings in the case of *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628, 198 N.W. 2d 483 (1972) and studies in other communities including, but not limited to, Phoenix, Arizona; Tucson, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Adams County, Colorado; Denver, Colorado; Manatee County, Florida; Indianapolis, Indiana; Kansas City, Kansas; Minneapolis, Minnesota; St. Paul, Minnesota; Las Vegas, Nevada; Ellicottville, New York; Islip, New York; New Hanover, North Carolina; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Houston, Texas; Newport, Virginia; Bellevue, Washington; Des Moines, Washington; Seattle, Washington; St. Croix County, Wisconsin; and also findings from the Environmental Research Group to the American Center for Law and Justice (March 31, 1996), the Planning Commission has found and recommended to the City Council and the City Council has found:

1. Sexually oriented businesses have negative secondary effects on the existing businesses around them and the surrounding residential areas adjacent to them, carrying increased crime, the downgrading of property values, the downgrading of adjacent neighborhoods and the downgrading of the quality of life in the adjacent area;

2. Improper conduct involving sexual acts occurs at sexually oriented businesses which provide private or semi-private booths or viewing rooms for the viewing of films, videos or live performances;

3. The findings noted above raise substantial governmental concerns for the health, safety and welfare of the city, and it is appropriate for the purpose of promoting the health, safety and welfare of the citizens of the city that reasonable regulations be enacted so as to address the substantial governmental concerns and minimize and control the negative secondary effects of sexually oriented businesses and thereby promote and protect the health, safety and welfare of the city, protect the citizens from increased crime, preserve the quality of life, preserve the value of property and preserve the quality and character of surrounding neighborhoods;

4. The enactment of reasonable regulations which involve locational criteria and operational criteria are appropriate to address the substantial governmental concerns and promote and protect the health, safety and welfare of the citizens of the city;

5. The requirement of having sufficient lighting of the exterior of the building and parking areas lighting advances the substantial government interest in preventing improper conduct and sexual acts from occurring on the exterior of the building;

6. The health, safety and welfare of the citizens of the city will be promoted and protected by the enactment of this ordinance.

524.03 DEFINITIONS:

For the purpose of this Section 524, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **ADULT ARCADE:** Any place to which the public is permitted or invited wherein coin operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, videos, laser or compact disc players, or other image producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting specified sexual activities or specified anatomical areas or specified sexual activities.

2. **ADULT BOOKSTORE, ADULT NOVELTY STORE or ADULT VIDEO STORE:** A commercial establishment which has a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or 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 of more of the following: (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or other visual representations which are characterized by their emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas; or (2) Instruments, devices or paraphernalia which are designed or for use or marketed primarily for the stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

3. **ADULT CABARET:** A night club, restaurant or similar commercial establishment which regularly features: (1) Persons who appear semi-nude; (2) Live performances which are characterized by their emphasis upon the exhibition or display or specified sexual activities; or (3) Films, motion pictures, video cassettes, slides, laser or compact discs, or other photographic reproductions which are characterized by their emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas.

4. **ADULT MOTEL:** A hotel, motel or similar commercial establishment which: offers accommodations; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, laser or compact discs or other photographic reproductions which are characterized by their emphasis upon

the exhibition or display of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type or photographic reproductions; and either: (1) Offers a sleeping room for rent for a period of time that is less than ten hours; or (2) Allows a tenant or occupation of a sleeping room to sub-rent the room for a period of time, that is less than ten hours.

5. **ADULT MOTION PICTURE THEATER:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, laser or compact discs, or similar photographic reproductions are regularly shown which are characterized by their emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas.

6. **ADULT THEATER:** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear semi-nude, or live performances which are characterized by their emphasis upon the exhibition or display of specified sexual activities.

7. **DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON:** 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 who dominant or principal character and theme are the exhibition and display of specified anatomical areas or specified sexual activities.

8. **ESCORT:** A person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

9. **ESCORT AGENCY:** A person or business association that for any form of consideration furnishes, offers to furnish or advertises to furnish, escorts as one of its primary business purposes.

10. **ESTABLISH or ESTABLISHMENT:** The opening or commencement of any sexually oriented business as a new business; or the conversion of any existing business, whether or not a sexually oriented business, to any sexually oriented business; or the addition of any other sexually oriented business to any other existing sexually oriented business; or the relocation of any sexually oriented business

11. **NUDE, NUDITY or A STATE OF NUDITY:** The showing of the human, post-pubertal male or female genitals, pubic area or buttocks with less than a full opaque covering, the depiction of the covered male genitals in a discernibly turgid state, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

12. **SEMI-NUDE:** A state of dress in which clothing covers no more than the genitals, pubic area and the female breast below the top of the nipple, as well as portions of the body covered by supporting straps or devices. This definition shall include the entire portion of the human female breast below the top of the nipple, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard or bathing suit.

13. **SEMI-NUDE MODEL STUDIO:** A commercial establishment which regularly features a person who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured or photographed by other person who pay money or any form of consideration. Semi-nude model studio shall not include a proprietary school licensed by the State of Nebraska; or a college, junior college or university supported entirely or in apart by public taxation; or a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

14. **SEXUAL ENCOUNTER CENTER:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of specified sexual activities. The definition of sexual encounter center or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

15. **SEXUALLY ORIENTED BUSINESS:** An adult arcade, adult bookstore or adult novelty store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, semi-nude motel studio or sexual encounter center.

16. **SPECIFIED ANATOMICAL AREAS:** The human, post-pubertal male or female genitals, pubic area, buttocks with less than a full opaque covering, the male genitals in a discernibly turgid state even if completely and opaquely covered, or the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

17. **SPECIFIED SEXUAL ACTIVITIES:** Activities of the following:
    A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship and any of the following sexually-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquierism, sapphism, zooerasty, or

    B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumesence or

    C. Use of human or animal ejection, sodomy, oral copulation, coitus, masturbation, or

    D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast(s), or

    E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons, or

    F. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal or human being, or

    G. Human excretion, urination, menstruation, vaginal or anal irrigation.

524.04 LOCATION OF SEXUALLY ORIENTED BUSINESS:

1. No sexually oriented business or use shall be established, operated or caused to be operated, in zoning district other than the AG, Agricultural District and the I-1, Light Industrial District, as defined by the zoning regulations of the City.

2. No sexually oriented business or use shall be established, operated or caused to be operated, within four hundred (400) feet of:

    A. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

    B. A public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, community colleges and universities; school includes school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

    C. A park or public or private campground, other sports fields and recreation facilities not associated with a school or church and youth centers and community centers.

    D. A boundary of a residential zoning district;

    E. A residential dwelling unit of any type;

    F. A hospital.

G. Measurement of this four hundred (400) feet minimum distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest wall of the building or structure containing a sexually oriented business to the nearest wall of the uses set forth in Items A, E, F and G immediately above and from the property line of uses set forth in Items B, C and D immediately above. The presence of any political subdivision boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this section.

524.05 MISCELANEOUS REQUIREMENTS:

1. Any sexually oriented business or use shall be properly licensed by the City of Aurora in accordance with applicable sections and requirements of Chapter 119 of the Aurora, Nebraska Municipal Code, provided that such licensing requirement shall not apply to such use when such use is located outside the corporate limits of the City of Aurora, but within the City's one mile planning and zoning jurisdictional area.

2. A sign shall be posted at the entrance(s) to the premises on which a sexually oriented business is located stating that no person under the age of eighteen (18) years of age is allowed on the premises. This requirement shall not be construed to prohibit the owner of a sexually oriented business from setting an older age limitation for access to the premises.

3. Application for a zoning permit for a sexually oriented business shall be accompanied by evidence concerning the feasibility of the proposed use and its possible effect(s) on adjoining properties and shall include a site plan delineating areas to be developed or used for any building(s), vehicle parking areas, driveways and points of ingress and egress, the location of height of any walls, fences, screen fences, the types and location of landscaping, the size, height, location and the number of signs and the manner of providing water and sewer utilities.

4. No part of the interior of any sexually oriented business shall be visible from pedestrian sidewalks, walkways, vehicle parking areas on the premises or from any public street or adjoining property.

5. Any sexually oriented business, if fronting on and having access from a soft-surfaced county road, shall be located not further than one-fourth (1/4) mile from a hard surfaced (concrete or asphalt) roadway.

6. Hours of operation shall not exceed the times of operation allowable for bars and other establishments with a beer and/or liquor license and any sexually oriented business with a beer and/or liquor license shall comply with all regulations and restrictions of any such beer or liquor license.

7. Any sexually oriented business or use shall be conducted in a manner that is in accord with the intent, purpose and spirit of the Comprehensive Plan and this Zoning Ordinance of the City of Aurora, Nebraska.

SECTION 525 SOLAR ENERGY SYSTEMS

Solar energy systems may be installed only as an accessory use to a permitted principal use. Such systems may be installed only as accessory uses either on the roof of a permitted principal or accessory structure or as a free-standing structure. Installation requirements shall be as follows:

525.01 Roof-mounted solar panels shall be mounted parallel to the roof angle and, if mounted on a sloping roof, shall not exceed a height of 15 inches above the ridge of the roof.

525.02 A roof-mounted solar panel that is mounted on a flat roof may be angled to achieve maximum sun exposure but shall not exceed 8 feet above the roof. No such mounted panel shall exceed the maximum permitted height of the structure.

525.03 Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties, businesses, residential homes or road- ways.

525.04 An external disconnect switch, readily accessible by emergency responders and which is clearly identifiable and unobstructed, shall be provided to disconnect power at the solar panel.

525.05 Ground mounted solar energy systems shall be located behind the rear lot line of the principal structure on a residential lot. When located in the side or rear yard of a residential lot, solar panels shall comply with the height limitations and yard setback requirements applicable to accessory structures in said zone district.

525.06 Ground mounted solar energy systems, complying with the height limitations and the required rear yard setback applicable to accessory structures in said zoning district, may be located in the rear yard of all non-residential zones.

525.07 When installed as an accessory use on a lot with a principal use or structure, solar energy systems shall be designed and sized to provide energy for the principal use of the property whereon the solar energy system is installed and shall not be for the generation of power for commercial purposes. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time from an accessory use solar energy system designed and sized to meet the energy needs of the principal use located on the same property whereon the solar energy system is installed. This provision is not applicable to solar energy systems installed as the principal use of the property. In these cases, there is no other principal use on the property that could utilize the energy generated by the solar energy system.

ARTICLE 6: NON-CONFORMING USES

SECTION 601 INTENT

601.01 Within the zoning districts established by this Ordinance or amendment thereto, there may exist lots, structures, or use of land and structures, or characteristics of structures or use which were legally established on the date of adoption of this Ordinance, but which are prohibited, regulated, or restricted under the terms of this Ordinance or amendment thereto. It is the intent of this Ordinance to permit this non-conformities to continue until such are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district. Provided a minor accessory structure not exceeding 150 square feet may be allowed. *(Section 601, amended December 08, 2015, by Ord. 1024)*

601.02 Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the applicable zoning district. A non-conforming use of a structure, of land or of a structure and land in combination shall not be extended or enlarged after adoption of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses which are prohibited in the applicable zoning district.

601.03 To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction or designated use of any building for which a building permit has been issued, provided construction on such building shall be initiated within ninety (90) calendar days from the date of issuance of such building permit.

601.04 Notwithstanding other provisions of this Section, a lawfully established residential use rendered non conforming by adoption of this Ordinance or amendment thereto may be enlarged, altered or reconstructed, provided that:

1. Such residential use shall comply with Section 602 of this Ordinance.

2. This provision shall not be construed to include more than one (1) use on a lot and shall be applicable so long as such use remains otherwise lawful.

3. Any enlargement or alteration may be made in line with any existing exterior wall of the residential use even though said exterior wall may encroach on the minimum required front, side or rear yard, provided that such enlargement or alteration shall not encroach upon any other required front, side or rear yard which the existing structure does not encroach on prior to any enlargement or alteration and provided that any limitations with regard to maximum lot coverage contained in this Ordinance are complied with.

SECTION 602 NON-CONFORMING LOTS OF RECORD

602.01 In any zoning district in which single-family dwelling structures are permitted, a single-family dwelling and its customary accessory buildings may be erected on a single lot which is a lot of record on the date of adoption of this Ordinance or amendment thereto. Such lot of record must be in separate ownership and not of continuous frontage with other lots in the same ownership. The provision shall apply even though such lot fails to meet the requirements for area, width, or both, of the applicable zoning district, provided that yard dimensions shall conform to the applicable zoning district regulations.

602.02 If two (2) or more lots or combinations of lots or portions of lots with continuous frontage and in the same ownership are of record on the date of adoption of this Ordinance or applicable amendment thereto, and if all or part of the lots do not comply with the lot width and area requirements of the applicable zoning district, the lots or portions or lots involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of such lot or portions of lots shall be used or sold in a manner which would diminish compliance with the minimum lot width and area requirements of the applicable zoning district.

SECTION 603 NON-CONFORMING USES OF LAND WITH MINOR STRUCTURES

603.01 Where, at the date of adoption of this Ordinance or applicable amendment thereto, lawful use of land exists which would not be permitted under the regulations of the applicable zoning district and where such use involves no individual structure with a replacement cost exceeding two thousand dollars ($2,000.00), the use may be continued so long as it remains otherwise lawful, provided:

1. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform in all respects to the requirements of the applicable zoning district.

2. No additional structure shall be erected in connection with any such non-conforming use provided a minor accessory structure not exceeding 150 square feet may be allowed with minimum setbacks as required in Article 4, Section 410, Sub-section 410.08 Accessory Buildings for Residential Use. *(Section 603, amended December 08, 2015, by Ord. 1024)*

3. No such non-conforming use shall be moved, in whole or in part, to occupy any portion of the lot or parcel on which such use was located on the date of adoption of this Ordinance or applicable amendment thereto.

4. With the exception of the provisions of 603.01, paragraph two (2) of this Ordinance no such non-conforming use shall be enlarged, increased in any way, or extended to occupy a greater area of land than was occupied by such use as of the date of adoption of this Ordinance or applicable amendment thereto*. (Section 603, amended December 08, 2015, by Ord. 1024)*

SECTION 604 NON-CONFORMING STRUCTURES

604.01 With the exception of the provisions of Section 601.04 of this Ordinance, where a lawful structure exists on the date of adoption of this Ordinance or applicable amendment thereto which could not be constructed under the requirements of this Ordinance by reason of restrictions or area, lot coverage, height, yards, location or the lot, or other requirement concerning such structure, such structure may be continued as long as it remains otherwise lawful, provided:

1. No such non-conforming structure may be enlarged or altered in any way which would increase its non conformity, but any structure or portion thereof may be altered to reduce its non-conformity.

2 Should such structure or non-conforming portion of such structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this Ordinance or applicable amendment thereto.

3. Should such structure be moved for any reason for any distance, it shall conform to the requirements of this Ordinance or applicable amendment thereto at its new location.

SECTION 605 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

605.01 If a lawful use involving individual structures with a replacement cost of more than one thousand dollars ($1,000.00) or structure of such value and land in combination exists on the effective date of adoption of this Ordinance or applicable amendment thereto, that would not be permitted in the applicable zoning district, the use may be continued as long as it remains otherwise lawful, provided:

1. With the exception of the provisions of Section 601.04 of this Ordinance, no such existing structure devoted to a use not permitted in the applicable zoning district shall be enlarged, extended, reconstructed, moved or applicable zoning district.

2. With the exception of the provisions of Section 601.04 of this Ordinance, any non-conforming use may be extended throughout any parts of an existing building or area which was manifestly arranged or designed

for such use at the date of adoption of this Ordinance or applicable amendment thereto, but no such use shall be extended to occupy any land outside such building or area.

3. If no structural alterations are made, any non-conforming use of a structure or structure and premises may, as a conditional use, be changed to another non-conforming use provided that the Commission, either by general rule or findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the applicable zoning district than the existing non-conforming use. In permitting such change, the Commission may require compliance with conditions and safeguards which it deems appropriate.

4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the requirements of this Ordinance and a non-conforming use may not thereafter be resumed or established.

5. When a non-conforming use of structure, or structure and premises in combination, is discontinued or is abandoned by twelve (12) consecutive months, except when governmental action impedes access to the premises, the structure or structure and land in combination shall not thereafter be used except in conformity with the requirements of this Ordinance.

6. Where a non-conforming use status applies to a structure or structure and land in combination, removal or destruction of the structure by any means to an extent of more than seventy-five (75) percent of its replacement cost at the time of such destruction it shall eliminate the non-conforming status of the land and such structure and use shall not be reconstructed except in conformity with the requirements of this Ordinance.

SECTION 606 REPAIR AND MAINTENANCE OF NON-CONFORMING STRUCTURES

606.01 Ordinary repairs and maintenance of or replacement of non-bearing walls, fixtures, heating and cooling systems, wiring, plumbing, roofing material or similar non-structural building components is permitted, provided that such repairs, maintenance or replacement does not increase the area or cubic content of the structure which existed on the date of adoption of the Ordinance or applicable amendment thereto.

606.02 If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to a lack of repairs or maintenance and is declared by any authorized official to be unsafe or unlawful by reason of such physical condition, such structure shall not be restored, repaired, or reconstructed after six (6) months from the date of such declaration.

SECTION 607 CONDITIONAL USES AND NON-CONFORMING USES

607.01 A use granted as a conditional use under the terms and requirements of the Ordinance shall not be deemed a non-conforming use.

607.02 A non-conforming use may be converted to another non-conforming use as a conditional use in accordance with Section 605.01, Subsection 3 of this Ordinance. A conditional use allowing a change from one non-conforming use to another non-conforming use shall remain a non-conforming use.

ARTICLE 7: CONDITIONAL USE PERMITTED BY SPECIAL REVIEW

SECTION 701 GENERAL POWERS

The Planning Commission may grant conditional uses to property owners for the use of their property as authorized by the City Council through and in compliance with this Ordinance. The granting of a conditional use shall permit only the use requested that is among those uses listed in the applicable zoning district regulations as conditional uses. The Commission may attach any conditions or additional requirements in authorizing a conditional use and such conditions or additional requirements shall be complied with in the same manner as any other requirement of this Ordinance. The conditional use authorization shall take effect upon authorization of the conditional use and issuance of a conditional use permit by the Zoning Administrator. The power to authorize conditional uses shall be the exclusive authority of the Planning Commission.

SECTION 702 APPLICATION REQUIREMENTS

A written application for a conditional use permit shall be submitted to the Zoning Administrator on the form provided by the Zoning Administrator. A conditional use application shall be filed with the Zoning Administrator at least Fifteen (15) days prior to the date of any review of such application by the Planning Commission together with the established fee for review of such conditional use request.

SECTION 703 PROCEDURE, CONSIDERATION AND PUBLIC HEARING

703.01 For any action on a conditional use request, the City Clerk shall have published a written notice in the legal newspaper of the City at least ten (10) days prior to the date of the Planning Commission meeting at which the conditional use request is scheduled to be heard. Such notice shall state the date, time and place of such public hearing and contain a statement describing the legal description, street address and type of conditional use requested, the name of the person(s) or entity making application for a conditional use and a statement indicating that all interested citizens can attend this public hearing and be heard with regard to this application. In addition to written public notice required by this section, a notice shall be posted in a conspicuous place on or near the property of the proposed location of the conditional use. Such notice shall be not 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 the public hearing regarding the property. If the record owner(s) of the real estate included in such proposed conditional use be non-residents of the City, a written notice of such hearing shall be mailed by first class mail to such owner(s) to their last known address at least ten (10) days prior to the date of the hearing. At the option of the City Council, in place of the posted notice, the owners and occupants of the real estate described in the application for conditional use permit and all owners and occupants of all real estate located within three hundred (300) feet of the proposed locations of the conditional use may by personally served with a written notice thereof at least ten (10) days prior to the date of the hearing, if they can be served with such notice within the county in which such real estate is located. Where such notice cannot be served personally upon such owners or occupants in the county where such real estate is located a written notice of the public hearing shall be mailed to such owners or occupants addressed to their last known addresses at least ten (10) days prior to such hearing.

703.02 The Planning Commission shall hear and review each conditional use request within thirty (30) days of the date that a complete application for a conditional use is submitted to the Zoning Administrator. The Commission after public hearing and review shall either approve the application, deny the application or approve such application with conditions, or table the application to a specified date, time and place with the consent of the applicant to provide for further study and review. Any Commission action to authorize a conditional use shall be recorded in the minutes of the Commission together with all conditions applicable to such authorization and a communication shall be sent to the Zoning Administrator, who shall attach such conditions to a conditional use permit to be forwarded to the applicant. Any Commission action to deny a conditional use application shall be recorded in the minutes of the Commission together with the reason(s) for such denial and the Commission shall cause a letter stating the reason(s) for denial to be sent to the applicant.

703.03 The Planning Commission, in considering an application for a conditional use, may consider among other

things the most appropriate use of the land included in the application, the conservation and stabilization of the value of real property, the adequacy of open space, concentration of population, congestion of streets, and the promotion of the public health, safety and welfare. The Commission may stipulate and require compliance with such conditions and restrictions as it deems appropriate to promote the land included in the application, the conservation and stabilization of the value of real property, the adequacy of open space, concentration of population, congestion of streets, the promotion of the public health, safety and welfare and to assure compliance of the use with this Ordinance.

SECTION 704 RULES GOVERNING AUTHORIZATION OF CONDITIONAL USES

704.01 The Planning Commission, in its review and prior to any action on any conditional use application, shall consider, among other things, the following issues with regard to each such application:

1. The location of all ingress and egress points to the property on which the conditional use is proposed to be located with particular reference to pedestrian and vehicle safety and convenience, traffic flow and control and access by emergency vehicles.

2. The impact of off-street parking and loading areas and related traffic, noise, glare and other impact on adjoining properties and the neighborhood in general.

3. The location and adequacy of refuse collection and utility locations and easements.

4. The adequacy of landscape screening or buffering proposed or the need for such screening or buffering to protect abutting properties.

5. The appropriateness of the location, size and height of signs and exterior lighting with regard to impact on abutting properties and the neighborhood in general.

6. The compliance with yard and open space requirements of the applicable zoning district.

7. The overall compatibility of the proposed conditional use with abutting properties and the neighborhood in general.

8. Other factors, peculiar to the conditional use requested which could negatively impact abutting properties, the neighborhood or the community in general.

SECTION 705 EXPIRATION OF CONDITIONAL USES

Construction or development of any authorized conditional use shall be commenced within twelve (12) months after issuance of a conditional use permit by the Zoning Administrator after authorization of such conditional use by the Planning Commission. If such construction or development does not occur within this time, the conditional use authorization and permit become null and void. The applicant may, however, file a written request for an extension of the conditional use authorization and permit stating the length of the extension requested and the reason(s) such extension is needed. After proper legal notice in accordance with Section 703 of this Ordinance, the Commission shall review the extension request and decide if such conditional use remains appropriate. The Commission may grant an extension of up to twelve (12) additional months or it may deny the extension request and in either case the action of the Commission shall be recorded in the minutes of the Commission together with the reason(s) for such action. The Commission shall cause a letter stating the Commission's action and reason(s) for such action to the applicant.

ARTICLE 8: BOARD OF ADJUSTMENT

SECTION 801 CREATION, TERMS OF OFFICE, MEETINGS AND RULES

801.01 A Board of Adjustment is hereby created and shall be known as the Aurora, Nebraska Board of Adjustment. The Board members shall be appointed by the Mayor with concurrence of the City Council and shall consist of five (5) regular members plus one (1) alternate member who shall attend meetings, but shall not vote on any petition before the Board, except when a regular member of the Board is unable to attend a meeting.

801.02 One (1) member of the Board of Adjustment shall be appointed from the membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the Board of Adjustment and the appointment of another member of the Planning Commission to the Board of Adjustment.

801.03 The members of the Board of Adjustment shall serve for terms of three (3) years and be removable for cause by the Mayor and City Council upon written charges and after public hearing. Each member shall serve until a successor has been appointed. Vacancies shall be filled by appointment for the unexpired term of any member who has ceased to be a member of the Board.

801.04 The members of the Board of Adjustment shall annually elect, from its membership, a Chairperson, Vice Chairperson. The members shall also appoint a Secretary, who may be a member of the Board or an officer or employee of the City.

801.05 The Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or the Vice Chairperson, may administer oaths and compel attendance of witnesses.

801.06 The quorum for the Board of Adjustment shall be a minimum of three (3) members. Passage of any motion by the Board on any question, **EXCEPT THOSE MATTERS REQUIRING A PUBLIC HEARING**, shall require a concurring vote of a minimum of three (3) members. **Passage of any motion on a matter which requires a public hearing shall require a concurring vote of a minimum of four (4) members.**

801.07 All meetings of the Board of Adjustment shall be open to the public. The Board shall cause accurate minutes of its proceedings to be prepared and such minutes shall include members in attendance, evidence presented, findings of fact by the Board, all motions and decisions of the Board together with any conditions attached to such decisions and the vote of each member. Records of all official actions of the Board shall be maintained in the Office of the City Clerk and shall be open to public inspection.

SECTION 802 POWERS AND DUTIES

The Board of Adjustment shall have the powers and duties herein described and shall have **ONLY** such powers and duties.

802.01 POWERS AND JURISDICTION RELATING TO ADMINISTRATIVE REVIEW:
The Board of Adjustment shall have the power and responsibility to hear and decide appeals from any affected person where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator, based on or made in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures, or to interpret any map.

1. The Board of Adjustment shall hear and determine appeals from any requirement, interpretation or decision of the Zoning Administrator. Upon filing of an appeal, the Board shall fix a time and place for hearing of the appeal. Public notice of the time, place and subject of such hearing shall be published in the legal newspaper of the City at least ten (10) calendar days prior to the date fixed for such hearing. A copy of such notice shall be mailed to the person or persons who filed the appeal.

2. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau affected by any decision of the Zoning Administrator regarding the interpretation and enforcement of this Ordinance. Such appeal shall be filed within a reasonable period of time, as provided

by the rules of the Board, by filing a notice of appeal with the Zoning Administrator and the Board specifying the grounds for such appeal and such notice shall be accompanied by payment of any fee established for filing of such appeal. The Zoning Administrator shall provide all papers constituting the applicable records of the Administrator to the Board on or before the date of the hearing set for hearing the appeal.

3. An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board, after a notice of appeal has been filed, that by reason of facts in such case, that a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed, except by a restraining order which may be granted by the Board or Court.

802.02 POWERS AND JURISDICTION RELATING TO MAP INTERPRETATION:
The Board of Adjustment shall have the power and responsibility to hear and decide questions regarding the interpretation of the Official Zoning Map in the same manner as the hearing of an appeal and in accordance with the limitations set forth in Section 406 of this Ordinance.

802.03 POWERS AND JURISDICTION RELATING TO VARIANCES:
The Board of Adjustment shall have the power to authorize, in specific cases, a variance from the specific terms of this Ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, in an individual case, result in unnecessary hardship, and provided that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in such case upon findings of the Board that **ALL** of the following conditions have been met:

1. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of each specific piece of property, the strict application of any applicable provision of this Ordinance would result in peculiar or exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, the Board of Adjustment shall have the power to authorize a variance from the strict application of such applicable provision so as to relieve such difficulties or hardship if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. No such variance shall be authorized by the Board unless and until it finds that:

   A. the strict application of the applicable provisions of this Ordinance would produce undue difficulty or hardship,

   B. such difficulty or hardship is not generally shared by other properties in the same zoning district and the same vicinity,

   C. the authorization of a variance shall not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the authorization of a variance,

   D. the authorization of a variance is based upon reasons of demonstrable and exceptional difficulty or hardship, as distinguished from a variance for purposes of the property owner's convenience, profit, or caprice,

   E. the condition or situation of the property concerned or the intended use of the property is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

2. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted to the Zoning Administrator. Such application shall be in the form prescribed by the Board and the applicant shall identify the special conditions and circumstances which are peculiar to the land, the structure(s) or building involved which, in the opinion of the applicant, are not applicable to other lands, structures, or buildings in the same zoning district. The applicant shall also 1) state the reason(s) that a literal enforcement of the applicable provision(s) of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties

in the same zoning district under the terms of this Ordinance, 2) indicate why the conditions or circumstances related to such variance do not result from the action of the applicant, and 3) the reason(s) that granting of the requested variance will not confer any special privilege on the applicant that is denied by the provisions of this Ordinance to other land, structures, or buildings in the same zoning district.

3. A non-conforming use of neighboring land, structure(s) or building(s) in the same zoning district, and permitted or non-conforming uses of land, structure(s) or building(s) in other zoning districts shall not be considered grounds for difficulty or hardship and thus the authorization of a variance.

4. Upon filing of a variance application with the Zoning Administrator, notice of public hearing shall be published in the same manner as set forth in Subsection 802.01 above and the Board of Zoning Adjustment shall conduct a public hearing. Any party may appear in person or be represented by agent or attorney. Upon closing of such public hearing the Board shall take any of the following actions:

   A. Continue the application for a specified period of time to allow the Board to gather more information in regard to the variance application. In acting to continue such application the Board shall set a specific date, time and place where it shall take further action of continued application,

   B. Deny the application for a variance and state the reason(s) for such denial,

   C. Authorize a variance, provided that the Board shall make written findings that particular reasons set forth in the application justify the authorization of a variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure(s) or building(s) and shall make written findings that the authorization of said variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to abutting property, the property in the vicinity of the subject property or be otherwise detrimental to the public welfare.

5. In authorizing any variance, the Board of Adjustment may prescribe any conditions and safeguards it believes are appropriate to protect abutting property, property in the vicinity and the public in general. Violation of such conditions and safeguards by the applicant shall be deemed a violation of this Ordinance and punishable under Section 1002 of this Ordinance.

6. Under no circumstances shall the Board of Zoning Adjustment authorize a variance to allow a use not permitted under the regulations of any zoning district or any use expressly or by implication prohibited by the regulations of any zoning district.

802.04 BOARD OF ADJUSTMENT HAS POWERS OF ZONING ADMINISTRATOR UPON APPEAL:
In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm, wholly or partially, or may modify the order, requirement, decision, or interpretation as ought to be made and to this end shall have all powers of the Zoning Administrator, provided that a concurring vote of four-fifths (4/5) of the members of the Board shall be necessary to reverse any order, requirement, decision or interpretation of the Zoning Administrator or to decide in favor of any applicant upon which it is required to act under this Ordinance or to authorize any variance to this Ordinance.

802.05 APPEALS FROM DECISIONS OF THE BOARD OF ADJUSTMENT:
Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment, or any taxpayer, or any officer, department, board or bureau of the City may present to the District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of such illegality as provided for in law. Such petition must be presented to the Court within fifteen (15) days after the filing of the decision of the Board of Zoning Adjustment in the Office of the City Clerk.

ARTICLE 9: ADMINSTRATIVE PROCEDURE AND ENFORCEMENT OF THIS ORDINANCE

SECTION 901 ORGANIZATION

The administration and enforcement of this Ordinance is hereby vested in the Planning Commission, the Board of Zoning Adjustment, the Zoning Administrator and such other officials designated by the City Council as may be necessary to enforce this Ordinance.

SECTION 902 AUTHORITY

902.01 PLANNING COMMISSION:

1. Hear and provide recommendations to the Mayor and City Council regarding amendments to this Ordinance or the Official Zoning Map.

2. Review and administer all matters upon which it is required to act.

3. Establish uniform bylaws and rules of procedure pertaining to review of applications, conduct of public hearings and issuance of permits.

4. Periodically review the effectiveness of the Comprehensive Plan and requirements of this Ordinance and initiate and recommend amendments thereto.

5. Invoke any authorized legal, equitable or special remedy for the proper and effective enforcement of this Ordinance.

6. Hear and decide conditional use applications in accordance with the requirements and limitations of this Ordinance.

7. Conduct or review special studies and prepare recommendations as may be required by law or requested by the Mayor and City Council.

902.02 BOARD OF ZONING ADJUSTMENT:

1. Hear and decide appeals from and review and order, requirement, decision, or determination made by the Zoning Administrator.

2. Hear and authorize specific variances from the terms of this Ordinance which will not be contrary to the public interest, where owing to special conditions fully demonstrated, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship.

3. Hear and decide appeals regarding the Official Zoning Map in accordance with the limitations set forth in this Ordinance.

4. Establish uniform bylaws and rules of procedure pertaining to review of applications, conduct of public hearings and issuance of permits.

5. Invoke any authorized legal, equitable or special remedy for the proper and effective enforcement of this Ordinance.

902.03 ZONING ADMINISTRATOR:

1. Issue in the name of the City, building permits, occupancy permits, conditional use permits and other permits required or appropriate to the proper administration and enforcement of this Ordinance and maintain records thereof.

2. Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this Ordinance and report said findings to the Commission and Board of Zoning Adjustment for purposes of ordering compliance with this Ordinance.

3. Provide interpretation of this Ordinance and Official Zoning Map when requested by an applicant, the Commission or the Board of Zoning Adjustment and provide and maintain public information relative to all matters rising out of this Ordinance.

4. Maintain permanent and current records related to this Ordinance including, but not limited to all maps, amendments, certificates and permits, variances, conditional uses, appeals and applications therefore and records of meetings and public hearings.

902.04 RESPONSIBILITIES:

1. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator and that such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the Zoning Administrator and that recourse from the decisions of the Board of Zoning Adjustment shall be to the courts as provided by law.

2. If is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement. The procedure for deciding such questions shall be as stated herein. Under this Ordinance, the City Council shall have only the duties of appointment of a Zoning Administrator, the funding of such office and necessary legal services to enable proper administration and enforcement of this Ordinance, considering and adopting or denying proposed amendments to this Ordinance or the Official Zoning Map or the repeal of this Ordinance and of establishing of fees and charges as stated in this Ordinance.

3. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and order the action(s) necessary to eliminate the violation. He / She shall order removal of illegal buildings, structures and discontinuance of uses of land and order the elimination of any other type of violation to ensure compliance with the requirements of this Ordinance and shall take any other action authorized herein and by statute to insure compliance with or to prevent violation of this Ordinance.

902.05 ZONING PERMITS REQUIRED:

No building or other structure shall be erected, moved, added to, expanded or structurally altered without a zoning permit authorizing such activity, issued by the Zoning Administrator. No zoning permit shall be issued by the Zoning Administrator except in conformity with all applicable provisions of this Ordinance, unless the Zoning Administrator shall receive a written order from the Board of Adjustment in the form of a variance, authorized under the terms and conditions of this Ordinance.

902.06 LIMITATIONS ON ISSUANCE OF A ZONING PERMIT:

1. Regardless of any other provisions of this Resolution, in the event a zoning permit application has been duly filed with the zoning administrator and the use and/or location of such use proposed in said application would, due to setback or other requirements of this Resolution, restrict or otherwise prohibit the issuance of a zoning permit for another use on any neighboring property, a zoning permit for any use on neighboring property which would be restricted or prohibited by the authorization of said original permit shall not be issued by the Zoning Administrator until the application for the original permit is duly processed and either denied or approved.

2. Pursuant to Section 39.1311 Neb. Rev. Stat., issuance of any zoning permit for development of structures and land uses in any proposed state highway corridor which has been officially designated by the Nebraska Department of Roads, shall be subject to review of said Department of Roads in accordance with said Section 39.1311 Neb. Rev. Stat. Upon receipt of any building / zoning permit application for development of structures or land uses in any such designated corridor, the Zoning Administrator shall forward notice of such application building / zoning permit to the Department of Roads. The Department of Roads shall have sixty (60) days from the date of mailing of said notice to said Department to review any such application, unless the Department waives the time period in writing to the Zoning Administrator. Within the sixty (60) day period, the Department may, if it wishes, file with the Zoning Administrator a statement of intent to negotiate with the owner of the land on which any such building / zoning permit application. Upon filing of such statement of intent, the Department shall have a six (6) month period for negotiations with such owner. At the end of such six (6) month period, if the owner has not withdrawn the application for a

building / zoning permit, the Zoning Administrator shall issue said permit, if said permit complies in all other respects with the Ordinance.

902.07 APPLICATION FOR ZONING PERMIT:

1. An application for a zoning permit shall be accompanied by plans, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the sizes and locations of buildings or structures already existing on said lot, if any, the location and dimensions of the proposed building(s) or addition or expansion thereof. All dimensions relating to lot dimensions shall be provided by the applicant and the applicant shall assume the liability with regard to any errors in said dimensions. The applicant may request the assistance of the Zoning Administrator in the location of lot pins to verify lot line locations, provided that the Zoning Administrator shall not be responsible for establishing lot corner locations where lot pins are missing and shall not be responsible for reestablishment of any missing lot pins.

2. The application shall include such other information as may be required by the Zoning Administrator, including the identification of building alterations, existing and proposed uses of the building(s) and land, the number of families, housekeeping units, or rental units the building is designed for, conditions existing on the lot, easement locations, and such other matters as may be necessary to determine conformance of the proposed building, structure or use with this Ordinance and its enforcement.

3. One (1) copy of any approved zoning permit, together with any conditions of such permit shall be provided to the applicant by the Zoning Administrator. If an application for a zoning permit is denied, the Zoning Administrator shall indicate to the applicant the reason(s) for such denial. The Zoning Administrator shall maintain a permanent record of all applications for zoning permits and maintain one (1) copy of each permit which is approved. The issuance of a zoning permit shall, in no case, be construed by the applicant or any other person or persons as waiving any requirement of this Ordinance.

902.08 CERTIFICATE OF ZONING COMPLIANCE (OCCUPANCY PERMIT) FOR NEW, ALTERED, NON ALTERED OR NON-CONFORMING USE:

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. Said certificate shall state that the use or uses of the building or premises conforms to the requirements of this Ordinance and authorize occupancy of such building or premises for the use or uses so stated.

2. No Certificate of Zoning Compliance shall be issued by the Zoning Administrator except in conformity with the requirements of this Ordinance, unless the Administrator has received a written order from the Board of Adjustment in the form of a variance for any attribute of the building, structure or premises other than the use, authorized under the terms and conditions of this Ordinance.

3. If the Zoning Administrator determines that the construction or development for which a zoning permit has been issued is not proceeding according to applicable requirements of this Ordinance or is contrary in any way to the information and conditions included on such approved zoning permit, or is otherwise proceeding in violation of law, the zoning permit shall be revoked and the Zoning Administrator shall issue a “Stop Work Order” to the applicant whose name and address is indicated on the affected building permit.

4. A Certificate of Zoning Compliance shall not be issued to any non-conforming use, except when a non conforming use is converted to a permitted use or another non-conforming use which is authorized in accordance to the requirements of the Ordinance.

5. When a Certificate of Zoning Compliance is requested by any applicant between November 1 and April 30 of any year and all required landscape screens or buffers required by this Ordinance have not or cannot be installed due to weather conditions, the Zoning Administrator shall issue a Certificate of Zoning Compliance, provided the applicant shall first submit a detailed landscaping plan conforming to the definition(s) of landscape screen and / or landscape buffer set forth in this Ordinance to the Zoning Administrator and shall sign and certify on said plan that the landscaping indicated shall be installed by June 30 of the following year if the Certificate of Zoning Compliance is issued on or before November 1, and by June 30 of the same year if said certificate is issued between January 1 and April 30. This deferred

landscaping provision shall not apply to any Certificate of Zoning Compliance issued on dates other than specified in this paragraph.

6. The Zoning Administrator shall maintain a permanent record of all Certificates of Zoning Compliance issued. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and shall be punishable under Section 1002 of this Ordinance.

902.09 EXPIRATION OF ZONING PERMIT:
If the construction described in any issued zoning permit has not been initiated within six (6) months from the date of the issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator with written notice thereof provided to the applicant for such permit. If the construction described in an issued zoning permit has not been completed beyond one-fourth (1/4) of it construction cost within two (2) years from the date of issuance thereof, said zoning permit shall expire and be canceled by the Zoning Administrator with written notice thereof indicating to the applicant for such permit that no further construction shall proceed unless a new zoning permit has been issued.

902.10 A zoning permit and Certificate of Zoning Compliance issued on the basis of plans and application and approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permit or certificate and no other use, arrangement or construction. Any use, arrangement or construction at variance with the approved permit or certificate shall be deemed a violation of this Ordinance and punishable in accordance with Section 1002 of this Ordinance.

902.11 SCHEDULE OF FEES AND CHARGES:
The fees and charges for a rezoning application, conditional use application, variance application, zoning permit, Certificate of Zoning Compliance, or such other permit as may be utilized under the terms of the Ordinance shall be as established by the City Council and shall be paid by the applicant at the time of application. A schedule of fees and charges shall be posted in the Office of the Zoning Administrator and may be amended only by action of the City Council. Until all applicable fees and charges are paid, no action shall be taken on any permit or certificate.

ARTICLE 10: AMENDMENT

SECTION 1001 GENERAL REQUIREMENTS

The City Council may from time to time supplement, change, or generally revise the zoning district boundaries and regulations contained in this Ordinance by amendment. A proposal for any such amendment may be initiated by the City Council, the Planning Commission, or upon application of the owner of property affected by this Ordinance. A filing fee, as established by the City Council, shall be required for each application to be considered by the Planning Commission and City Council. A proposal for amendment initiated by the Planning Commission or City Council shall not require payment of any fee.

SECTION 1002 SUBMISSION OF PROPOSED AMENDMENT TO PLANNING COMMISSION

1002.01 All proposed amendments shall first be submitted to the Planning Commission for review, comment and recommendation. Public notice of the time and place of a public hearing shall be given by publication thereof in the legal newspaper of the City at least ten (10) days prior to such hearing. Such notice shall contain a statement regarding the proposed amendment in regulations or boundaries of any zoning district. In addition to the publication of notice prescribed above, a notice shall be posted in a conspicuous place on or near the property on which amendment 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 ½) inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the premises and shall be so posted at least ten (10) days prior to the date of such public hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice. If the record owner(s) of any lots included in such proposed amendment be non-residents of the City, a written notice of such hearing shall be mailed by first class mail to such owner(s), addressed to their last known address at least ten (10) days prior to the date of such public hearing.

1002.02 At the option of the City Council, in place of the posted notice, the owners and occupants of the real estate to be affected by any proposed amendment and all owners and occupants of all real estate located within three hundred (300) feet of the real estate affected by the proposed amendment shall be mailed a written notice of the public hearing by first class mail at least ten (10) days prior to such public hearing.

1002.03 The provisions of a notice of public hearing published in the legal newspaper of the City, in accordance with the content and time requirements of such public notice as specified herein shall be applicable, but the posted notice or written notice mailed to property owners provisions, as specified herein, shall not apply when:

1. The proposed amendment applies throughout the entire area of an existing zoning district or the entire areas of the City and its jurisdictional area,

2. The amendment proposes the establishment of additional or different types of zoning districts, whether or not such additional or different districts are made applicable to areas, or parts of areas, already within a zoning district or the City and its jurisdictional area.

SECTION 1003 PLANNING COMMISSION CONSIDERATION OF AMENDMENTS

1003.01 Following a public hearing on any amendment, the Planning Commission shall formulate a recommendation to the City Council to be summarized in the minutes of the Commission which shall constitute a report to the City Council. For action by the Commission on any amendment, a quorum of one (1) more than one-half (1/2) of the total membership of the Commission shall be present and voting. A vote either for or against the amendment by a majority of the Commission members, but at least the number of members which constitutes a quorum, shall constitute a recommendation of the Commission. The Planning Commission shall cause its recommendation to be forwarded to the City Council.

1003.02 Upon receipt of a recommendation from the Planning Commission regarding any amendment, the City Council shall give public notice of a public hearing in the same manner as prescribed in Section 1002 above. The City Council may approve or reject the recommendations of the Planning Commission with regard to any amendment. If the Commission should fail to submit a recommendation, the City Council may take such

action as it deems appropriate regarding such amendment. If any amendment which is approved by the City Council affects the boundaries of any zoning district, the ordinance adopted by the City Council shall define the change in the boundaries of the zoning district, shall order that the Official Zoning Map be modified to reflect such amendment, and shall amend the Article and Section of this Ordinance, incorporating the same and reincorporating the Official Zoning Map.

SECTION 1004 PROTESTS

Regardless of whether or not the Planning Commission recommends approval or disapproval of a proposed amendment or fails to provide a recommendation to the City Council, if a protest against any amendment is filed in the Office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners or twenty (20) percent or more of any real property, excluding rights-of-way for public streets and ways, located within or outside of the corporate limits of the City and located within three hundred (300) feet of the boundaries of the property proposed to be rezoned, the Ordinance adopting such amendment shall not be passed except by at least three-fourths (3/4) of all members of the City Council.

ARTICLE 11: COMPLAINTS, PENALTIES AND REMEDIES

SECTION 1101 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Zoning Administrator. The Administrator shall properly record such complaint, immediately investigate the complaint, and take action thereon, as required by this Ordinance.

SECTION 1102 PENALTIES

The owner(s) or agent of a building, structure or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant or an entire building or entire 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) for any one offense recoverable with costs. Each and every day that such violation continues after notification of any violation shall constitute a separate offense. Any person other than those listed above in this Section who commits, participates in, or maintains such violation, may be found guilty of a separate offense and suffer the penalties herein prescribed. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 1103 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or structure or land is used in violation of this Ordinance, the Zoning Administrator and such other authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of land, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

ARTICLE 12: LEGAL STATUS PROVISIONS

SECTION 1201 SEPARABILITY

Should any Article, Section, Subsection or provisions of this Ordinance be declared by the Court to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 1202 PURPOSE OF CATCH HEADS

The titles appearing in connection with the foregoing Articles and Sections are inserted simply for convenience to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court or other tribunal in construing the terms and provisions of this Ordinance.

SECTION 1203 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 1204 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage and publication according to law.